Clearinghouse Rule 19-089

State of Wisconsin

Department of Children and Families

Child Care Certification and Licensing Updates Related to the Child Care Development Block Grant and Streamlining

DCF 12, 13, 40, 202, 204, 250, 251, and 252

The Wisconsin Department of Children and Families proposes **to repeal** ss. DCF 12.02 (6), (14) (h) to (j), (21) (c) and (d), and (23); 12.08 (2) (b) 2.; 12.16 (1) (b); 202.02 (1m), (3f), (9c), and (16); 202.04 (4) (bm); 202.05; 202.065; 202.08 (2) (d), (m), (n), (o), and (p), (5) (em) and (g), (10) (intro.), (11) (intro.), and (12) (j); 202.09; 250.03 (20); 250.04 (3) (i) (Note), (m) (Note), (5), (6) (a) 6. and (Note), (c), and (Note 1 and 2), (8) (b) (Note 1); 250.06 (5), (8), and (10); 250.07 (4) (e) (Note), (5), (6) (c), (d), (e), (f) 2., (i), (j), (k) 5. and (Note), (L), and (m) and (Note), and (7) (h) and (Note); 250.09 (2) (j) and (4) (b) (Note), (f), and (i); 250.11 (4) (a) 3., (5) (b) 2. and (d), (11) (b), (c), and (d); ch. 250 Appendices B, C, and D; 251.03 (3m) and (18m); 251.04 (2) (i), (3) (g) (Note), (5), (6) (a) 1. i. and (Note) and 3. and (Note), (8) (b) (Note 1); 251.06 (1) (b) and (Note), (5) (a) 5. d., 7., 8. (Note), (6) (a) 2., (e) 2., (f) 1. c. and (Note) and 2., (h), (j) 8. and 9., (k), and (L); 251.07 (3) (d) (Note), (5) (a) 5. d., 7., and 8. (Note), (6) (a) 2., (e) 2., (f) 1. c. and (Note) and 2., (i) 4., (j) 8. and 9., (k), and (L); 251.09 (2) (i) and (3) (a) 4. and 6. and (4) (a) 3. (Note) and 9., and (c); 251.11 (3) (a) 2., (4) (b) 2., and (10) (b) and (c); and ch. DCF 251 Appendices B, C, and D; 252.41 (1) (g), (h), and (j), (3), and (4) (a) 3. and (Note) and (b); 252.43 (1) (f) (Note), 252.44 (5) (h), (6) (a) 2., (e) 1. d., 6. and 7., (f) 2., and (h) and (Note) and (7) (e); ch. DCF 252 (preface), subch. I (title), DCF 252.01; 252.44 (6) (a) 2. and (e) 1. d., 6., and 7.; ch. DCF 252 subch. II and Appendix B; **to renumber** ss. DCF 12.08 (2) (b) 1.; 250.11 (11) (a); 251.07 (6) (a) 1.; 252.44 (6) (a) 1. and (f) 1. (intro.); **to renumber and amend** ss. DCF 12.11 (1); 250.06 (3); **to amend** ch. DCF 12 (title); ss. DCF 12.01 (1); 12.02 (1), (8) (intro.), and (18) (a); 12.07 (title); 12.08 (1) (a) and (b), (2) (a) 1. and 2., and (3) (a) and (b); 12.09 (1) (a) and (2) (intro.); 12.13 (1), (3) (a), and (5) (a); 12.14 (Note); 12.16 (1) (a) (Note); 40.03 (1) (c); 40.04 (3) (b) 3. a., b., c. and (c) (intro.), 1., 3., and (Note); 40.06; 202.02 (3), (3e), (3h), (3k), (3m), (5g), (8m), (9g), (11), (19), (20c), (20g), (20n), (20r), (20w), and (21); 202.08 (2) (b) 2., (c) (Note), (cm), (e) (intro.) and 2., (4) (title), (a) 1. and 2., (d), (e), (g), (h), (i), (k) (intro.) and 1. and (Note), (5) (a), (c), (d), (f), (h), and (i), (8) (title), (8m) (title) and (b), (10) (a), (b), and (c), (11) (c) and (d), (12) (c) and (i), (12) (c) and (i), and (14); 204.02 (2); 250.03 (18), (21), (27), and (34); 250.04 (3) (a) and (Note), (b), (e), (i), (L), and (m), (4) (c) 1. and (Note), (7) (b) 1. (intro.), (8) (title); 250.06 (2) (b), (c), (d), (g), (h) and (Note), (6) (b) (Note 2), (7) (a) 6. c., and (11) (b) 3. and 4.; 250.07 (2) (d) (Note), (3) (title), (4) (d), (6) (g) 1., 4., 6., and 7.; 250.09 (1) (c)

(Note), 3., and 4., (3) (b), (c), and (g), and (4) (b) and (c); 250.095 (title) and (intro.); 250.10 (1), (2) (b) and (c); and (4) (a); 250.11 (3) (c) 1. and 2., (4) (b), (5) (b) 3. and (c), (6) (c) (Note), (9) (b); 250.12 (12) (2) (a) and (3), and ch. DCF 250, Appendix A; ch. DCF 251 (title); and ss. DCF 251.03 (2), (4), (5), (17), (19), (26), and (29g); 251.04 (2) (a) (Note), (d), and (h) (intro.), (3) (a) and (Note), (b), (j), (m), and (n), (4) (d) and (e) (Note), and (6) (a) 4. and (Note) and 6m; 251.06 (1) (a), (e), (2) (a) (Note), (d), (f), and (h), (4) (j) and (Note), (6) (b) 1. and 3. (Note), (9) (b) 3. c. and 5., (f) 3. and 4., and (g) (title), (11) (b) 5., 6., and 7., (11) (c) 2. b., and (12) (a) and (b); 251.07 (2) (b), (c), and (f) (Note), (3) (title) and (a), (4) (d) and (e), (5) (title), and (a) 4., 8., and 9., (6) (b), (e) 1., and (i) 1., 2., 3., and 5., and (8); 251.09 (1) (am) (intro.), (d), (e), (f), (k), and (L), (2) (j) and (k), (3) (a) 2., 3., 8., 9., 13., and 15. and (b), (4) (a) 2. and 3. and (d); 251.095 (4) (b) 1., 2.., and 3.; 251.11 (2) (c) 2., 5., and 5g., (3) (a) 3. and (b), and (4) (b) 3. and (c) and (8) (b); 251.12 (2) (2) (a); and ch. DCF 251, Appendix A; ch. DCF 252 (title); s. DCF 252.02 (1); 252.04 (3g), (13m) (b), (15m), (22m), and (25); 252.05 (1) (a) 2. and 5. (Note), (c) (intro.), 3., 9., 10. and (Note), and 12., (h), and (8) (b); 252.06 (3); 252.07 (title), (2) (c), (3) (title), (a), and (b) (intro.) and 3.; 252.08 (2); 252.41 (1) (f) (intro.), (2) (a) and (Note), (b), and (g), (4) (a) (intro.), 1., and 4. and (Note); 252.44 (1) (a) 9. (Note), (2) (b), (3) (title), (a) (intro.), (b) (intro.) and 2., (6) (i) (title), 1., and 5. and (j) 3., (7) (title), (am) 5., (b) 2., 3., and 6., (9) (intro.) and (d), (11) (b), (12) (b), (13) (e); and ch. 252 Appendix A; **to repeal and recreate** ss. DCF 12.02 (18) (Note) and (24) and (Note); 12.03 (2) (title); 202.01; 202.02 (13); 202.04; 202.06; 202.07; 202.08 (1), (2) (title), (am), (c), (e) 3., (f), (g), (3), (5) (e) and (j), (7), (9), and (12) (f); 250.04 (2) (i), (L), (m) and (Note), (3) (a) (Note), (4) (c) 2. and 4., (6) (a) 6m. (Note) and 8. and (c), 250.05; 250.06 (3) (title), (9) (title) and (e); 250.07 (2) (b), (4) (c), (6) (b) and (h); 250.08; 251.03 (11g) (b) and (14g); 251.04 (2) (g), (L), (n), and (o), (3) (L) (Note), (4) (a) 1. to 4., (5), (6) (g), (7) (a) 6m. (Note) and 8. and (c); 251.05; 251.06 (2) (i) and (3); 251.07 (3) (e), (4) (c), (5) (a) 4. (Note) and (b) (title) and (6) (c) and (g); 251.08; 252.04 (4m) and (12); 252.06 (2) (a); 252.07 (2) (b) 1. and 2.; 252.09; 252.41 (1) (L), (n), (o), and (p), (4) (a) 4. (Note), and (5) (title, (a) 1., 2., and 3.; 252.42; 252.43 (1) (f), (2), and (3); 252.44 (3) (d), (5) (title), (e) and (Note), and (f), (6) (c) (title), (f) and (g); **and to create** ch. DCF 13; ss. DCF 202.02 (1) and (Note), (2g), (4), (5c), (5m), (7), (7m), (9d), (12m) and (Note), and (23); 202.08 (1m), (2) (ar), (e) 4. to 7., and (h), (2m), (4) (e) (Note), (f) 1., (hm), (L), and (o), (4m), (8m) (e), (10) (a) (Note), (11) (d) (Note), (12) (k), and (15); 250.03 (17m); 250.04 (2) (e) (intro.) and 10. (Note) and (f), (3) (am) and (Note), (ar) and (im) and (Note), (8) (a) (Note); 250.055; 250.06 (1) (b) 4., (2) (L) 1. and 2., and (m), (3) (a) 1. to 4. and (b), (7) (a) 1. d., (9) (f), (g), (h) and (Note), (i), (j), (k), (L), (m), and (n), (11) (b) 3m. and Table 250.06; 250.07 (3)(a) 4. and 5., (f), and (g), (4) (cm), (6) (a) 1m. and (Note). and 4.; 250.09 (3) (c) (Note) and (L); 250.11 (2) (am), (3) (c) 6m., (4) (a) 6m., and (5) (b) 6m. and (d); 251.03 (2m) and (Note), (4r), (10g), and (16m); 251.04 (2) (bm), (h) 4. to 12., (3) (am) and (Note), (ar), (jm), and (o) and (6) (a) (Note); 251.055; 251.06 (2) (gm), (im), (m), (n), (o), (6) (b) 1. (Note), (9) (g) 1. d., (10) (dm) 1. and 2.. and (11) (b) 6m. and (bm); 251.07 (3) (a) 5., (g), (h), and (i), (4) (cm), (5) (a) 4m. and 5m. and (b) 3., 4., and 5., and (6) (dm), (j) 1. (Note); 251.09 (2) (intro.) and (3) (a) 3. (Note), (c), (f), and (g); 251.13; 252.04 (1) and (Note) and (16m); 252.05 (1) (i), (j), and (k); 252.41 (1) (bm), (br), and (f) 4. to 12., (2) (am), (ar), (gm), (L) (Note), (m), (n), and (o), (4) (a) 6m. and (5) (b), (c) and (d); 252.425; 252.43 (1) (h) to (m), (3m), and (4); and 252.44 (3) (b) 4., (6) (i) 7. to 9. and (7) (b) 5m., relating child care certification and licensing updates related to the child care development block grant and streamlining.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.651 (1d), 48.685 (9), 48.686 (9), 48.67 (intro.), and 227.11 (2) (a), Stats.
Statutes interpreted: Sections 48.65 to 48.74, Stats.; s. 48.78, Stats.; s. 49.155, Stats.
Related statutes and rules: Sections 49.137 (4m), and 120.13 (14), Stats.; ch. DCF 201

Explanation of Agency Authority

Section 48.651 (1d), Stats., as affected by 2017 Wisconsin Act 59, provides that the department shall promulgate rules establishing standards for the certification of child care providers. The rules shall include a requirement that a Level I certified child care provider successfully complete department−approved preservice health and safety training by no later than the date of certification. A Level II certified child care provider shall successfully complete the required training by no later than the end of the orientation period available under 42 USC 9858c (c) (2) (I) (i) (XI).

Employees and volunteers of a Level I or Level II certified child care provider must also complete the required training by the end of the orientation period. Section 48.651 (1d) (b) 1. a. to j., Stats., specifies topics that must be included in the required preservice or orientation training. Subdivision 2. provides that a child care provider or employee or volunteer of a child care provider shall also complete ongoing in-service training on an annual basis, including training on the topics listed in subd. 1. a. to j.

Section 48.685 (9), Stats., provides that the department may promulgate any rules necessary for the administration of the section.

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Section 48.67 (intro.), Stats., provides that the department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees.

Section 227.11 (2) (a) (intro.), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

Summary of the Proposed Rules

The primary purpose of the proposed rules is to ensure that the department's rules affecting child care certification and licensing comply with the health and safety requirements in federal regulations based on the Child Care Development Block Grant (CCDBG) Act of 2014. The proposed rules also regroup the department's child care certification and licensing rules that address the same topics in different places, eliminate duplicative provisions, correct errors, and clarify language where needed to ensure proper implementation and administration of the health and safety requirements.

Chapters DCF 12, 13, and 40, Background Checks

The CCDBG creates a new federal background check affecting child care programs. For child care programs in Wisconsin, the most significant change is the requirement that the state agency conduct the background checks. Before this change, child care and child welfare licensees conducted the background checks of prospective and existing employees and contractors under s. 48.685, Stats. ***To comply with federal requirements, a new state background check statute*** for child care programs was created at s. 48.686, Stats., and s. 48.685, Stats., continues to apply to child welfare providers. Section 48.686, Stats., also creates a new appeal process for persons subject to the background check in child care programs.

The department's current rule on caregiver background checks under s. 48.685, Stats., is in ch. DCF 12. The proposed rules ***create ch. DCF 13 based on the requirements in s. 48.686, Stats., and amend ch. DCF 12 to remove references to child care programs***. The new ch. DCF 13 includes provisions on submitting a background check request to the department and the required appeal process. Under the new appeal process, a person who is determined ineligible may file an appeal with the department's Caregiver Background Check Unit. If denied, the person may request a department review by the department's Assistant Secretary. If denied, the person may request a reconsideration by the department Secretary. If denied, the person may request a contested case hearing before the Division of Hearings and Appeals under ch. 227, Stats.

Chapter DCF 13 also includes provisions similar to ch. DCF 12 on determining whether an offense is substantially related to the care of a child or the activities of a child care program and the process for determining whether a person has been rehabilitated from certain offenses and is eligible to hold a license or certification to operate, to work in, or to reside in a child care program.

In addition, the proposed rules amend ch. DCF 40, Review of a Determination of Abuse or Neglect, to include cross-references to s. 48.686, Stats. A final determination that a person has abused or neglected a child is a bar to eligibility under both ss. 48.685 and 48.686, Stats.

Chapter DCF 202, Child Care Certification

The proposed rules revise ch. DCF 202, Child Care Certification, to do the following:

- Incorporate the ***preservice or orientation training and continuing education requirements*** in 45 CFR 98.44 and s. 48.651 (1d), Stats., as affected by 2017 Wisconsin Act 59.
    - By 3 months after certification or beginning to work with children in care, the following new preservice or orientation training is required:
        - At least 2 credits in early childhood education or a department-approved noncredit course in caring for child,
        - A department-approved noncredit course in operating a child care business or an equivalent.
        - Training in child abuse and neglect laws and identifying, documenting, and reporting child abuse and neglect.
        - Certification in infant and child cardiopulmonary resuscitation (CPR).
    - Each year 5 hours of continuing education is required in topics specified in s. 48.651 (1d), Stats., and 45 CFR 98.41 (a) (1). Previously, each certification agency had discretion to impose an annual continuing education requirement of up to 5 hours.

- Incorporate the requirements in 45 CFR 98.41 on ***emergency preparedness and response planning*** for an emergency resulting from a natural disaster or a human-caused event, such as violence in the child care home. A certified operator is required to have a written plan that includes procedures for evacuation, relocation, shelter-in-place, and lock down; communication and reunification with families; continuity of operations; and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.

- ***Ensure appropriate precautions when transporting children*** by clarifying the current transportation rules and creating the following provisions:
    - A driver transporting children in care may not use a cell phone and other wireless device, unless the vehicle is out of traffic, not in operation, and the phone or device is used to communicate regarding an emergency.
    - Prior to the day a driver first transports children in care, the operator shall submit to the certification agency a copy of the driving record for the driver and obtain approval of the driver from the certification agency.
    - Prior to a driver transporting children in care for the first time, the certified child care operator shall review various safety-related requirements with the driver.
    - A driver shall be at least 18 years of age and have at least one year of experience as a licensed driver.
    - A child's emergency contact information shall be carried in the vehicle when the child is being transported.
    - Smoking is prohibited in a child care vehicle while children are being transported.
    - The vehicle shall be clean, uncluttered, and enclosed. No children may be transported in a truck, except in the cab.
    - Passenger doors shall be locked at all times when the vehicle is moving.

- Reorganize and clarify rules regarding the ***process for certification agencies administering*** certification, including sections related to applications, background checks, monitoring, enforcements, and complaints. Background check provisions are updated to include the CCDBG requirements.

- Incorporate the federal requirement that agencies conduct ***annual unannounced monitoring visits*** of certified family child care operators during hours of operation. Monitoring visits of operators that are providing care in the child's home may be planned in advance and are not required to be during hours of operation.

- ***Require that a certified child care operator be an individual*** and not a corporation, partnership, limited liability company, non-incorporated association, or cooperative. No corporation, partnership, limited liability company, non-incorporated association, or cooperative that is a certified child care operator will be allowed to apply for recertification. An individual may apply or reapply for certification.
    - This requirement prevents an ineligible person from setting up a "strawman" or "shell corporation" and fraudulently obtaining certification.
    - This provision does not affect an operator's ability to incorporate or otherwise form a business entity for other legal or tax reasons.

- Repeal a certification agency's discretion to limit certification to operators that have a high school diploma or GED.
- Repeal the requirement that an operator in a rental property obtain permission from the landlord as a condition of certification.
- Repeal school-age certification under s. DCF 202.09. There are currently 4 school-age certified programs in the state, and only 3 of the programs are active. An operator of an existing school-age program may apply for licensure to continue eligibility for child care subsidy payments.
- Consolidate requirements related to health into one section.
- Consolidate requirements related to equipment and furnishings into one section.
- Incorporate the state statutory requirements for vehicle liability insurance under s. 344.62, Stats., and carbon monoxide detectors under s. 101.149, Stats.

Changes Affecting Chapters DCF 250, Family Child Care Centers; DCF 251, Group Child Care Centers; and DCF 252, Day Camps for Children

The proposed rules revise chs. DCF 250, 251, and 252 to do the following:

- Update background check provisions to conform to CCDBG requirements and s. 48.686, Stats.
- Amend the existing ***emergency preparedness and response planning*** rule to comply with 45 CFR 98.41 and require that a licensee's written emergency plan includes procedures for evacuation, relocation, shelter-in-place, and lock down; communication and reunification with families; continuity of operations; and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.
- Ensure appropriate ***precautions when transporting children*** by clarifying the current transportation rules and creating the following provisions:
    - A driver transporting children in care may not use a cell phone and other wireless device, unless the vehicle is out of traffic, not in operation, and the phone or device is used to communicate regarding an emergency.
    - Before a driver transports children in care for the first time, the licensee shall review various safety-related requirements with the driver.
- Consolidate all rules on ***supervision*** of children and ***staff-to-child ratios*** and ***maximum group size*** into one section. No change is made to the current staff-to-child ratios or maximum group size requirements.
- Eliminate duplicative provisions and consolidate rules on the following topics:
    - Personal hygiene requirements, especially handwashing.
    - Medical logs books.

DCF 250, Licensing Rules for Family Child Care Centers

The proposed rules revise ch. DCF 250, Family Child Care Centers, to do the following:

- Amend the existing preservice or orientation ***training and continuing education requirements*** to comply with 45 CFR 98.44 as follows:
    - Within 3 months after obtaining a license or beginning to work with children in care, providers must obtain certification in infant and child cardiopulmonary resuscitation (CPR). CPR certification is currently required within 6 months after licensure or beginning work.
    - Add continuing education topics to correspond to the list of health and safety standards that providers are required to maintain and update under 45 CFR 98.44 (b) (2) (i) and 45 CFR 98.41 (a) (1).
    - Consolidate all ***requirements for staff*** into one section, including staff files, qualifications, and professional development requirements, and create alternative ways to meet the qualifications with the Wisconsin Family Child Care Credential or a child development associate credential in family child care.
- Require that a ***family child care licensee be an individual*** and not a corporation, partnership, limited liability company, non-incorporated association, or cooperative. No corporation, partnership, limited liability company, non-incorporated association, or cooperative will be allowed to apply for continuation of a license. When the current licensing period ends for the corporation, partnership, limited liability company, non-incorporated association, or cooperative that is a licensee, an individual may apply for licensure.
    - This provision is needed because individuals who were ineligible for licensure due to fraud in the child care subsidy program or convictions for other barred crimes have set up "strawmen" or "shell corporations" in the name of a friend or relative and fraudulently obtained a license, operated a child care center, and received child care subsidy payments.
    - This provision does not affect a licensee's ability to incorporate or otherwise form a business entity for other legal or tax reasons. It merely requires the individual actually responsible for the center to be the licensee.
- Increase the number of hours that an individual provider in a family child care center may provide care for children from ***12 hours to 16 hours*** in a 24-hour period and no longer allow a licensed family child care center under ch. DCF 250 and a certified family child care home under ch. DCF 202 to operate on the same premises.
    - Currently, a certified provider may care for children for up to 16 hours in 24-hour period, while a licensed provider may only care for children for up to 12 hours in a 24-hour period.
    - There are almost 80 providers that are both licensed and certified. These providers care for children as a licensed provider for 12 hours and as a certified provider for an additional 4 hours.
    - This dual regulation creates overlapping roles and responsibilities for certification agencies and the department, as well as complex compliance and enforcement issues and costly automation needs.

- Allowing licensed providers to care for children for up to 16 hours in a 24-hour period will provide continuity under the more stringent health and safety rules of licensure and meet parents' needs for child care during standard and nonstandard hours.
- The department will be contacting the dually-regulated providers during the summer of 2019 to inform them of this upcoming change. Licensees will be able to expand their licensed hours of operation to 16 hours in a 24-hour period effective September 30, 2019, when the department's corresponding emergency rule including this provision is expected to be effective.

- Consolidate the rules on information required to be in a child's file.
- Incorporate the state statutory requirements for vehicle liability insurance under s. 344.62, Stats., and carbon monoxide detectors under s. 101.149, Stats.

DCF 251, Licensing Rules for Group Child Care Centers

The proposed rules revise ch. DCF 251, Group Child Care Centers, to do the following:

- Amend the existing preservice or orientation ***training and continuing education requirements*** to comply with 45 CFR 98.44 as follows:
  - Within 3 months after obtaining a license or beginning to work with children in care, providers must obtain certification in infant and child cardiopulmonary resuscitation (CPR). CPR certification is currently required within 6 months after licensure or beginning work.
  - Additional continuing education topics are added to correspond to the list of health and safety standards that providers are required to maintain and update under 45 CFR 98.44 (b) (2) (i) and 45 CFR 98.41 (a) (1).
- Allow centers to ***move infants and toddlers between groups of children*** to accommodate staffing needs. Infants and toddlers are still required to have a consistent caregiver in a consistent room, but a center may move children to accommodate staffing needs.
- Consolidate all requirements for staff into one section, including ***staff files, qualifications, and professional development*** and do the following:
  - Add alternative ways to meet the qualifications without creating additional minimum qualifications for a center administrator, director, teacher, or assistant teacher.
  - Repeal the requirement that a center director work a specified number of hours per week exclusively carrying out director duties.
  - Expand the ways that staff may qualify for work exclusively with school-age children, including the Wisconsin Afterschool and Youth Development Credential.
- Create ***exceptions*** for centers serving only ***school-age children*** to the following:
  - The requirement regarding screens on doors and windows used for ventilation.
  - The requirement for an energy absorbing surface at least 9 inches deep on playgrounds.
- Move provisions related to ***child care programs established or contracted for by school boards*** from ch. DCF 252, Subchapter II, to ***ch. DCF 251***. These programs are required to

comply with the group child care center licensing rules. The department will conduct an annual inspection of the programs to monitor compliance with the rules.

DCF 252, Licensing Rules for Day Camps

The proposed rules revise ch. DCF 252, Day Camps, to do the following:

- Consolidate requirements on ***staff records and qualifications*** into one section and allow the Wisconsin Afterschool and Youth Development Credential as an educational qualification for camp directors.
- Consolidate rules on the ***condition of the premises***, including buildings and other spaces used by children.

Summary of Data and Analytical Methodologies

The primary purpose of the proposed rules is to ensure that the department's rules affecting child care certification and licensing comply with the health and safety requirements in federal regulations based on the Child Care Development Block Grant (CCDBG) Act of 2014. The rules are also reorganized and "streamlined" to clarify requirements for child care providers.

Summary of Related Federal Law

45 CFR 98.41 Health and safety requirements

Each state shall have statutes or rules applicable to child care providers that include requirements designed to protect the health and safety of children on, at a minimum, all of the following topics:

- The prevention and control of infectious diseases, including immunizations.
- The prevention of sudden infant death syndrome and the use of safe sleeping practices.
- Administration of medication, consistent with standards for parental consent.
- Prevention and response to emergencies due to food and allergic reactions.
- Building and physical premises safety, including the identification of and protection from hazards, bodies of waters, and vehicular traffic.
- Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment.
- Emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event within the meaning of those terms under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The following topics shall be included:
    - Procedures for evacuation, relocation, shelter-in-place, and lock down.
    - Staff and volunteer emergency preparedness training and practice drills.
    - Communication and reunification with families.
    - Continuity of operations.
    - Accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.
- Handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

- Appropriate precautions in transporting children, if applicable.
- Pediatric first aid and cardiopulmonary resuscitation.
- Recognition and reporting of child abuse and neglect.

45 CFR 98.42 Enforcement of licensing and health and safety requirements

Each state shall have monitoring policies and practices to ensure that child care providers comply with applicable health and safety requirements. Compliance monitoring for licensed child care must include at least one inspection before a license is issued and an unannounced inspection at least annually. Compliance monitoring for license-exempt child care must include an annual inspection.

45 CFR 98.43 Criminal background checks

Each state is required to have in effect requirements, policies, and procedures to require and conduct criminal background checks for employees of child care facilities including prospective staff members and any individual residing in a family child care program who is age 18 and above.

45 CFR 98.44 Training and professional development

Framework

Each state must establish a framework for training, professional development, and postsecondary education for child care providers, teachers, and directors that is developed in consultation with the state advisory council and addresses professional standards and competencies, career pathways, and workforce information and financing. A state's framework for training, professional development, and postsecondary education for child care providers, teachers, and directors shall also do all of the following:

- Establish qualifications for providers in different child care settings.
- Reflect current research and best practices, including culturally and linguistically appropriate practices.
- Improve the quality, diversity, stability, and retention of providers, teachers, and directors.

Preservice or Orientation Training

Each state shall require child care providers, teachers, and directors to complete a pre-service or orientation training within their first 3 months in the position. The training shall include all of the following topics:

- The health and safety topics in 45 CFR 98.41.
- Child development, including the major domains (cognitive, social, emotional, and physical and approaches to learning).

Ongoing professional development

Each state shall establish the number of hours of ongoing professional development that child care providers, teachers, and directors must complete annually. The required training shall be aligned to a progression of professional development and shall update health and safety standards, incorporate knowledge and application of the state's early learning and developmental guidelines for children from birth to kindergarten, and incorporate social-emotional behavior intervention models.

Comparison to Adjacent States

All states have been amending statutes and rules to comply with CCDBG requirements.

Minnesota –New requirements will be effective 9/30/19, including additional staff orientation health and safety training, handling and disposal of bodily fluids, emergency preparedness and response training, and unannounced annual inspections.

Michigan –Michigan now requires that child care homes be licensed instead of registered. Annual licensing visits will be made to all child care sites. Emergency plans for centers will include a plan for what to do if there is violence at the center. Training requirements have broadened, including the requirement that all staff must have a current CPR/First Aid card. Temporary operation of a child care center at a different location in case of a disaster will now be allowed under certain circumstances.

Illinois –Illinois rules have been amended to incorporate additional training requirements for licensees and assistants and additional documentation for emergency preparedness plans. Changes to the background check process are pending.

Iowa – Changes include preservice/orientation for child care providers and CPR and professional development and a new background check process.

Effect on Small Businesses

The proposed rules will affect small businesses that are child care operators or licensees. The rules will have minimal or no economic impact on these small businesses.

Analysis Used to Determine Effect on Small Businesses

Most of the substantive changes in the rule are required by federal law. Several other changes are less restrictive than the current rule.

Agency Contact

Licensed child care: Tina Feaster, (608) 422-6044, tina.feaster@wisconsin.gov.
Certified child care: Jolene Ibeling, (608) 422-6027, jolene.ibeling@wisconsin.gov.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Elaine Pridgen, Department of Children and Families, 201 E. Washington Avenue, P.O. Box 8916, Madison, WI, 53708-8916 or dcfpublichearing@wisconsin.gov. The comment deadline is July 26, 2019.

SECTION 1. Chapter DCF 12 (title) is amended to read:

Chapter DCF 12

~~CAREGIVER~~ BACKGROUND CHECKS FOR CHILD WELFARE PROGRAMS

SECTION 2. DCF 12.01 (1) is amended to read:

DCF 12.01 Purpose and scope. (1) This chapter is promulgated under the authority of ss. 48.67 (intro.), 48.685, ~~49.155 (1d),~~ and 227.11 (2) (a), Stats., to specify procedures necessary to implement background checks required under s. 48.685, Stats., for caregivers and nonclient residents at an entity or with a caregiver specified in s. DCF 12.02 (4) (c).

SECTION 3. DCF 12.02 (1) is amended to read:

DCF 12.02 (1) "Agency" means the department, a county department, ~~a certification agency,~~ or a child-placing agency~~, or a school board that establishes or contracts for a child care program under s. 120.13 (14), Stats~~.

SECTION 4. DCF 12.02 (6) is repealed.

SECTION 5. DCF 12.02 (8) (intro.) is amended to read:

DCF 12.02 (8) (intro.) "Client" means a person who receives direct care or treatment services from an entity ~~or~~, a caregiver specified in s. DCF 12.02 (4) (c), or from a child care program under s. 48.686 (1) (aj). "Client" includes all of the following:

SECTION 6. DCF 12.02 (14) (h) to (j) are repealed.

SECTION 7. DCF 12.02 (18) (a) is amended to read:

DCF 12.02 (18) (a) The person is ~~12~~ 10 years of age or over.

SECTION 8. DCF 12.02 (18) (Note) is repealed and recreated to read:

DCF 12.02 (18) (Note): For example, household members in foster homes are "nonclient residents."

SECTION 9. DCF 12.02 (21) (c) and (d) and (23) are repealed.

SECTION 10. DCF 12.02 (24) and (Note) are repealed and recreated to read:

DCF 12.02 (24) "Serious crime" means the offenses specified in s. 48.685 (1) (c), Stats. "Serious crime" includes the offenses specified in s. 48.685 (5) (bm) 4., Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless the person has demonstrated rehabilitation under s. DCF 12.13 or 12.14.

Note: Tables that list serious crimes applicable to each program are available in the program regulatory sections of the department website at http://dcf.wisconsin.gov.

For group homes, residential care centers, child-placing agencies, and shelter facilities, see the child welfare licensing/background checks section of the department website.

For foster homes, adoption home studies, adoption assistance, and subsidized guardianship, see the foster care/related statutes and administrative rules section of the department website.

SECTION 11. DCF 12.03 (2) (title) is repealed and recreated to read:

DCF 12.03 (2) TIMELY BID.

SECTION 12. DCF 12.07 (title) is amended to read:

DCF 12.07 ~~Child welfare denial~~ Denial and revocation information.

SECTION 13. DCF 12.08 (1) (a) and (b) and (2) (a) 1. and 2. are amended to read:

DCF 12.08 (1) (a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her ~~12th~~ 10th birthday.

(b) The person has been adjudicated delinquent on or after his or her ~~12th~~ 10th birthday for committing any crime.

(2) (a) 1. A person who is age ~~12~~ 10 or over and is not a client begins residing at, or is expected to reside at, an entity.

2. A person who is residing at the entity and is not a client turns ~~12~~ 10 years of age.

SECTION 14. DCF 12.08 (2) (b) 1. is renumbered DCF 12.08 (2) (b).

SECTION 15. DCF 12.08 (2) (b) 2. is repealed.

SECTION 16. DCF 12.08 (3) (a) and (b) are amended to read:

DCF 12.08 (3) (a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her ~~12th~~ 10th birthday.

(b) The person has been adjudicated delinquent on or after his or her ~~12th~~ 10th birthday for committing any crime.

SECTION 17. DCF 12.09 (1) (a) and (2) (intro.) are amended to read:

DCF 12.09 (1) (a) An entity that ~~commits~~ does any of the following ~~acts~~ may be subject to one or more of the sanctions specified in par. (b):

(2) (intro.) An applicant for regulatory approval who does any of the following ~~may be~~ is subject to denial of an application for regulatory approval:

SECTION 18. DCF 12.11 (1) is renumbered DCF 12.11 (intro.) and, as affected by this section, DCF 12.11 (1) and (2) are amended to read:

DCF 12.11 (1) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.685 (5) (bm) ~~or (br)~~, Stats.

(2) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.685 (5) (bm) ~~or (br)~~ Stats., during a waiting period that has not ended.

SECTION 19. DCF 12.13 (1), (3) (a), (5) (a) are amended to read:

DCF 12. 13 (1) If ~~the~~ an application for a rehabilitation review is not complete or any supporting documents or information required in the application are not submitted within 90 days after the date the application was first received by the applicable agency, the request for a rehabilitation review shall be denied, unless the person requesting the rehabilitation review provides a good cause explanation.

(3) (a) ~~The~~ A person ~~requesting the~~ for whom a rehabilitation review is conducted under sub. (2) shall ~~have~~ be given an opportunity to appear before the review panel to present information and answer any questions the panel members may have.

(5) (a) ~~An agency~~ A review panel may grant rehabilitation approval only within the scope of ~~its~~ the agency's regulatory authority.

SECTION 20. DCF 12.14 (Note) is amended to read:

DCF 12.14 (Note): Pursuant to s. 48.685 (5c), Stats., submit an appeal to the following, as appropriate:

1. To appeal a denial by a rehabilitation review panel for the department, ~~a certification agency,~~ or a child-placing agency, send the request to the Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708-8916.

2. To appeal a denial by a rehabilitation review panel for a county department, send the request to the director of the appropriate county department or ~~his or her~~ the director's designee.

~~3. To appeal a denial by a rehabilitation review panel for the school board, send the request to the Superintendent of the Department of Public Instruction, 125 South Webster Street, Madison, WI 53703; or call (608) 266-3390.~~

SECTION 21. DCF 12.16 (1) (a) (Note) is amended to read:

DCF 12.16 (1) (a) (Note): For example, a ~~certification agency~~ county department in County B may accept a rehabilitation approval to be a nonclient resident in a ~~certified child care~~ foster home if a ~~certification agency~~ county department in County A granted the same type of approval.

SECTION 22. DCF 12.16 (1) (b) is repealed.

SECTION 23. Chapter DCF 13 is created to read:

Chapter DCF 13

BACKGROUND CHECKS FOR CHILD CARE PROGRAMS

DCF 13.01 Purpose and scope. This chapter is promulgated under the authority of ss. 48.67 (intro.), 48.686, and 227.11 (2) (a), Stats., to specify procedures necessary to implement background checks required under s. 48.686, Stats., for caregivers and nonclient residents at a child care program.

Note: For further information on the scope of the child care background check, see s. DCF 13.02 for definitions of terms used in this subsection.

DCF 13.02 Definitions. In this chapter:

(1) "Agency" means the department, a certification agency, or a school board that establishes or contracts for a child care program under s. 120.13 (14), stats.

(2) "Background check request form" means a form prescribed by the department on which a person completes required information.

Note: DCF-F-5296-E, *Background Check Request Form*, is available electronically through the Child Care Provider Portal and on the department's website at https://dcf.wisconsin.gov/forms.

(3) "Bar" means any of the following:

(a) A barrier to a person's eligibility for regulatory approval, employment, or contract as a caregiver.

(b) A barrier to a person's nonclient residency at a child care program.

(4) "Caregiver" means any of the following:

(a) A person who is an employee or independent contractor of a child care program.

(b) A person who is involved in the care or supervision of clients of a child care program or has unsupervised access to clients of a child care program, including student teachers, household members age 10 and older, and volunteers counted for the purpose of meeting the required staff-to-child ratios.

(c) A person who has, or is seeking, a license, certification, or contract to operate a child care program.

(5) "Certification agency" means the department in a county having a population of 750,000 or more or a county department, person, or tribe that has a contract with the department to certify child care providers under s. 48.651 (2), Stats., in a particular county or tribal area.

(6) "Child care background check" means the requirements in s. 48.686, Stats., and this chapter.

(7) "Child care program" means any of the following:

(a) A child care center that is licensed under s. 48.65 Stats.

(b) A child care provider that is certified under s. 48.651, Stats.

(c) A child care program established or contracted for under s. 120.13 (14), Stats.

(8) "Client" means a person who receives direct care from a child care program, an entity, as defined in s. DCF 12.02 (14), or from a caregiver specified in s. 48.685 (1) (ag) 1. am., Stats., including all of the following:

(a) An adopted child for whom adoption assistance payments are being made under s. 48.975, Stats.

(b) A child for whom subsidized guardianship payments are being made under s. 48.623, Stats.

(c) A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677 (a) from an agency, is no longer placed in out-of-home care, and is residing in the foster home in which he or she was previously placed.

(9) "Contractor" means, with respect to a child care program, a person who provides services to the child care program under an express or implied contract or subcontract, or that person's agent.

(10) "County department" means a county department of social services established under s. 46.22, Stats., or a county department of human services established under s. 46.23, Stats.

(11) "Department" means the department of children and families.

(12) "Direct contact" means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(13) "Division of hearings and appeals" means the division of hearings and appeals within the department of administration.

(14) "Final substantiated finding" means all of the following:

(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 5m., Stats., and s. DCF 40.04 if the final determination has not been reversed or modified on appeal.

(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 4., 2011 Stats., if the determination has not been reversed or modified on appeal.

Note: The date in a statutory citation means that was the last edition of the statutes in which that provision appears.

(15) "Nonclient resident" means a person who is age 10 or older, who resides, or is expected to reside, at a child care program, and who is not a client of the child care program or caregiver.

(16) "Regulatory approval" means any of the following:

(a) Issuance, continuation, or renewal of a license by the department under s. 48.66, Stats.

(b) Issuance or renewal of certification by a certification agency under s. 48.651, Stats.

(c) Approval of the person subject to the child care background check for a child care program to be established or contracted for by a school board under s. 120.13 (14), Stats.

(17) "Rehabilitation review" means an agency process under which a person who has a bar that is eligible for rehabilitation review under s. 48.686 (5), Stats., may seek approval for any of the following:

(a) Regulatory approval.

(b) Employment or contract with a child care program to be a caregiver.

(c) Residency at a child care program.

(18) "Reside" means to be present at a child care program for more than an aggregate of 14 calendar days within a 90-day period.

(19) "Role" means a person's job as a caregiver or nonclient residency at a child care program.

(20) "School board" means the board that has the powers specified in s. 120.13, Stats., for the schools of a school district.

(21) "Serious crime" has the meaning given in s. 48.686 (1) (c), Stats.

Note: A table that lists the child care serious crimes is available at https://dcf.wisconsin.gov/files/publications/pdf/5206.pdf.

(22) "Substantially related" means an offense that is related to the care of children and the activities of a child care program for the purposes of s. 48.686 (5m), Stats.

(23) "Tribe" means a federally-recognized American Indian tribe or band in Wisconsin.

(24) "Volunteer" means a person who is not compensated, but agrees to give time, with or without reimbursement for expenses, to transport or to work with children in care.

DCF 13.03 Background check request. (1) REQUIRED FORMS AND FEES. A background check request shall include a completed background check request form, armed forces records under s. DCF 13.04, release forms, child care background check fees, and any additional information that the department determines is necessary to obtain the records required under s. 48.686 (2) (am), Stats.

(2) FINGERPRINT SEARCHES. (a) Prior to working as a caregiver or residing in a child care program, the subject of the background check shall submit fingerprints in a manner directed by the department.

(b) Every 5 years or as otherwise requested by the department, caregivers and nonclient residents shall resubmit fingerprints in a manner directed by the department and the information specified under sub. (1).

Note: DCF-F-5296-E, *Background Check Request Form*, is available electronically through the Child Care Provider Portal and on the department's website at https://dcf.wisconsin.gov/forms.

DCF 13.04 Obtaining armed forces information. (1) If a person who is the subject of a background check served in a branch of the U.S. armed forces within the previous 3 years, including any reserve component, the department shall make every reasonable effort to obtain the discharge status of that person, either from the discharge papers issued to the person or from the armed forces branch in which the person served. The department shall document the efforts made to obtain the discharge status of the person.

(2) If the discharge status of the person described in sub. (1) is other than honorable, the department shall make every reasonable effort to obtain information on the nature and circumstances of the discharge.

Note: The information from the armed forces may include military court findings or information relevant to making a background check determination.

DCF 13.05 Determining whether other offenses are substantially related. (1) CAREGIVERS AND NONCLIENT RESIDENTS. To determine whether a caregiver or nonclient resident's conviction or delinquency adjudication for an offense that is not a serious crime is substantially related, the department shall consider all of the following:

(a) In relation to the person's role at the child care program, all of the following:

1. The nature and scope of the person's contact with clients.

2. The scope of the discretionary authority and independent judgment the person has to make decisions or take actions that affect the care of clients.

3. The opportunity the role at the child care program presents for committing similar crimes.

4. The extent to which acceptable performance of the role at the child care program requires the trust and confidence of clients and the parents or guardians of clients.

5. The amount and type of supervision received.

(b) In relation to the criminal conviction or delinquency adjudication, all of the following:

1. Whether intent is an element of the crime.

2. Whether the elements or circumstances of the crime are related to the person's role at the child care program.

3. Any pattern of criminal convictions or delinquency adjudications.

4. The extent to which the crime relates to clients or other vulnerable persons.

5. Whether the crime involves violence or a threat of harm.

6. Whether the crime is of a sexual nature.

(c) In relation to the person, all of the following:

1. The number and type of crimes for which the person has been convicted or adjudicated delinquent.

2. The length of time between the conviction or delinquency adjudication and the decision affecting regulatory approval, employment, contract, or nonclient residency.

3. The person's participation in or completion of pertinent programs of a rehabilitative nature.

4. The person's probation, extended supervision, or parole status.

5. If the person is a caregiver, the person's ability to perform or to continue to perform the job or caregiving role consistent with the safe and efficient operation of the program and the confidence of clients and the parents or guardians of clients.

7. The age of the person on the date the crime was committed.

(2) DOCUMENTATION. The department shall document how it reached the determination under sub. (1) that the criminal conviction or delinquency adjudication of a caregiver or nonclient resident is or is not substantially related to care of a client or activities of the program.

DCF 13.06 Background check eligibility. (1) PRELIMINARY ELIGIBILITY. (a) The department shall issue a preliminary eligibility determination that indicates whether a person is barred from

employment as a caregiver or nonclient residency at the child care program based on any serious crimes reported on the federal bureau of investigation and Wisconsin department of justice fingerprint results.

(b) A child care program that receives a department determination that a person is preliminarily eligible may employ, contract with, or allow the person to reside at the child care program pending the department's final eligibility determination under sub. (3).

(2) SUPERVISION OF PERSONS WITH PRELIMINARY ELIGIBILITY. (a) Persons who begin work or residency with preliminary eligibility under sub. (1) shall be supervised at all times children are present. The supervision shall include periodic and direct observation of the person.

(b) A person who has received a final determination of eligibility under sub. (3) within the past 5 years shall supervise a person with preliminary eligibility under sub. (1).

(3) FINAL ELIGIBILITY. (a) After receiving all of the records required under s. 48.686 (2) (am), Stats., the department shall provide a final written report to the child care program indicating whether the person who is the subject of the report is eligible or ineligible to work or reside at a child care program, without revealing information about any disqualifying offenses or other information regarding the person.

(b) The department shall provide a final written report to the person on whom the child care background check was conducted, indicating whether the person is eligible or ineligible to work or reside at a child care program. If the person is ineligible, the report also shall include information on each disqualifying offense, the right to appeal under s. DCF 13.09, and the right to a rehabilitation review under s. DCF 13.10, if applicable.

(4) TRANSFER OF ELIGIBILITY. A child care program may employ a person or allow the person to reside in the child care program without requesting a new child care background check on the person if all of the following conditions are met:

(a) Within the past 5 years, the person received a final determination of eligibility under sub. (3) to work or reside in a child care program and the determination of eligibility has not been withdrawn or revoked.

(b) Either of the following apply:

1. The person is currently working or residing in a child care program.

2. The person has been separated from employment or residence at a child care program for less than 180 days.

DCF 13.07 Reporting requirements. (1) CHILD CARE PROGRAM OFFENSE REPORTING REQUIREMENTS. A child care program shall report to the agency that granted regulatory approval as soon as the child care program knows, or should have known, that any of the following apply to a caregiver or nonclient resident at the child care program:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 10th birthday.

(b) The person has been adjudicated delinquent on or after his or her 10th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a child.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency as defined in s. 16.61 (2) (d), Stats., made a finding that the person has abused or neglected a client or misappropriated the property of a client.

(h) If a position requires a person to hold a credential, as defined in s. 440.01 (2) (a), Stats., the person has been denied a credential or had a credential restricted or otherwise limited.

(2) OTHER CHILD CARE PROGRAM REPORTING. (a) A child care program shall report to the agency that granted regulatory approval as soon as possible, but no later than the agency's next business day, if any of the following occurs:

1. A person who is age 10 or over and is not a client begins residing at, or is expected to reside at, a child care program.

Note: See the definitions in ss. DCF 13.02 (15) and (18).

2. A nonclient resident turns 10 years of age.

3. A nonclient resident turns 18 years of age.

4. A corporation or limited liability company designates a new person to be subject to the background check.

5. A caregiver or a nonclient resident at the child care program changes his or her name.

6. A person's role at the child care program has changed or will be changing and a new eligibility determination may be required for the child care background check.

7. A new caregiver begins work, or a prospective caregiver intends to begin work, at the child care program.

8. A caregiver is no longer working in the child care program or intends to no longer work in the child care program, including the last date of employment.

9. A prospective caregiver was not hired.

10. A former nonclient resident is no longer residing at the child care program or a nonclient resident intends to no longer reside at the child care program, including the last date of residence.

(b) When a change specified under par. (a) 1. to 7. occurs regarding a child care program, the program shall submit a completed background check request form no later than the agency's next business day for the new person subject to the child care background check and ensure persons comply with the fingerprint requirements within the timeframe specified by the department.

(3) CHILD CARE PROGRAM POLICY. A child care program shall include in its personnel or operating policies a provision that requires a person who is a caregiver specified in s. DCF 13.02 (4) (a) and (b) to notify the child care program as soon as possible, but no later than the child care program's next working day, if any of the following apply:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 10th birthday.

(b) The person has been adjudicated delinquent on or after his or her 10th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a child.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency, as defined in s. 16.61 (2) (d), Stats., has made a finding that the person has abused a client or misappropriated the property of a client.

(h) If a position requires a person to hold a credential, as defined in s. 440.01 (2) (a), Stats., the person has been denied a credential or had a credential restricted or otherwise limited.

DCF 13.08 Sanctions. (1) CHILD CARE PROGRAM. (a) A child care program that does any of the following may be subject to one or more of the sanctions specified in par. (b) by the department or the agency that granted the regulatory approval:

1. Allows a person who has not received preliminary determination of eligibility to begin work or reside at the child care program in violation of s. DCF 13.06 (1).

2. Allows a person who has not received a final determination of eligibility to work or reside at a child care program without direct supervision in violation of s. DCF 13.06 (2).

3. Hires, employs, or contracts with a person to be a caregiver, or permits a person to be a nonclient resident, in the child care program that the department determined was ineligible.

4. Fails to submit a background check request as required under s. 48.686 (2) (ab), Stats., and s. DCF 13.03.

5. Knows, or should know, that a caregiver or nonclient resident at the child care program committed an act barred under s. 48.686 (4m) (a) 6., 7., or 8., Stats., including knowingly giving false information on or knowingly omitting material information relating to the child care background check.

6. Fails to comply with applicable reporting requirements under s. DCF 13.07 (1) or (2).

7. Fails to have a policy on reporting changes as required in s. DCF 13.07 (3).

8. Violates any provision in s. 48.686, Stats., or this chapter regarding caregivers and nonclient residents.

(b) Any of the following sanctions may be imposed on a child care program that commits any of the acts described in par. (a):

1. Suspension, nonrenewal, denial, or revocation of regulatory approval.

2. Specific conditions or limitations placed on the regulatory approval.

3. A forfeiture of not more than $1,000.

4. A requirement that the child care program develop a written plan that specifies corrections that will be made to personnel screening practices, obtain agency approval of the correction plan, and implement the correction plan.

(2) APPLICANT. An applicant for regulatory approval who does any of the following is subject to denial of an application for regulatory approval:

(a) Fails to complete and submit the background check request required under s. DCF 13.03.

(b) Knowingly provides false information on or knowingly omits information from the background check request form.

DCF 13.09 Appeal of background check determinations. (1) APPEAL RIGHTS. (a) The department shall include a statement of appeal rights with a notification of ineligibility under s. DCF 13.06 (3) to the subject of background check.

(b) The subject of a department determination under s. DCF 13.06 (3) may appeal the determination under s. 48.686 (4s), Stats. Only the subject of the background check may file the appeal.

(2) SUBMISSION OF AN APPEAL. (a) To submit an appeal of an ineligibility determination under s. DCF 13.06 (3), the subject of a background check shall submit a completed petition for appeal form prescribed by the department to the department's postal address, email address, or fax number that is identified in the statement of appeal rights.

(b) An appeal under sub. (1) may be submitted no later than 60 days after the date on the department's ineligibility determination, unless the subject requests, and the department grants for

good cause shown, an extension for a specific period of time prior to the expiration of the 60-day appeal period.

(c) If an appeal is not received under sub. (1) within 60 days after the department's ineligibility determination and an extension has not been approved before the expiration of the 60-day appeal period, the department's ineligibility determination made under s. DCF 13.06 (3) is final.

Note: Form DCF-F-5331-E, *Petition for Appeal of Ineligibility Determination*, is available in the forms section of the department website, http://dcf.wisconsin.gov**.** Send the appeal request to the Department of Children and Families, Caregiver Background Unit, P.O. Box 8916, Madison, WI 53708-8916; email DCFPlicBECRCBU@wisconsin.gov; or fax (608) 422-7155.

(3) DEPARTMENT REVIEW OF APPEALS. (a) The department shall notify the subject of the background check that his or her appeal request under sub. (2) has been received within 7 business days after receipt.

(b) The department shall review each timely appeal request under sub. (2) and issue a written appeal decision within 30 days after receiving the appeal request. The decision notice shall include information on the right to another appeal by requesting a reconsideration under sub. (4).

Note: Send the reconsideration request to the Department of Children and Families, Assistant Secretary, P.O. Box 8916, Madison, WI 53708-8916; email DCFMBChildcareEligibilityAppeals@wisconsin.gov; or fax (608) 422-7161.

(4) RECONSIDERATION OF AN APPEAL. (a) The subject of the background check may request a reconsideration of the department's appeal decision under sub. (3). A request for reconsideration shall be sent to the postal address, email address, or fax number identified in the appeal decision within 30 days after the date on the decision.

(b) The department secretary or a designee shall review a reconsideration request under par. (a) and issue a written decision. The reconsideration decision shall include information on the right to another appeal by requesting a contested case hearing under sub. (5).

(5) CONTESTED CASE HEARING. The subject of the background check who receives an adverse decision from the department secretary or the secretary's designee under sub. (4) may request a contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date on the department's reconsideration decision.

Note: Send a request for a contested case hearing to the Division of Hearings and Appeals, 4822 Madison Yards Way, PO Box 7875, Madison, Wisconsin, 53707-7875. The fax number of the division is (608) 264-9885.

DCF 13.10 Rehabilitation reviews by agency. An agency may conduct a rehabilitation review for a person who requests a rehabilitation review if the person is eligible under s. 48.686 (5) (a), Stats., and s. DCF 13.11 and is any of the following:

(1) A person who has, or is seeking, regulatory approval from the agency as a caregiver specified in s. DCF 13.02 (4) (c).

(2) A person who is, or is expected to be, a caregiver specified in s. DCF 13.02 (4) (a) or (b) for a child care program that is regulated by the agency.

(3) A person who is, or is expected to be, a nonclient resident at a child care program that is regulated by the agency.

DCF 13.11 Eligibility to request rehabilitation review. A person who is not eligible under s. 48.686 (4m), Stats., to receive regulatory approval, to be employed as a caregiver, to contract with a child care program to be a caregiver, or to reside at a child care program may request a rehabilitation review, unless any of the following apply:

(1) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.686 (5) (br), Stats.

(2) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.686 (5) (cm), Stats., during a waiting period that has not ended.

Note: A table listing child care serious crimes and availability of rehabilitation review for each offense can be accessed at https://dcf.wisconsin.gov/files/publications/pdf/5206.pdf.

(3) Within the preceding 12 months, an agency denied the person's request for rehabilitation approval, and the new request is for the same type of regulatory approval, job function, or nonclient resident status with the same level of direct contact with clients or unsupervised access to clients.

DCF 13.12 Applying for rehabilitation review. To apply for rehabilitation review, a person who is eligible to request rehabilitation review under s. DCF 13.11 shall do all of the following:

(1) Obtain a rehabilitation review application on a form prescribed by the department and submit the completed application to the agency.

Note: Form DCF-F-419, *Rehabilitation Review Application Instructions*, is available in the forms section of the department website, http://dcf.wisconsin.gov.

(2) Submit any supporting documents and information required by the rehabilitation review application to the agency.

DCF 13.13 Agency rehabilitation review process. **(1)** TIME FRAME. If an application for a rehabilitation review is not complete or any supporting documents or information required in the application are not submitted within 90 days after the date the application was first received by the agency, the request for a rehabilitation review shall be denied, unless the person requesting the rehabilitation review provides a good cause explanation.

(2) REHABILITATION REVIEW PANEL. If a person who is eligible for rehabilitation review under s. DCF 13.11 submits an application that is complete under s. DCF 13.12 no later than the deadline in sub. (1), the applicable agency shall appoint a review panel of at least 2 persons to review the information submitted. The panel may request additional information from the person requesting the review or from other agencies or persons familiar with the person.

(3) REQUESTOR APPEARANCE. A person for whom a rehabilitation review is conducted under sub. (2) shall be given an opportunity to appear before the review panel to present information and answer any questions the panel members may have. The person's appearance before the review panel may be in person, by telephone, or other technology approved by the agency.

(4) REHABILITATION REVIEW PANEL. After reviewing the information obtained, a review panel appointed under sub. (2) shall decide whether the person who is the subject of the rehabilitation review has demonstrated by clear and convincing evidence that he or she is rehabilitated for purposes of receiving regulatory approval, employment as a caregiver, contracting with a child care program to be a caregiver, or residing at a child care program. The panel shall consider at least the following factors, as applicable:

(a) Personal references and comments from employers, persons, and agencies familiar with the applicant and statements from therapists, counselors, and other professionals.

(b) Evidence of successful adjustment to, compliance with, or proof of successful completion of parole, extended supervision, probation, incarceration, or work release privileges.

(c) Any investigations or enforcement actions by a regulatory agency for substantial noncompliance with applicable laws.

(d) Any subsequent contacts with law enforcement agencies, including arrests, charges, convictions, pending criminal or civil arrest warrants, civil judgments, or other legal enforcement actions or injunctions against the person.

(e) Any aggravating or mitigating circumstances surrounding the barring crime, act, or offense.

(f) Evidence of rehabilitation, such as public or community service, volunteer work, recognition by other public or private authorities for accomplishments or efforts or attempts at restitution, and

demonstrated ability to develop positive social interaction and increased independence or autonomy of daily living.

(g) The age of the person at the time of the offense and the amount of time between the crime, act, or offense and the request for rehabilitation review.

(h) Whether the person is on the sexual offender registry under s. 301.45, Stats., or on a similar registry in another jurisdiction.

(i) A victim's impact statement, if appropriate.

(j) The person's employment history, including evidence of acceptable performance or competency and dedication to the person's profession.

(k) The nature and scope of the person's contact with clients in the position requested.

(L) The degree to which the person would be directly supervised or working independently in the position requested.

(m) The opportunity presented for someone in the position to commit similar offenses.

(n) The number, type, and pattern of offenses committed by the person.

(o) Successful participation in or completion of recommended rehabilitation, treatment, or programs.

(p) Unmet treatment needs.

(q) The person's veracity.

(5) REVIEW PANEL DECISION. (a) *Scope.* An agency review panel may grant rehabilitation approval only within the scope of the agency's regulatory authority.

(b) *Deferral*. A review panel may defer a final decision under sub. (4) for a period of not more than 6 months, unless the person who is the subject of the rehabilitation review agrees to a longer time period.

(c) *Written decision*. A review panel shall issue a written decision under sub. (4) that includes the following, as applicable:

1. "Approval." An approval shall state all of the following:

a. The type of child care program to which the decision applies.

b. The types of approval that were requested and are approved in the decision, such as regulatory approval, employment as a caregiver, contract to be a caregiver, or nonclient residency at a child care program.

c. Any conditions or limitations placed on the approval.

Note: Examples of limited approval include approval for employment in specific child care roles.

2. "Deferral." A deferral shall state the reason for the deferral and the date that the review panel will reconvene to review any new information affecting the request.

3. "Denial." A denial shall include all of the following:

a. The type of child care program to which the decision applies.

b. The types of approval that were requested and are denied in the decision, such as regulatory approval, employment as a caregiver, contract to be a caregiver, or nonclient residency at a child care program.

c. The reason for the denial.

d. Notice that the person may appeal the denial and a summary of the appeal process under s. 48.686 (5c), Stats., and s. DCF 13.14.

(6) REVIEW PANEL DECISION DISTRIBUTION. (a) A review panel shall send a decision made under sub. (5) to the person who is the subject of the rehabilitation review and, if requested, a copy to entities specified by that person.

(b) Within 10 days after sending a rehabilitation review decision to the subject of the rehabilitation review under par. (a), the review panel for an agency shall send all of the following to the department:

1. A copy of the review panel's decision.

2. A copy of the person's application under s. DCF 13.12.

3. A completed rehabilitation review decision report on a form prescribed by the department.

Note: Form DCF-F-418-E, *Rehabilitation Review Panel Decision Report*, is available in the forms section of the department website at http://dcf.wisconsin.gov. The materials should be sent to Attn: Rehabilitation Review Coordinator, Office of Legal Counsel, Department of Children and Families, P. O. Box 8916, Madison, WI 53708-8916.

(7) RETENTION OF REHABILITATION DECISION DOCUMENTATION. (a) The agency shall retain a copy of a written decision by a rehabilitation review panel and any decisions from filed appeals that may result.

(b) The agency shall retain a copy of a rehabilitation review request and all materials or information obtained or notes made as part of a rehabilitation review decision for at least 10 years after the decision is made and any appeals are finalized.

DCF 13.14 Appealing a rehabilitation review panel's denial. **(1)** (a) A person who is denied rehabilitation approval under s. DCF 13.13 may submit a written request for review of the decision under s. 48.686 (5c), Stats., within 10 days after the date of the written decision by the rehabilitation panel. No new evidence may be submitted.

(b) A person who appeals under this subsection shall bear the burden of proving, by a preponderance of the evidence, that the rehabilitation review panel for the agency erroneously exercised its discretion in deciding that the person did not show sufficient evidence to demonstrate that he or she is rehabilitated.

Note: Pursuant to s. 48.686 (5c), Stats., submit an appeal to the following, as appropriate:

1. To appeal a denial by a rehabilitation review panel for the department or a certification agency, send the request to the Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708-8916.

2. To appeal a denial by a rehabilitation review panel for the school board, send the request to the State Superintendent of Public Instruction, 125 South Webster Street, Madison, WI 53703; or call (608) 266-3390.

3. To appeal a denial by a rehabilitation review panel for a tribe, send the request to the director of the appropriate tribe or his or her designee.

(2) A person who receives an adverse decision from the secretary of the department or the secretary's designee under sub. (1) may request a contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date of the written decision by the department.

Note: Send a request for a contested case hearing to the Division of Hearings and Appeals, 4822 Madison Yards Way, PO Box 7875, Madison, Wisconsin, 53707-7875. The fax number of the division is (608) 264-9885.

DCF 13.15 Compliance with rehabilitation approval; withdrawal. (1) COMPLIANCE WITH APPROVAL CONDITIONS. A person whose rehabilitation is approved under s. DCF 13.13 shall comply with any conditions and limitations imposed with that approval.

(2) WITHDRAWAL OF REHABILITATION APPROVAL. (a) An agency that granted a person a rehabilitation approval under s. DCF 13.13 may withdraw the rehabilitation approval if the person has done any of the following:

1. The person has failed to comply with or abide by any conditions or limitations imposed with the rehabilitation approval.

2. The person knowingly submitted false information or withheld pertinent information that could have or would have affected the review panel's decision to grant the rehabilitation approval.

(b) If an agency withdraws a rehabilitation approval under par. (a), it shall issue a written notice that explains the reasons for the withdrawal and informs the person whose approval has been withdrawn that he or she may appeal as provided in s. DCF 13.14.

(c) If an agency withdraws rehabilitation approval and the withdrawal results in a bar to regulatory approval, employment as a caregiver, contracting with a child care program to be a caregiver, or residing at a child care program, the agency that withdraws the rehabilitation approval shall immediately report the withdrawal to the department.

(3) INFORMING THE GRANTING AGENCY. A child care program or agency that becomes aware that a person has violated the conditions or limitations of a rehabilitation approval that was granted by another agency shall inform the agency that granted the approval of the violation.

Note: Send reports of withdrawn rehabilitation approval to Attn: Rehabilitation Review Coordinator, Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708-8916.

DCF 13.16 Permissive acceptance of a rehabilitation approval. (1) SCOPE. (a) 1. An agency may accept a rehabilitation approval granted to a person by another agency if the previous rehabilitation approval applies to the same type of child care program and the same type of approval.

Note: For example, a certification agency in County B may accept a rehabilitation approval to be a nonclient resident in a certified child care home if a certification agency in County A granted the same type of approval.

2. A certification agency may accept a rehabilitation approval granted to a person by the department if the previous rehabilitation approval applies to the same type of approval for a child care center that is licensed to care for 4 to 8 children under s. 48.66, Stats.

3. A rehabilitation approval granted by a tribe that conducts rehabilitation reviews pursuant to a plan approved by the department under s. 48.686 (5d), Stats. may not be accepted by another agency.

Note: A rehabilitation approval granted by a tribe under this chapter may be accepted by another agency.

(b) An agency that accepts a rehabilitation approval granted by another agency shall enforce any limitations or conditions that were included in the approval if the conditions or limitations imposed by the agency that granted the approval have not been terminated or have not expired.

(2) PROCESS. (a) If an agency learns that a person has had a previous rehabilitation review, the agency shall contact the department to request a copy of the rehabilitation decision and information on the status of any rehabilitation approval.

(b) If the previous rehabilitation review decision was an approval and the approval has not been withdrawn, the agency shall determine whether the approval is eligible to be accepted under sub. (1).

(c) If the previous rehabilitation approval is eligible to be accepted under sub. (1), the agency shall determine whether to accept or deny the previous approval.

(3) INELIGIBILITY OR DENIAL. If an agency determines that a person's previous rehabilitation approval may not be accepted under sub. (1) or the agency denies an eligible rehabilitation approval under sub. (2) (c), the agency shall inform the person of his or her right to submit an application for a new rehabilitation review under s. DCF 13.12 and shall process a submitted application under s. DCF 13.13.

DCF 13.17 Fees. The department may charge a fee for the cost of background checks required under s. 48.686, Stats. A child care program shall submit all fees required by the department as directed by the department.

SECTION 24. DCF 40.03 (1) (c) is amended to read:

DCF 40.03 (1) (c) Information on the effect of a final determination on background checks under ss. 48.685, 48.686, and 50.065, Stats.

SECTION 25. DCF 40.04 (3) (b) 3. a., b., and c. and (c) (intro.), 1., 3. and (Note) are amended to read:

DCF 40.04 (3) (b) 3. a. The person currently has, or has applied for, a license, certification, certificate of approval, or registration that may be revoked or denied as provided in s. 48.685, 48.686, or 50.065, Stats.

b. The person is currently employed by or contracts with, or the person is actively engaged in seeking employment or a contract with, an entity or a child care program for duties subject to the background check requirements under s. 48.685, 48.686, or 50.065, Stats.

c. The person is enrolled in an academic program that leads to license, certification, or employment or contract position that will be subject to the background check requirements under s. 48.685, 48.686, or 50.065, Stats., and the person can be expected to complete the academic program within 150 days after the date of his or her request for a hearing with the division of hearings and appeals.

(c) Information on background checks under ss. 48.685, 48.686, and 50.065, Stats., including all of the following:

1. A final determination that the person abused or neglected a child is a bar to certain licenses, employment, residence, and other specified actions involving an entity, child care program, or person that is covered by the background check requirements in s. 48.685, 48.686, or 50.065, Stats.

3. Rehabilitation may be denied, approved for all actions that would otherwise be barred by the final determination under s. 48.685, 48.686, or 50.065, Stats., or limited to approval for specified actions only.

Note: Information on the rehabilitation review process under s. 48.685, Stats., is in ch. DCF 12. Information on the rehabilitation review process under s. 48.686, Stats., is in ch. DCF 13. Information on the rehabilitation review process under s. 50.065, Stats., is in ch. DHS 12.

SECTION 26. DCF 40.06 is amended to read:

DCF 40.06 Background checks. The agency shall ensure that authorized information regarding the final determination that a specific person has abused or neglected a child is available for background checks under ss. 48.685, 48.686, and 50.065, Stats., within 15 days after the agency's final determination. If a contested case hearing under ch. 227, Stats., or judicial review overturns the agency's final determination that a specific person has abused or neglected a child, the agency shall update the authorized information available for background checks within 15 days after the decision.

SECTION 27. DCF 202.01 is repealed and recreated to read:

DCF 202.01 Authority, purpose, applicability, and exceptions. (1) AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 48.651 (1d), Stats., to establish standards for the certification of persons who provide child care for 1 to 3 children. The standards are intended to protect and promote the health, safety, and welfare of children in the care of these providers.

(2) APPLICABILITY. Subject to sub. (3), this chapter applies to certification agencies, applicants for certification, and certified child care operators who are not licensed to operate a family child care center under ch. DCF 250 and are not required to be licensed as a child care center under s. 48.65, Stats. Certification agencies and certified child care operators shall comply with all applicable laws and the requirements of this chapter.

(3) EXCEPTIONS. (a) A certified child care operator may submit a written request for an exception to the certification agency with a justification for the requested action and an alternative to meet the intent of the requirement.

(b) A certification agency may grant a request for an exception to a requirement of this chapter submitted under par. (a) if a certified child care operator demonstrates to the satisfaction of the certification agency that granting the exception will not jeopardize the health, safety, or welfare of any child in care. A certification agency may not grant an exception to a statutory requirement.

SECTION 28. DCF 202.02 (1) and (Note) are created to read:

DCF 202.02 (1) "Background check request form" means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, *Background Check Request*, is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 29. DCF 202.02 (1m) is repealed.

SECTION 30. DCF 202.02 (2) and (3) are amended to read:

DCF 202.02 (2) "Certified child care home" or "home" means the residence in which the certified child care operator provides care of children and which meets the standards under s. DCF 202.08 ~~for reimbursement of care by certification agencies~~.

(3) "Certified child care operator," "child care operator," or "operator" means an individual~~, corporation, partnership, limited liability corporation, non–incorporated association, or cooperative~~ that has legal and financial responsibility for the operation of a child care program and for meeting the requirements under this chapter. "Certified child care operator," "child care operator," or "operator" includes a corporation, partnership, limited liability company, non–incorporated association, or cooperative that is certified on September 30, 2019, until the operator's current 2-year certification period ends under s. DCF 202.04 (5).

SECTION 31. DCF 202.02 (3), as affected by this rule, is amended to read:

DCF 202.02 (3) "Certified child care operator," "child care operator," or "operator" means an individual that has legal and financial responsibility for the operation of a child care program and for meeting the requirements under this chapter. ~~"Certified child care operator," "child care operator," or "operator" includes a corporation, partnership, limited liability company, non-incorporated association, or cooperative that is certified on September 30, 2019, until the operator's current 2-year certification period ends under s. DCF 202.04 (5).~~

SECTION 32. DCF 202.02 (3e) is amended to read:

DCF 202.02 (3e) "Certified in−home child care operator" means a certified child care operator who provides care in the child's home for a family that is eligible for in-home care through the child care subsidy program under s. DCF 201.039 (5).

SECTION 33. DCF 202.02 (3f) is repealed.

SECTION 34. DCF 202.02 (3g) is created to read:

DCF 202.02 (3g) "Child care background check" means the requirements in s. 48.686, Stats., and ch. DCF 13.

SECTION 35. DCF 202.02 (3h) and (3k) are amended to read:

DCF 202.02 (3h) "Child care certification worker" means a person employed by ~~an~~ a certification agency whose duties include determination of eligibility for child care certification.

(3k) "Child care provider" or "provider" means a certified child care operator or an employee or volunteer of the child care operator who ~~provides~~ is involved in the care and supervision ~~for~~ of ~~infant, preschool, or school-age~~ children on behalf of the operator and who meets the requirements specified in s. DCF 202.08 (1). "Provider" includes a substitute if there is no regularly scheduled provider working other than the substitute.

SECTION 36. DCF 202.02 (3L) is created to read:

DCF 202.02 (3L) "Child care subsidy program" means the program under which the department issues payments to assist parent who are eligible under s. 49.155 (1m), Stats., with child care expenses.

SECTION 37. DCF 202.02 (3m) is amended to read:

DCF 202.02 (3m) "Complaint" means an alleged violation of ~~s. DCF 202.08 or 202.09~~ this chapter, ch. DCF 13, or s. 48.686, Stats.

SECTION 38. DCF 202.02 (4) and (5c) are created to read:

DCF 202.02 (4) "County department" means a county department of social services under s. 46.22, Stats., or a county department of human services under s. 46.23, Stats.

(5c) "Early childhood education" means the teaching of children who are 8 years of age or less.

SECTION 39. DCF 202.02 (5g) is amended to read:

DCF 202.02 (5g) "Emergency" means unforeseen circumstances that call for immediate action~~, such as fire; tornado; flood; extreme outdoor heat or cold; loss of building service, including no heat, water, electricity or telephone; threats to the building or its occupants; lost or missing children; or a provider's family situation, such as medical emergency or illness~~.

SECTION 40. DCF 202.02 (5m), (7), and (7m) are created to read:

DCF 202.02 (5m) "Emergency back-up provider" means a designated adult who is available to assist in the event an emergency occurs that requires a provider to leave the premises occasionally for a short period of time.

(7) "Field trip" means any experience a child has away from the premises while in the care of a provider, whether the child walks or is transported.

(7m) "Fit and qualified" means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

(a) Results of the child care background check.

(b) Abuse of alcohol or drugs.

(c) A history of criminal, civil or other offenses, or administrative rule violations that are related to the care of children or clients or demonstrate an inability to manage the activities of a child care program.

(d) Exercise of unsound judgment.

(e) Compliance with the standards under this chapter.

SECTION 41. DCF 202.02 (8m) is amended to read:

DCF 202.02 (8m) "Hazard" means a potential source of ~~danger~~ harm, including a recalled product, that could jeopardize the health, safety, or well−being of children in care.

SECTION 42. DCF 202.02 (9c) is repealed.

SECTION 43. DCF 202.02 (9d) is created to read:

DCF 202.02 (9d) "Household member" means a person who is age 10 or older, who resides, or is expected to reside, at a certified child care home and who is not a client of the certified child care operator.

SECTION 44. DCF 202.02 (9g) and (11) are amended to read:

DCF 202.02 (9g) "In care" means a child care provider ~~is~~ responsible for supervision, either on or off the premises, including during transportation provided by the operator under s. DCF 202.08 (9) of a child or children, and including children under 7 years of age who reside in the certified child care home, for the safety and the developmental needs of the child or children.

(11) "In−home provider" means a person caring for a child in the child's own home when the conditions in s. DCF 201.039 (5) are met.

SECTION 45. DCF 202.02 (13) is repealed and recreated to read:

DCF 202.02 (13) "Parent" means a "parent," as defined under s. 48.02 (13), Stats.,or a "guardian," as defined under s. 48.02 (8), Stats.

SECTION 46. DCF 202.02 (16) is repealed.

SECTION 47. DCF 202.02 (19), (20c), (20g), (20n), (20r), (20w), and (21) are amended to read:

DCF 202.02 (19) "School−age child" means a child ~~7~~ 5 years of age or older who is enrolled in a public school or a parochial or other private school.

(20c) "Shaken baby syndrome" or "SBS" means a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull.

(20g) "Substitute" means a provider who replaces the certified child care operator or ~~staff in a school-age program~~ other provider on ~~a~~ an infrequent, pre−arranged, or planned basis.

(20n) "Sudden infant death syndrome" or "SIDS" means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene, and a review of the clinical history.

(20r) "Supervision" means guidance of the behavior and activities of children for their health, safety, and well−being by a provider who is within sight or sound of the children, except as specified in s. DCF 202.08 ~~(5) (j)~~ (2) (e) 6. and 7.

(20w) "Suspension" means a temporary interruption in ~~the~~ regulatory approval ~~during which the certified child care operator may not be paid by the child care subsidy program~~.

(21) "Tribe" means ~~an~~ a Wisconsin American Indian tribe recognized by the federal government.

SECTION 48. DCF 202.02 (21m) and (Note) are created to read:

DCF 202.02 (21m) "Universal precautions" means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health service's centers for disease control and adopted by the U.S. occupational safety and health administration as 29 CFR 1910.1030.

Note: "Standard precautions" for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA website at http://www.osha.gov.

SECTION 49. DCF 202.02 (22) is amended to read:

DCF 202.02 (22) "Volunteer" means a person who is not paid but who agrees to give time, with or without ~~compensation~~ reimbursement for expenses, to transport children in care or to work ~~with children~~ in a certified family child care home.

SECTION 50. DCF 202.02 (23) is created to read:

DCF 202.02 (23) "Wading pool" means a shallow pool, with sides of 15 inches or less in height, capable of being dumped to change water, and used primarily for small children.

SECTION 51. DCF 202.04 is repealed and recreated to read:

DCF 202.04 Certification. (1) BASIS FOR CERTIFICATION. In order to be certified, a child care operator shall meet all of the following conditions:

(a) The operator is exempt from the licensure requirement under s. 48.65, Stats.

(b) There is no child care center licensed under ch. DCF 250 on the premises where the certified child care operator cares, or will care, for children.

(c) The operator complies with the standards in this chapter.

(2) TYPES OF CERTIFIED OPERATORS. A child care operator may be certified as a certified family child care operator or a certified in–home child care operator. Certified family child care operators

and certified in–home child care operators are required to meet the standards under this chapter and may care for infant, toddler, preschool, or school–age children consistent with s. DCF 202.08 (6).

(3) CERTIFICATION ADMINISTRATION. (a) The certification agency that is responsible for certifying an operator shall be determined by the geographic area in which the child care is provided.

(b) A certification agency shall do all of the following:

1. Ensure that each new child care certification worker completes the department−approved new certification worker training during the first 6 months of employment.

2. Maintain certification records demonstrating agency, applicant, and operator compliance with requirements under this chapter. Certification applicant and operator records shall be retained for 6 years after the closure of a certified child care program, an application denial, an application withdrawal, or a final appeal decision denying an application.

3. Provide to prospective applicants prior to initial certification a copy of the applicable requirements of this chapter and information on child care certification, including information on all of the following:

a. Preservice training requirements.

b. Reducing the incidence of sudden infant death syndrome.

c. Preventing shaken baby syndrome and abusive head trauma.

d. Child development, positive child guidance, and health and safety, including first-aid and nutrition.

e. The child care subsidy program.

f. The child care quality rating and improvement system.

4. Require an applicant and household members age 10 years of age or older to submit a background check request form and to receive final determinations of eligibility prior to initial certification.

5. Require any potential household member age 10 and older, and any potential provider, substitute, or employee to submit a completed background check request form and receive from the department a preliminary eligibility determination under s. 48.686 (4p), Stats., prior to residency, supervised employment, or volunteer work commencing.

6. When a current household member turns age 10, require the operator to submit a completed background check request form to the certification agency by the agency's next business day.

7. Follow the requirements for conducting child care background checks under s. 48.686, Stats., and ch. DCF 13.

8. Request a statement from the appropriate regulating agency indicating the regulating agency approves a child care business in the applicant's home if the applicant has a separate license or certification to care for children or adults, including foster care or adult care.

9. Conduct an on–site inspection of the premises where child care will be provided or is provided, including areas not used for child care at all of the following times:

a. Prior to initial certification.

b. Not less than annually.

c. Upon receiving an application for recertification.

d. Upon receiving an application for a new location.

10. Conduct the annual inspection of all certified child care operators under subd. 9. b. as specified by the department to monitor for health and safety standards. The inspection of certified family child care operators shall be unannounced and during hours of operation. The inspection of

certified in-home child care operators may be announced and does not have to be during hours of operation.

11. After initial certification is granted, document monitoring results in the manner prescribed by the department and issue a compliance statement or a noncompliance statement.

12. Do all of the following, if the operator provides transportation services:

a. Inspect a child vehicle safety alarm, at least annually, to determine whether the child safety alarm is in good working order as required under s. DCF 202.08 (9) (r), (s), and (t).

b. Review each driving record to ensure the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children. In determining whether a driver may pose a threat to children, the certification agency shall consider the totality of the driver's record and any other relevant facts under DCF 202.08 (9) (h).

Note: Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm

13. Limit certification to one child care operator for each family residence.

14. No later than the next business day, document in a manner prescribed by the department any reports of the death of a child in care, or any accident or incident that results in an injury to a child in care that requires professional medical evaluation.

(c) A certification agency may do any of the following:

1. Conduct additional on–site inspections to monitor compliance with certification standards, in addition to the required inspections under par. (b) 9.

2. Require a child care operator to submit references at initial certification.

3. Require an evaluation and written statement by a physician or licensed mental health professional of any person associated with the care of children or any household member if the

certification agency has reason to believe that the person's physical or mental health may endanger children in care. The certification agency shall document reason it believes the person's physical or mental health may endanger children in care.

4. Impose conditions for approval of certification.

5. Enter into a temporary closure agreement with an operator that sets forth specific terms and conditions for the closure, not to exceed 365 days. An on-site monitoring visit must be conducted prior to reopening.

(4) APPLICATION. (a) *Form*. An application for initial certification, recertification, or relocation under this section shall be made on a form prescribed by the department, which is available from the certification agency in the county or tribal territory where the child care is provided. The applicant shall submit the completed form and any other material necessary to make a certification decision to the certification agency.

Note: Form DCF-F-DWSW48-E, *Certification Application – Family and In-Home Child Care Programs*, is available from a certification agency or on the department's website at https://dcf.wisconsin.gov/index.php/cccertification/ccformspubs.

(b) *Individual only*. An applicant for certification shall be an individual.

(bm) *Transition*. No corporation, partnership, limited liability company, non–incorporated association, or cooperative that is a certified child care operator may apply for recertification.

(c) *Child care background check*. An applicant and certification agency shall comply with the background check requirements under s. 48.686, Stats., and ch. DCF 13.

(d) *Fees.* A certification agency may charge a fee for child care certification not to exceed 150 percent of the licensing fee for a family child care center that provides care and supervision for 4 to 8 children under s. 48.65 (3) (a), Stats. The department may charge a fee for the cost of conducting the child care background checks.

(e) *Approval.* Within 60 days after completion of a satisfactory determination that the applicant is fit and qualified and compliant with the standards in this chapter, the certification agency shall either approve the application and issue a certificate.

(5) CATEGORIES OF CERTIFICATION. Certification of an operator by a certification agency shall be Provisional or Regular as follows:

(a) *Provisional.* Provisional certification may be issued only after the child care operator has demonstrated compliance with all certification standards under this chapter, except training specified in s. DCF 202.08 (1) (b) 3. Provisional certification shall be granted for a period not to exceed 6 months and may not be renewed or extended.

(b) *Regular*. 1. Regular certification may be issued only after the child care operator has demonstrated compliance with all certification standards under this chapter, including requirements for completing department-approved preservice training under s. DCF 202.08 (1) (b) 3.

2. Regular certification shall be granted for a period of 2 years and may be renewed upon application for recertification. The two-year period includes a combination of Provisional and Regular certification.

SECTION 52. DCF 202.04 (4) (bm), as created by this rule, is repealed.

SECTION 53. DCF 202.05 is repealed.

SECTION 54. DCF 202.06 is repealed and recreated to read:

DCF 202.06 Enforcement actions and conditions. (1) A certification agency may deny, suspend, revoke, refuse to renew certification, issue a warning of enforcement, initiate other enforcement actions specified in this chapter, or place conditions on the certification if any of the following apply:

(a) The child care operator is not in compliance with this chapter, ch. DCF 13, s. 48.686, Stats., or conditions on the certification.

(b) The certification agency determines there is danger to the health, safety, or welfare of the children in care.

(c) The court, department, certification agency, or local agency that administers the child care subsidy program determines that a certified child care operator has done any of the following:

1. Misrepresented or withheld information.

2. Submitted false or misleading information.

3. Failed to comply with the terms of the child care subsidy program.

(d) The child care operator fails to cooperate with the department or certification agency.

(e) The applicant's license or certificate to care for children or adults has been denied or revoked.

(f) The child care operator or other provider denies the child care certification worker access to the premises or children's records to monitor compliance with the certification standards.

(g) The evaluation under s. DCF 202.04 (3) (c) 3. gives the certification agency reasonable concern that the person's physical or mental health may endanger children in care.

(h) The certification agency has determined the applicant or operator is not fit and qualified.

(2) A certification agency may not approve a child care certification or approve an employee, volunteer or other provider, if the department determines that the applicant or operator, or other person subject to the child care background check is ineligible, unless the determination of ineligibility is overturned on appeal under s. 48.686 (4s), Stats.

(3) A certification agency shall suspend certification if the operator, or other individual subject to the child care background check, is the subject of a pending charge for a serious crime under s. 48.686 (1) (c), Stats.

(4) A certification agency shall require a child care operator to submit a new application for certification if the operator's previous certification was denied, revoked, or not renewed for a reason specified in this section.

(5) A certification agency may refuse to accept a new application for 2 years after the date of a denial, revocation, or refusal to renew the certification. An applicant may appeal the refusal decision as specified under sub. (6).

(6) (a) If a certification agency denies, suspends, revokes, or refuses to renew a certification, the certification agency shall notify the child care applicant or operator in writing and give reasons for the action.

(b) An action described in par. (a) may be appealed as follows:

1. An action of a county department may be appealed under ch. 68, Stats., which provides for administrative review of the decisions of local agencies.

2. An action of a tribal agency may be appealed to the tribal agency, which shall use an appeal process equivalent to the process in ch. 68, Stats.

3. In a county with a population of 750,000 or more, the certification agency's action may be appealed under ch. 227, Stats.

(7) If a certified child care operator violates the provisions of this chapter, ch. DCF 13, or s. 48.686, Stats., the certification agency shall document the violations and, if appropriate, require the operator to submit a plan of correction for violation in writing and may impose any or all of the following:

(a) Forbid the operator to enroll any new children until all violations have been corrected.

(b) Issue a warning of revocation or suspension in writing.

(c) Place conditions on the certification.

(d) Except as provided under sub. (3), suspend the operator's certification for not more than 60 days. The certification agency shall either reinstate or revoke the certification by the date that the suspension expires.

SECTION 55. DCF 202.065 is repealed.

SECTION 56. DCF 202.07 is repealed and recreated to read;

DCF 202.07 Complaints. (1) Except as provided in sub. (2), a certification agency shall investigate a complaint about a certified child care operator within 10 working days after receiving the complaint.

(2) No later than the next day after a certification agency receives a complaint or self-report that suggests imminent danger may exist to the health, safety, and welfare of children in care, the certification agency shall respond to a complaint or self-reported incident.

SECTION 57. DCF 202.08 (1) is repealed and recreated to read:

DCF 202.08 (1) QUALIFICATIONS OF PROVIDERS. (a) *Ability, age, and health.* 1. A provider shall be physically, mentally, and emotionally able to provide responsible child care and shall be at least 18 years of age.

2. Each child care operator, including an in-home operator, shall demonstrate that he or she is free from tuberculosis prior to initial certification. Each provider, including an in-home provider, shall demonstrate that he or she is free from tuberculosis prior to the date the provider begins working with children in care. The certification agency may accept the results of a test administered

up to 12 months before the certification date or the date the person began to work with children in care.

(b) *Training*. 1. Training in the most current medically accepted methods for reducing the risk of sudden infant death syndrome is required as follows:

a. Prior to certification for each child care operator, including an in−home child care operator.

b. Prior to beginning to work with children in care for each provider, including volunteers, substitutes, and emergency back-up providers, or any other person who provides care and supervision for children under one year of age.

2. Department−approved training on shaken baby syndrome and abusive head trauma and appropriate ways to manage crying, fussing, or distraught children is required, as follows:

a. Prior to certification for each child care operator, including an in−home child care operator.

b. Prior to beginning to work with children in care for each provider, including volunteers, substitutes, and emergency back-up providers, or any other person who provides care and supervision for children under 5 years of age.

Note: A person who completed a non-credit, department-approved course called either *Introduction to the Child Care Profession* or *the Fundamentals of Infant and Toddler Care* after July 1, 2005 will have met the SBS department-approved training requirement. The department approved SBS course is also included in the course called *Health, Safety and Nutrition* offered by a Wisconsin Technical College taken after July 1, 2005.

3. Each certified operator, including an in-home operator, and all providers shall comply with s. 48.651 (1d) (b), Stats., and successfully complete all of the following training by the applicable date specified in subd. 4.:

a. At least 2 credits in early childhood education or a non-credit course in caring for children that is approved by the department.

b. A non-credit course in operating a child care business that is approved by the department or an equivalent.

c. Training in child abuse and neglect laws and identifying, documenting, and reporting child abuse and neglect.

Note: A person who completed a non-credit, department-approved course called the Introduction to the Child Care Profession will have met the child abuse and neglect training requirement.

d. Obtain and recertify as necessary to maintain current certification in infant and child cardiopulmonary resuscitation (CPR). The CPR training must result in a certificate of completion. If the certificate of completion does not have a date specifying the length of time for which it is valid, the CPR training must be renewed every year. Time spent renewing cardiopulmonary resuscitation may be counted towards the required continuing education hours under subd. 5.

4. a. A Regular certified operator shall complete department-approved preservice training under subd. 3. prior to the certification agency granting Regular certification.

b. A Provisional certified operator shall complete department-approved preservice training under subd. 3. within 3 months after Provisional certification.

c. A provider working in a Regular or Provisional certified child care program shall successfully complete department-approved preservice training under subd. 3. by 3 months after work commencing.

d. A substitute need not meet requirements under subd. 3. until the substitute has worked for 240 cumulative hours, except that a substitute shall complete training specified in subd. 1. and 2.

5. After completion of preservice training under subd. 3., a child care provider shall receive and document receiving at least 5 hours of qualifying continuing education annually. Continuing education qualifies under this subdivision if it covers any of the following:

a. Prevention and control of infectious diseases.

b. Prevention of sudden infant death syndrome and use of safe sleeping practices.

c. Administration of medications, consistent with parental consent.

d. Prevention of and response to emergencies due to allergic reactions to food or other allergens.

e. Building and physical premises safety, including identification of and protection from electrical hazards, bodies of water, vehicular traffic, and other hazards that can cause bodily injury.

f. Prevention of shaken baby syndrome and abusive head trauma.

g. Emergency preparedness and response planning for emergencies resulting from natural disaster or human−caused events.

h. Handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

i. Transportation safety, if appropriate.

j. First aid and cardiopulmonary resuscitation.

k. Identification and reporting of suspected child abuse or neglect.

L. Caring for children with disabilities.

m. Nutrition.

n. Other topics that promote child development or protect children's health and safety.

6. Continuing education hours completed in excess of the 5 hour requirement in subd. 5. may be used to meet the continuing education requirement for the following year.

SECTION 58. DCF 202.08 (1m) is created to read:

DCF 202.08 (1m) GENERAL CONDITIONS OF APPROVAL AND OPERATIONAL REQUIREMENTS. (a) *Administration*. 1. Persons certified to operate a family child care shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the certification agency shall consider qualifications under sub. (1) and any information listed under s.

DCF 202.02 (7m) by the applicant, operator, household member, or other individual directly or indirectly participating in the operation of the certified family child care.

2. Prior to receiving or continuing certification, an applicant or operator shall complete all application forms truthfully and accurately and pay all fees that are due to the certification agency or to the department.

3. A certified family child care operator shall ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care premises does not adversely affect the health, safety, or welfare of any child in care.

4. A certified family child care operator shall comply with all laws governing the certified child care program and its operation, including s. 48.686, Stats., and ch. DCF 13 and ensure that all employees and volunteers comply with these laws.

5. A certified family child care operator shall comply with all requirements in this chapter, ch. DCF 13, and any conditions or restrictions placed on the certification.

6. A certified child care operator shall include in its personnel or operating policies a provision that requires a provider to notify the child care operator as soon as possible, but no later than the child care program's next working day, of the reporting requirements under par. (b) 5. to 7.

7. A certified family child care operator shall ensure all information provided to the certification agency and the department is current and accurate.

8. A certified family child care operator shall maintain a current written record on each child in care, including the provider's own children under age 7, and make the record available to a child care certification worker upon request.

9. A certified family child care operator shall permit a child care certification worker to have unrestricted access to the premises, including access to children served, child records, and any other materials related to compliance under this chapter.

10. A certified family child care operator shall comply with all of the following conditions of the certification:

a. The number of children in care at any time may not exceed the number for which the family child care home is certified.

b. The age of the children in care may not be younger or older than the age range specified on the certificate issued by the certification agency.

c. The hours, days and months of operation may not exceed those specified in the certification. Care provided in excess of the specified hours is unregulated.

d. The certification is non-transferrable, is granted only to the designated operator, and is limited to the stated location.

(b) *Reports.* A certified family child care operator shall report all of the following to the certification agency as soon as possible, but no later than the certification agency's next working* day:

1. An accident or incident that occurs while a child is in care of a provider resulting in an injury requiring professional medical evaluation.

2. The death of a child in care of a provider.

3. Damage to the premises that may affect compliance with this chapter, or any damage to the premises that results in the loss of utility service.

4. Construction or remodeling of the premises that has the potential to affect an area accessible to children or have an effect on health and safety of children in care.

5. Known convictions, pending charges, or other offenses of the child care operator, household member, or other person subject to the child care background check.

6. Law enforcement is involved in response to any of the following:

a. A threat to cause physical or serious emotional harm to any individual, including a child in care, by the operator, a household member, or other person subject to the child care background check.

b. A moving violation by a driver that transports children in care, regardless of whether the children are present at the time of the violation.

7. Suspected abuse or neglect of a child by a provider, volunteer, or household member that was reported under sub. (14), including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child's hours of attendance.

8. Inappropriate child guidance by a provider, volunteer, or household member.

9. An animal bite to a child in care.

10. The operator intends to hire a new employee or volunteer.

11. A current household member turns age 10.

12. The operator's tax identification number changes or the legal name associated with the tax identification number changes.

13. A name change by a person subject to the child care background check.

(c) *New household member*. A certified family child care operator shall submit a completed background check request form to the department or certification agency for each potential household member age 10 or older prior to the date on which the person becomes a household member.

(d) *Approval for changes*. An operator shall submit a request to the certification agency if the operator wishes to change any of the following:

1. The hours, days, or months that the operator provides care.

2. The name of the operator's child care program.

3. The operator's phone number.

4. The operator's physical address.

5. Transportation services.

(e) *Plan of correction*. If requested by the certification agency, an operator shall submit a plan of correction for cited violations of this chapter, ch. DCF 13, or s. 48.686, Stats., to the certification agency by the date the agency specifies. approved by the certification worker.

(f) *Approval required before working in program*. A provider, substitute, employee, or volunteer for a certified child care operator shall be approved by the certification agency before the person begins working in the certified child care program. The certification agency may approve the provider, substitute, employee, or volunteer if the agency has verification that the individual has met the standards under sub. (1) (a) and (b) and has been determined eligible by the department under s. 48.686 (4p), Stats., and s. DCF 13.06.

SECTION 59. DCF 202.08 (2) (title) and (am) are repealed and recreated to read:

DCF 202.08 (2) (title) PROTECTIVE MEASURES.

(am) 1. A one-unit or two-unit residential building shall have a functional carbon monoxide detector installed in the basement and on each level of the building, excluding the garage and attic, in accordance with the requirements of s. 101.647, Stats.

2. A residential building with at least 3 units shall have one or more functional carbon monoxide detectors installed in accordance with the requirements of s. 101.149, Stats.

SECTION 60. DCF 202.08 (2) (ar) is created to read:

DCF 202.08 (2) (ar) The home shall have a functional smoke detector on each floor level.

SECTION 61. DCF 202.08 (2) (b) 2. is amended to read:

DCF 202.08 (2) (b) 2. If the inside temperature exceeds 80 degrees Fahrenheit, a child care provider shall provide for air circulation with safe fans, air conditioning, or other means.

SECTION 62. DCF 202.08 (2) (c) is repealed and recreated to read:

DCF 202.08 (2) (c) The indoor and outdoor areas of the home shall be free of hazards, including any recalled products. Potentially dangerous items and materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and any articles labeled hazardous to children shall be in properly marked containers and stored in areas inaccessible to children.

SECTION 63. DCF 202.08 (2) (c) (Note) and (cm) are amended to read:

DCF 202.08 (2) (c) (Note): Lists of recalled products are available on the ~~Department of Agriculture, Trade and Consumer Protection website at https://datcp.wi.gov/Pages/Publications/KeepYourKidsSafeNewsletter.aspx or by contacting the~~ United States Consumer Safety Commission ~~at 1-800-638-2772.~~ website, https://www.cpsc.gov/.

(cm) Firearms, ~~and~~ ammunition ~~materials,~~ and bows and arrows with sharp tips that are located on the premises or in a vehicle used to transport children shall be ~~stored~~ kept in ~~separate,~~ locked ~~areas that are inaccessible~~ storage and may not be accessible to children.

SECTION 64. DCF 202.08 (2) (d) is repealed.

SECTION 65. DCF 202.08 (2) (e) (intro.) and 2. are amended to read:

DCF 202.08 (2) (e) (intro.) Outdoor play areas shall be well-drained, be free of hazards ~~and shall be fenced or the certified child care operator shall take special measures to ensure the safety of the children, including the following~~, and have the following protections in place:

2. ~~In-ground pools, on-ground pools, and hot tubs~~ ~~and large out-door trampolines~~ Hot tubs may not be used ~~during hours of care~~ by children in care and shall be inaccessible to children by use of a locked rigid cover, permanent barrier, or other ~~preventive~~ protective measure.

SECTION 66. DCF 202.08 (2) (e) 3. is repealed and recreated to read:

DCF 202.08 (2) (e) 3. Structures such as playground equipment, railings, decks, and porches accessible to children and built with CCA-treated lumber shall be sealed with an oil-based sealant or stain at least every 2 years.

SECTION 67. DCF 202.08 (2) (e) 4. to 7. are created to read:

DCF 202.08 (2) (e) 4. Wood treated with creosote or pentachlorophenol, including railroad ties, may not be used in areas accessible to children.

5. On-ground or in-ground swimming pools on the premises may not be used by children in care and shall be inaccessible to children in care by use of a permanent enclosure or other protective measure.

6. Wading pools may be used if the water is changed daily and the pool is disinfected daily. A provider shall be outside with children providing sight and sound supervision when a wading pool with water in it is present in the outdoor play area.

7. An outdoor play area shall have a permanent enclosure not less than 4 feet high to protect the safety of children in care. Fencing, plants, or landscaping may be used to create a permanent enclosure. If the outdoor play area does not have a permanent enclosure, a provider shall be outside with children providing sight and sound supervision when children are outside.

SECTION 68. DCF 202.08 (2) (f) and (g) are repealed and recreated to read:

DCF 202.08 (2) (f) The premises, furnishings, and equipment shall be free from litter and vermin, maintained in a sanitary condition, and in good repair.

(g) Bathrooms, including toilets, sinks, and potty chairs, shall be clean and in good working condition. Soap, toilet paper, towels, and a waste paper container shall be provided in the bathroom and shall be accessible to children.

SECTION 69. DCF 202.08 (2) (h) is created to read:

DCF 202.08 (2) (h) If the home gets water from a private well, water samples from the well shall be tested annually by a laboratory certified under ch. ATCP 77 and shall be found bacteriologically safe. If water test results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and retested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe.

SECTION 70. DCF 202.08 (2) (i), (j), (k), and (L) are repealed and recreated to read:

DCF 202.08 (2) (i) An operator that cares for infants under six months of age in a family child care home that gets its water supply from a private well shall get water samples tested annually by a laboratory certified under ch. ATCP 77 to determine the level of nitrates in the water. If the water sample tests above the maximum allowable levels of nitrates, bottled water shall be used for children under six months of age.

(j) Areas, surfaces, equipment, utensils, and appliances used for preparing, serving and storing food shall be kept clean, sanitary, and in good working condition. Eating surfaces shall be washed before use.

(k) Smoking is prohibited anywhere on the premises or in a vehicle used to transport children when children are in care.

(L) The premises shall have no flaking, chipping, peeling, or deteriorating paint on exterior or interior surfaces in areas accessible to children.

SECTION 71. DCF 202.08 (2) (m), (n), (o), and (p) are repealed.

SECTION 72. DCF 202.08 (2m) is created to read:

DCF 202.08 (2m) PETS AND ANIMALS. A certified family child care home and areas of the premises accessible to children shall meet the following requirements:

(a) Pets in the home shall be tolerant of children and vaccinated against rabies. The rabies vaccination shall be documented with a current certificate from a veterinarian.

(b) Animals that may pose any risk to the children may not be in any indoor or outdoor areas used for child care when children are in care.

(c) Reptiles, amphibians, ferrets, poisonous animals, psittacine birds, and exotic and wild animals may not be accessible to children.

(d) Indoor and outdoor areas accessible to children shall be free of pet and animal excrement.

(e) Operators shall ensure they are in compliance with all applicable local ordinances regarding the number, types, and health status of pets and animals.

SECTION 73. DCF 202.08 (3) and (4) (title) are repealed and recreated to read:

DCF 202.08 (3) PROTECTIVE MEASURES FOR IN-HOME CARE. When a certified child care operator cares for children in the children's own home, the operator shall comply with requirements in this chapter, except the operator is not required to comply with subs. (2) (a), (b), (f), (g), (h), (i), and (L), (4) (hm), and (8m).

(4) (title) HEALTH.

SECTION 74. DCF 202.08 (4) (a) 1. and 2., (d), and (e) are amended to read:

DCF 202.08 (4) (a) 1. For a child under 2 years of age, a report of a physical examination conducted not more than 6 months prior to nor later than 3 months after the child is admitted, and a follow−up health examination at least once every 6 months ~~after admission~~ thereafter.

2. For a child 2 years of age or older, a report of a physical examination conducted not more than 2 years prior to nor later than 3 months after the child is admitted, and a follow−up health examination at least once every 2 years ~~after admission~~ thereafter.

(d) The requirement under par. (a) does not apply to ~~school−age~~ children~~. Notwithstanding s. DCF 202.02 (19), in this paragraph, "school−age children" means children 5 years of age or older who are enrolled in kindergarten or a higher grade in a public or private school~~ 5 years of age and above~~.~~

(e) The certified child care operator shall have on file for each child in care a ~~written~~ record ~~verifying that each child in care has been immunized in accordance~~ of the child's immunization history to document compliance with s. 252.04, Stats., and ch. DHS 144.

SECTION 75. DCF 202.08 (4) (e) (Note) is created to read:

DCF 202.08 (4) (e) (Note): The Department of Health Services form, *Day Care Immunization Record* or an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health provider may be used to document immunization information. Forms are available on the department's website, https://dcf.wisconsin.gov/cccertification/ccformspubs.

SECTION 76. DCF 202.08 (4) (f) is repealed and recreated to read:

DCF 202.08 (4) (f) 1. Medications shall be stored so they are not accessible to children.

2. A child care provider may administer prescription or non-prescription medication to a child only if all of the following conditions are met:

a. The medication is in the original container and is labeled with the child's name, dosage, and administration directions.

b. The child's parent has given written and signed permission to administer the medication to the child as directed on the label.

SECTION 77. DCF 202.08 (4) (g) and (h) are amended to read:

DCF 202.08 (4) (g) A child care provider shall wash his or her hands with soap and warm running water after toileting, prior to food preparation, after handling pets or animals, and after diapering children.

(h) A child care provider shall require all children in the provider's care to wash their hands with soap and warm running water before eating and after toileting or handling pets or animals.

SECTION 78. DCF 202.08 (4) (hm) is created to read:

DCF 202.08 (4) (hm) Children may not share cups, eating utensils, washcloths, or towels.

SECTION 79. DCF 202.08 (4) (i) and (k) (intro.) and 1. and (Note) are amended to read:

DCF 202.08 (4) (i) A provider shall change a child's wet or soiled clothing or diapers promptly from an available supply of clean clothing or diapers. ~~A child care provider shall change a~~ The child's diaper shall be changed on an easily cleanable surface that is cleaned with soap and water and a disinfectant solution after each use. The disinfectant solution shall be registered with the U.S. environmental protection agency as a disinfectant and have instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

(k) If a child care operator or a child care provider is aware that a child attending certified child care or a child care operator's own child has a reportable communicable disease under ch. DHS 145 that is transmitted through normal contact~~, such as chicken pox, German measles, infectious hepatitis, measles, mumps, scarlet fever, or meningitis~~, the operator or provider shall comply with all of the following requirements:

1. The child care operator or child care provider shall notify the local public health officer and parents of all the enrolled children within 48 hours of being notified of the diagnosis.

Note: The Division of Public Health within the Department of Health Services has developed materials that identify those communicable diseases that are required to be reported to a local public health officer. These materials also provide information on the symptoms of each disease and guidance on how long an infected child must be excluded from child care. ~~The materials include a~~

~~communicable disease chart and exclusion guidelines for child care programs~~. Copies of the communicable disease chart ~~or the exclusion guidelines for child care~~ are available from the Child Care Information Center at 1−800−362−7353 or the DHS website at https://www.dhs.wisconsin.gov/publications/p44397b.pdf .

SECTION 80. DCF 202.08 (4) (L) and (o) and (4m) are created to read:

DCF 202.08 (4) (L) No operator, provider, household member, employee, volunteer, visitor, parent or any other person may be in contact with the children in care if any of the following conditions are met:

1. The person has symptoms of illness or of a communicable disease that is reportable under ch. DHS 145 and may be transmitted through normal contact.

2. The person's behavior or mental or physical condition gives reasonable concern for the safety of the children.

(o) A providers shall use universal precautions when exposed to blood or bodily fluids or discharge containing blood. All persons exposed to blood or bodily fluids containing blood or other types of bodily discharges shall wash their hands immediately with soap and warm running water.

(4m) EMERGENCIES. (a) 1. An operator shall have a written plan for taking appropriate action in the event of an emergency including a fire; a tornado; a flood; extreme outdoor heat or cold; a loss of building service, including no heat, water, electricity or telephone; human-caused events, such as threats to the building or its occupants; allergic reactions; lost or missing children; vehicle accidents; a provider's family situation, such as medical emergency or illness; or other circumstances requiring immediate attention. The plan shall include procedures for all of the following:

a. Evacuation, relocation, shelter-in-place, and lock–down.

b. Communication and reunification with families.

c. Ensuring that the needs of all children are met, including children under age 2, children with disabilities, and children with chronic medical conditions.

2. The plan under subd. 1. shall be reviewed periodically and practiced as specified in the plan.

(b) An operator shall have a written plan to prevent and respond to food and other allergy-related emergencies.

(c) An operator shall have a designated adult who can provide assistance in the event of an unexpected emergency. The emergency backup child care provider shall be at least 18 years of age and able to provide an acceptable level of child care.

(d) 1. The home shall have at least one telephone in working order. If a cellular phone is used as a primary phone, it shall be operational during the hours of child care.

2. The home shall have a list of emergency numbers posted in a clearly visible location, including the numbers for the police, fire station, emergency medical care, child protective services agency, and poison control center.

(e) An operator shall ensure that each provider, volunteer, substitute, or emergency back-up provider, receives an orientation before beginning work that covers the following:

1. The names and ages of children in care.

2. A review of children's records, including parent and emergency contact information.

3. Specific information relating to a child's special health care needs, including administration of medications, disabilities, allergies, or other special health conditions.

4. A review of the operator's plan for responding to emergencies.

5. A review of this chapter.

SECTION 81. DCF 202.08 (5) (a), (c), and (d) are amended to read:

DCF 202.08 (5) (a) A child care provider may not be engaged in any other activity or occupation during the hours of operation ~~which~~ when children are in care that interferes with the adequate care and supervision of children, except for daily maintenance of the home.

(c) No individual provider may take care of children for more than 16 hours in any 24−hour period. ~~The 16−hour period includes any combination of care by a provider who is both licensed as a family day care provider and certified as a family day care provider.~~

(d) The certified child care operator shall ensure that each child has adult supervision at all times and that no person under age 18 years of age is left in sole charge of the children.

SECTION 82. DCF 202.08 (5) (e) is repealed and recreated to read:

DCF 202.08 (5) (e) Each child shall be closely supervised by a qualified provider to guide the child's behavior and activities, prevent harm, and assure safety of children at all times.

SECTION 83. DCF 202.08 (5) (em) is repealed.

SECTION 84. DCF 202.08 (5) (f) is amended to read:

DCF 202.08 (5) (f) ~~The certified child care operator and any other adult working with children~~ No certified operator, provider, employee, volunteer, household member, or any other individual in a home may consume or be under the influence of alcoholic beverages or any non−prescribed controlled substance specified in ch. 961, Stats., during the hours of operation when children are in care.

SECTION 85. DCF 202.08 (5) (g) is repealed.

SECTION 86. DCF 202.08 (5) (h) and (i) are amended to read:

DCF 202.08 (5) (h) A ~~certified child care operator may~~ provider may not allow any person ~~whom the operator determines to be a~~ who may pose a threat to the health or safety of the children to have contact with the children in ~~the operator's~~ care.

(i) The certified child care operator shall keep ~~a~~ current and accurate written ~~record~~ records of the daily hours of attendance of each child in care, including the actual arrival and departure times for each child. ~~Attendance records shall be kept for at least 3 years~~. If children are transported to or from the premises or school by the operator or another provider on behalf of the operator, the daily attendance record shall include the actual time the child was picked up or dropped off.

SECTION 87. DCF 202.08 (5) (j) is repealed and recreated to read:

DCF 202.08 (5) (j) The operator shall maintain documentation of the actual hours that a provider who is not also the operator has worked.

SECTION 88. DCF 202.08 (7) is repealed and recreated to read:

DCF 202.08 (7) PROVIDER INTERACTIONS WITH CHILDREN. (a) A child care provider shall interact with the children in a caring and positive manner.

(b) No provider may act in a manner that may be psychologically, emotionally or physically painful, discomforting, dangerous, or potentially injurious to a child. Prohibited actions include all of the following:

1. Hitting, spanking, pinching, shaking, slapping, throwing, or inflicting any other form of corporal punishment.

2. Physical restraint, binding, or trying to restrict a child's movement or enclosing a child in a confined space such as a closet, basement, locked room, box, or similar cubicle.

3. Withholding or forcing meals, snacks, or naps.

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

Note: Aversive means behavior modification techniques resulting in extremely negative consequences.

5. Verbal abuse, threats, or making derogatory remarks about the child or the child's family.

(c) A provider shall provide positive guidance and redirection for the children and set clear limits for the children.

(d) A provider shall help each child develop self−control, self−esteem, and respect for the rights of others.

(e) If a provider uses time-out periods to deal with unacceptable behavior, a time-out may not exceed 3 minutes and may not be used for children under age 3. For purposes of this paragraph, a "time−out" is an interruption of unacceptable behavior by the removal of the child from the situation, not to isolate the child, but to allow the child an opportunity to pause, and with support from the provider, reflect on behavior and gain self-control.

(f) A provider may not punish a child for lapses in toilet training.

(g) A provider shall respond promptly to a crying infant or toddler's needs.

(h) A provider shall provide physical contact and attention to each infant and toddler throughout the day, including holding, rocking, talking to, singing to, and taking on walks inside and outside the home.

(i) A provider shall periodically change the position and location in the room of a non−mobile child who is awake.

SECTION 89. DCF 202.08 (8) (title) and (8m) (title) are amended to read:

DCF 202.08 (8) (title) ACTIVITIES ~~AND EQUIPMENT~~.

(8m) (title) EQUIPMENT AND FURNISHINGS.

SECTION 90. DCF 202.08 (8m) (a) 3. is repealed.

SECTION 91. DCF 202.08 (8m) (b) is amended to read:

DCF 202.08 (8m) (b) Indoor and outdoor areas used for child care shall include sufficient space for play and for activities that meet the developmental needs of the children in care. Various types

of play equipment shall be provided to allow for large and small muscle activity, dramatic play, and intellectual stimulation.

SECTION 92. DCF 202.08 (8m) (e) is created to read:

DCF 202.08 (8m) (e) No trampolines or inflatable bounce surfaces on the premises may be accessible to children or used by children in care.

SECTION 93. DCF 202.08 (9) is repealed and recreated to read:

DCF 202.08 (9) TRANSPORTATION. (a) 1. Except as provided in subd. 2., this subsection applies to all transportation of children in care, including both regularly scheduled transportation to and from the premises and field trip transportation, if any of the following apply:

a. The operator owns or leases the vehicle.

b. The operator contracts with another individual or organization that owns or leases the vehicle.

c. Employees, parents, or volunteers are transporting children other than their own at the direction of, request of, or on behalf of the operator.

2. The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers:

a. The requirement that the certification agency obtain a copy of the driver's driving record under par. (f).

b. The requirements related to child safety alarms under pars. (r), (s), and (t).

(b) Before transporting a child, an operator shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include all of the following information:

1. The purpose of the transportation and the parent or guardian's permission to transport the child for that purpose.

2. The length of time the child will transported. Rides to and from the certified child care, field trips, or other program activities may not exceed 60 minutes hour each way.

3. An address and telephone number where a parent or other adult can be reached in an emergency.

4. The name, address, and telephone number of the child's health care provider.

5. Written consent from the child's parent for emergency medical treatment.

Note: The operator may use the department's form, *Child Care Enrollment and Health History-Certified Chld Care,* to obtain consent of the child's parent for emergency medical treatment. Forms are available on the department's website, https://dcf.wisconsin.gov/cccertification/ccformspubs.

(c) An operator shall ensure that a written list of children being transported, copies of completed permissions, and emergency information for each child being transported is maintained at the premises and in any vehicle transporting children while the children are being transported.

(d) The driver of a vehicle used to transport children in care shall be at least 18 years of age, have at least one year of driving experience, and hold a valid driver license for the state where the driver resides and for the type of vehicle driven.

(e) Before a driver who is not the operator first transports children, the operator shall review all of the following with the driver:

1. The procedure for ensuring that all children are properly restrained in the appropriate child safety seat.

2. The procedure for loading, unloading, and tracking of children being transported.

3. The procedure for evacuating the children from a vehicle in an emergency.

4. Behavior management techniques for use with children being transported.

5. Applicable statutes and rules affecting transportation of children.

6. First aid procedures.

7. Child abuse and neglect laws and reporting procedures.

8. Information on any special needs a child being transported may have and the plan for how those needs will be met.

9. Vehicle alarm operation, if applicable.

(f) 1. Prior to the day a driver first transports children in care and annually thereafter, the operator shall obtain a copy of the driving record for each driver and place the record in the staff file. The operator shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

2. In determining whether a driver may pose a threat to the children, the operator shall consider the totality of the driver's record, any other relevant facts, and the following factors in combination:

a. The seriousness of any accidents or violations.

b. The amount of time that has passed since an accident or violation occurred.

c. The number of accidents or violations.

d. The likelihood that a similar incident will occur.

3. A driver whose driving record indicates that the driver poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm.

(g) 1. Except as provided in subd. 2., a driver of a vehicle that is transporting children in care may not use a cellular phone or other wireless telecommunication device while loading, unloading, or transporting children, except when the vehicle is out of traffic, not in operation, and any of the following applies:

a. The phone or device is used to call 911.

b. The phone or device is used to communicate with emergency responders.

c. The phone or device is used to communicate with the center regarding an emergency situation.

2. A navigation device may be used during transportation of children if the device is programmed to a destination when the vehicle is out of traffic and not in operation.

(h) The operator shall ensure that each vehicle that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.

2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.

3. Enclosed. Children may not be transported in a truck, except in the cab.

4. In safe operating condition.

(i) The operator shall obtain and maintain vehicle liability insurance with minimums no less than those specified in subch. VI. of ch. 344, Stats. The operator shall maintain proof of insurance and make this information available to the certification worker upon request.

(j) No person may transport a child under the age of 8 in a motor vehicle, unless the child is restrained in a child safety restraint system that is appropriate to the child's age and size in accordance with s. 347.48, Stats., and ch. Trans 310.

Note: For further information on child safety restraints, see https://wisconsindot.gov/Pages/safety/education/child-safety/default.aspx.

(k) 1. Each child who is not required to be in an individual child car safety seat or booster seat when being transported under par. (j) shall be properly restrained by a seat belt in an operating vehicle in accordance with 347.48, Stats., and ch. Trans 315.

2. Each adult shall be properly restrained by a seat belt in an operating vehicle in accordance with 347.48, Stats., and ch. Trans 315.

(o) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(p) The operator shall be responsible for a child from the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

(q) Children may not be left unattended in a vehicle.

(r) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by the operator or a contractor of the operator.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be as determined by the manufacturer.

3. The vehicle is used to transport children in care.

(s) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(t) The child safety alarm shall be in good working order each time the vehicle is used for transporting children.

(u) At least annually, the operator shall make each vehicle that is required to have a child safety alarm under par. (r) available to the child care certification worker to determine whether the child safety alarm is in good working order.

Note: Information on the required vehicle safety alarm is available on the department's website, https://dcf.wisconsin.gov/ccregulation/providers.

SECTION 94. DCF 202.08 (10) (intro.) is repealed.

SECTION 95. DCF 202.08 (10) (a) is amended to read:

DCF 202.08 (10) (a) Each child shall be served one meal or snack at least once every 3 hours. Each meal and snack shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements.

SECTION 96. DCF 202.08 (10) (a) (Note) is created to read:

DCF 202.08 (10) (a) (Note): The USDA meal program requirements are found on the United States Department of Agriculture website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

SECTION 97. DCF 202.08 (10) (b) is amended to read:

DCF 202.08 (10) (b) Each child in attendance for 4 or more hours shall be served a ~~noon or evening~~ meal ~~which consists of a protein food, fruit and vegetable, a cereal or bread product and pasteurized grade A vitamin D milk~~.

SECTION 98. DCF 202.08 (10) (bm) is created to read:

DCF 202.08 (10) (bm) Enough food shall be prepared for each meal, so second portions of vegetables, fruit, grains, and milk are available to children.

SECTION 99. DCF 202.08 (10) (c) is amended to read:

DCF 202.08 (10) (c) Hold a child that is unable to hold a bottle whenever a bottle is given. ~~Each infant who is unable to hold his or her own bottle shall be held for bottle feeding~~. Bottles may not be propped.

SECTION 100. DCF 202.08 (11) (intro.) is repealed.

SECTION 101. DCF 202.08 (11) (c) and (d) is amended to read:

DCF 202.08 (11) (c) To reduce the risk of sudden infant death syndrome, each infant shall be placed to sleep on his or her back, unless otherwise directed by the child's physician. All sleeping arrangements for children under one year of age shall use firm mattresses ~~and my not use soft bedding materials, such as comforters, pillows, fluffy blankets, or stuffed toys~~.

(d) A safe crib or playpen with a tight fitting mattress shall be available for each child under one year of age to use for napping or sleeping and contain a tightly fitted mattress covering and may not contain soft or loose materials, such as sheepskins, pillows, blankets, flat sheets, bumper pads, bibs, pacifiers with attached soft objects or stuffed animals. Each crib must satisfy the applicable federal safety standards in 16 CFR 1219 or 1220.

SECTION 102. DCF 202.08 (11) (d) (Note) is created to read:

DCF 202.08 (11) (d) (Note): A crib that was manufactured or sold before June 28, 2011, may not satisfy the crib safety standards in 16 CFR 1219 or 1220.

SECTION 103. DCF 202.08 (12) (c) is amended to read:

DCF 202.08 (12) (c) Developing a written contract that specifies the charge for child care and the expected frequency of payment for the service. ~~A~~ The contract ~~for each enrolled child~~ shall be signed by the ~~certified child care~~ operator and a parent or guardian.

SECTION 104. DCF 202.08 (12) (f) is repealed and recreated to read:

DCF 202.08 (12) (f) Prior to a child's first day of attendance for any child in care, obtaining information on a form prescribed by the department with enrollment and health history information, including all of the following:

1. The parents' home and work phone numbers.

2. Health history, including information relating to a child's special health care needs and emergency care plan.

3. The parents' signed consent for emergency medical care.

4. A name and number to call if the child requires emergency medical care.

Note: The form *Child Care Enrollment and Health History-Certified Child Care* is available on the department's website, https://dcf.wisconsin.gov/cccertification/ccformspubs.

SECTION 105. DCF 202.08 (12) (i) is amended to read:

DCF 202.08 (12) (i) Informing the parent in writing whether the premises and the child care business are covered by a child care liability insurance policy.

SECTION 106. DCF 202.08 (12) (j) is repealed.

SECTION 107. DCF 202.08 (12) (k) is created to read:

DCF 202.08 (12) (k) Notifying the parent in advance of the date, time, and destination of a field trip that is not considered part of the regularly scheduled program.

SECTION 108. DCF 202.08 (13) is amended to read:

DCF 202.08 (13) DISCRIMINATION PROHIBITED. ~~The~~ No certified child care operator ~~shall not~~ may discriminate on the basis of race, color, sex, sexual orientation, creed, ~~handicap~~ disability, religion, or national origin or ancestry in accepting children or in the employment of employees.

SECTION 109. DCF 202.08 (14) is amended to read:

DCF 202.08 (14) MANDATORY CHILD ABUSE OR NEGLECT REPORTING. A provider who knows or has reasonable cause to suspect that a child in his or her ~~day~~ child care has been abused or neglected or that the child has been threatened with abuse or neglect and that abuse or neglect will occur shall immediately inform the county department, local law enforcement, or other organization designated in s. 48.981, Stats.

SECTION 110. DCF 202.08 (15) is created to read:

DCF 202.08 (15) CONFIDENTIALITY. (a) An operator shall ensure that persons having access to children's records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This subsection does not apply to any of the following:

1. The parent.

2. Any person, business, school, social services provider, medical provider, or other agency or organization if written parental consent has been given.

3. Agencies authorized under s. 48.78, Stats.

(b) All records required under this chapter for certification purposes shall be available to the child care certification worker.

SECTION 111. DCF 202.09 is repealed.

SECTION 112. DCF 204.02 (2) is amended to read:

DCF 204.02 (2) "Child care" means licensed care under s. 48.65, Stats., certified care under s. 48.651, Stats., care provided under s. 49.155 (3m) ~~(c)~~, Stats., or care provided under s. 120.13 (14), Stats.

SECTION 113. DCF 250.03 (1) and (2) are repealed and recreated to read:

DCF 250.03 (1) "Background check request form" means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, *Background Check Request*, is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(2) "Care" means providing for the safety and developmental needs of a child in a family child care center.

SECTION 114. DCF 250.03 (3m) and (5m) are created to read:

DCF 250.03 (3m) "Child care background check" means the requirements in s. 48.686, Stats., and ch. DCF 13.

(5m) "Early childhood education" means the teaching of children who are 8 years of age or less.

SECTION 115. DCF 250.03 (6) is repealed and recreated to read:

DCF 250.03 (6) "Emergency" means unforeseen circumstances that require immediate attention.

SECTION 116. DCF 250.03 (11) (b) and (17) are amended to read:

DCF 250.03 (11) (b) A history of a civil or criminal conviction or administrative rule violation that is substantially ~~relates~~ related to ~~caring for~~ the care of children, as ~~described in ch.~~ determined under s. DCF ~~12~~ 13.05.

(17) "In care" means enrolled in the center, with the center providing supervision, either on or off the premises, including during center-provided transportation, for the safety and the developmental needs of the child or children.

SECTION 117. DCF 250.03 (17m) is created to read:

DCF 250.03 (17m) "Licensed hours" means the authorized hours specified on the license certificate and letter of transmittal within which the center may provide child care services.

SECTION 118. DCF 250.03 (18) is amended to read:

DCF 250.03 (18) "Licensee" means the individual~~, corporation, partnership, limited liability company, non-incorporated association or cooperative~~ that has the legal and fiscal responsibility for the operation of a center and for meeting the requirements of this chapter. "Licensee" also includes a corporation, partnership, limited liability company, or non-incorporated association that has a license to operate a family child care center on September 30, 2019, until the licensee's next continuation review date under s. DCF 250.11 (5).

SECTION 119. DCF 250.03 (18), as affected by this rule, is amended to read:

DCF 250.03 (18) "Licensee" means the individual that has the legal and fiscal responsibility for the operation of a center and for meeting the requirements of this chapter. ~~"Licensee" also includes a corporation, partnership, limited liability company, or non-incorporated association that~~

~~has a license to operate a family child care center on September 30, 2019, until the licensee's next continuation review date under s. DCF 250.11 (5).~~

SECTION 120. DCF 250.03 (20) is repealed.

SECTION 121. DCF 250.03 (21), (27), and (34) are amended to read:

DCF 250.03 (21) "Night care" means any care that is offered by a licensed family child care center between ~~9:00 PM~~ 10:00 p.m. and 5:00 ~~AM~~ a.m.

(27) "Provider" means an adult who has met the requirements specified in s. DCF 250.05 ~~(1)~~ (2) in a family child care center and who provides care and supervision of the children in ~~the~~ care of the center.

(34) "Supervision" means guidance of the behavior and activities of children while awake and asleep for their health, safety, and well-being by a provider who is within sight or sound of the children, except as specified in ss. DCF ~~250.05 (3) (j) and (m)~~ 250.055 (1) (m) and (n) and 250.07 (7) (e).

SECTION 122. DCF 250.04 (2) (bm) is created to read:

DCF 250.04 (2) (bm) Comply with all conditions placed on the license.

SECTION 123. DCF 250.04 (2) (e) (intro.) and 10. (Note) and (f) are amended to read:

DCF 250.04 (2) (e) (intro.) Develop, submit to the department ~~for compliance review~~, implement, and provide to the parents written policies and procedures consistent with the requirements of this chapter related to all of the following:

10. (Note): Under the state public accommodation law~~,~~ at s. 106.52, Stats., federal law ~~and regulations~~ related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, ~~handicap~~ disability, religion, or certain other characteristics may be illegal.

(f) Develop, submit to the department ~~for approval~~, and implement a written orientation plan for any employees, substitutes, and emergency back-up providers. The orientation plan shall cover all the items described in s. DCF 250.05 ~~(2)~~ (3) (a) and (b).

SECTION 124. DCF 250.04 (2) (i), (L), and (m) and (Note) are repealed and recreated to read:

DCF 250.04 (2) (i) 1. Post next to the child care license all of the following:

a. The current statement of compliance or noncompliance statement and correction plan, including any rule violations the department has not verified as corrected and in compliance.

b. Any notice from the department related to rule violations, such as a warning letter or enforcement action.

c. Any stipulations, conditions, temporary closures, exceptions, or exemptions that affect the license.

2. All items posted as required under this paragraph shall be visible to parents.

(L) Submit a completed background check request form to the department for each potential household member prior to the date on which the individual becomes a household member, unless the person is less than age 10.

(m) When a current household member turns age 10, submit a completed background check request form to the department by the department's next business day.

Note: For more information on child care background checks, see ch. DCF 13. Information on requesting a background check is available on the department's website, http://dcf.wisconsin.gov, through the Child Care Provider Portal, or from any regional licensing office in Appendix A.

SECTION 125. DCF 250.04 (3) (a) are amended to read:

DCF 250.04 (3) (a) Any ~~death of a child in care, or any~~ incident or accident that occurs while the child is in the care of the center that results in ~~an injury that requires~~ professional medical

~~treatment~~ evaluation, within ~~48~~ 24 hours of the licensee becoming aware of the medical ~~treatment~~ evaluation.

SECTION 126. DCF 250.04 (3) (a) (Note) is repealed and recreated to read:

DCF 250.04 (3) (a) (Note): The licensee may use the licensee's own form or the department's form, *Incident Report — Regulated Child Care.* The department's form is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 127. DCF 250.04 (3) (am) and (Note) and (ar) are created to read:

DCF 250.04 (3) (am) Any death of a child in care, within 24 hours after the death.

Note: The licensee may use either the licensees own form or the department's form, *Incident Report – Regulated Child Care*. The form is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(ar) Any animal bite to a child in care, within 24 hours of the incident.

SECTION 128. DCF 250.04 (3) (b), (e), and (i) are amended to read:

DCF 250.04 (3) (b) Any damage to the premises that may affect compliance with this chapter, or any damage to the premises that results in the loss of utility services, within 24 hours after the occurrence.

(e) Any known convictions, pending charges, or other offenses of the licensee, a provider, household member, or other person subject to a ~~caregiver~~ child care background check ~~which could potentially related to the care of children at the center or activities of the center,~~ by the department's next business day.

(i) Any suspected abuse or neglect of a child by a provider, volunteer, or household member that was reported under sub. (8) (a), ~~or any inappropriate discipline of a child by a provider, volunteer or household member,~~ including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child's hours of attendance, within 24 hours after the incident.

SECTION 129. DCF 250.04 (3) (i) (Note) is repealed.

SECTION 130. DCF 250.04 (3) (im) and (Note) are created to read:

DCF 250.04 (3) (im) Any inappropriate guidance of a child by a provider, volunteer, or household member, within 24 hours after the incident.

Note: See also s. DCF 250.07 (2) for information on guiding children's behavior and s. DCF 250.07 (6) (b) regarding recording injuries in a center medical log,

SECTION 131. DCF 250.04 (3) (L) and (m) are amended to read:

DCF 250.04 (3) (L) ~~Seasonal~~ Temporary closings lasting more than 2 weeks, at least 5 calendar days before the closing.

(m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled in the child care center or a person in contact with children at the center, within ~~48~~ 24 hours. Parents of all enrolled children and the local health department shall be notified within 24 hours after the licensee becoming aware.

SECTION 132. DCF 250.04 (3) (m) (Note) is repealed.

SECTION 133. DCF 250.04 (4) (c) 1. and (Note) are amended to read:

DCF 250.04 (4) (c) 1. The child is or has been exposed to a diagnosed or suspected communicable disease reportable under ch. DHS 145 as specified under ~~s. DCF 250.07(6)~~ sub. (3) (m).

Note: The Wisconsin Department of Health Services, Division of Public Health, has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center by calling 800-362-7353.

SECTION 134. DCF 250.04 (4) (c) 2. and 4. are repealed and recreated to read:

DCF 250.04 (4) (c) 2. Notification shall be made immediately in all of the following situations:

a. The child becomes ill.

b. The child needs professional evaluation of an injury.

c. The child experiences a trauma to the head, has a seizure, consumes incorrect breast milk, consumes food or drink that may contain the child's allergen, consumes or comes in contact with poisonous materials, or is given incorrect medication.

4. The child will be going on a field trip that is not considered part of the regularly scheduled program. Notification of the date, time, and destination shall be prior to the field trip.

SECTION 135. DCF 250.04 (5) is repealed.

SECTION 136. DCF 250.04 (6) (a) 1. (Note), 2., and 4. are repealed and recreated to read:

DCF 250.04 (6) (a) 1. (Note): Form DCF-F-CFS0062, *Child Care Enrollment*, and Form DCF-F-CFS2345, *Health History and Emergency Care Plan*, are available at https://dcf.wisconsin.gov/cclicensing/ccformspubs or from any regional listed in Appendix A.

2. If field trips and other off-premises activities are a part of the program, written authorization ~~for~~ from the parent indicating that the child has permission to participate.

4. Documentation of each child's most recent physical examination subject to the following:

a. Each child under 2 years of age, including a provider's own children in care, shall have an initial health examination not more than 6 months prior to nor later than 3 months after being admitted to the center, and a follow-up examination at least once every 6 months thereafter.

b. Each child who is at least 2 years of age but who is not 5 years of age or older, including a provider's own children in care, shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years thereafter.

c. Children age 5 and above are not required to have a health exam.

d. A health examination report shall be made on an electronic printout from a licensed physician, physician assistant, or other HealthCheck provider or a form provided by the department that is signed and dated by a licensed physician, physician assistant, or other HealthCheck provider.

Note: To document a health examination, use either an electronic printout from a medical professional or the department's Form DCF-F-CFS0060, *Child Health Report — Child Care Centers*. The department's form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 137. DCF 250.04 (6) (a) 4m. is created to read:

DCF 250.04 (6) (a) 4m. Documentation that the child's immunization history is in compliance with s. 252.04,Stats., and ch. DHS 144.

Note: To record immunization information, use either an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health provider or the Department of Health Services Form F-44192, *Child Care Immunization Record*. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 138. DCF 250.04 (6) (a) 6. and (Note), (c), and (Note 1 and 2) are repealed.

SECTION 139. DCF 250.04 (7) (b) 1. (intro.) is amended to read:

DCF 250.04 (7) (b) 1. Persons ~~having~~ with access to children's records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This subdivision does not apply to any of the following:

SECTION 140. DCF 250.04 (7) (b) 1. a. and b. are repealed and recreated to read:

DCF 250.04 (7) (b) 1. a. The child's parent.

b. Any person, business, school, social services provider, medical provider, or other agency or organization if written parental consent has been given.

SECTION 141. DCF 250.04 (8) (title) is amended to read:

DCF 250.04 (8) (title) REPORTING CHILD ABUSE OR NEGLECT.

SECTION 142. DCF 250.04 (8) (a) (Note) is created to read:

DCF 250.04 (8) (a) (Note) Failure of a licensee to report known or suspected child abuse or neglect does not lessen the legal duty of a child care employee to report known or suspected cases of child abuse or neglect.

SECTION 143. DCF 250.04 (8) (b) (Note 1) is repealed.

SECTION 144. DCF 250.04 (8) (b) (Note 2) is amended to read:

DCF 250.04 (8) (b) (Note)**:** See ~~sub. (6) (c) of this section~~ s. DCF 250.07 (6) (b) for information about logging evidence of unusual bruises, contusions, lacerations, or burns received by a child in or out of center care in the center medical log book.

SECTION 145. DCF 250.05 is repealed and recreated to read:

DCF 250.05 Staff. **(1)** STAFF RECORDS. A licensee shall maintain a file for each provider, employee, volunteer, or substitute and shall make the file immediately available for review by a licensing representative at the center. The file shall contain all of the following:

(a) A completed staff record on a form prescribed by the department.

Note: The Form DCF-F-CFS0053, *Staff Record — Child Care Centers*, is used for recording staff information. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(b) Documentation from the department, either paper or electronic, that indicates that a child care background check was completed in compliance with the timelines and requirements specified in s. 48.686, Stats., and ch. DCF 13, and the person is eligible to work in a child care program.

(c) Documentation of the actual hours a provider, substitute, employee, or volunteer worked if the hours were used to meet the applicable staff-to-child ratio under Table DCF 250.055.

(d) 1. Except as provided under subd. 2., a physical examination report completed within 12 months before or 30 days after the person became licensed or began working with children in care. The physical examination report may be a printout of an electronic record from a medical professional or on a form provided by the department. The report shall be dated and signed by a licensed physician, physician's assistant, or other HealthCheck provider and shall indicate all of the following:

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

b. The person is physically able to work with young children.

Note: The optional Form DCF-F-CFS0054, *Staff Health Report — Child Care Centers*, is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

2. The health examination requirement under subd. 1. does not apply to a provider who requests an exemption from subd. 1. based on the provider's adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

(f) 1. All of the following, except as provided in subd. 2.:

a. A certificate from The Registry that indicates the person is qualified for the position within 6 months after becoming licensed or beginning to work with children in care.

b. An updated certificate from The Registry within 6 months following the effective date of a significant revision of this chapter, as determined by the department.

2. a. A person is exempt from the requirement under subd. 1. a. and b. if the person has been licensed or provided care for children in licensed child care continuously since December 31, 2008, including any combination of licensure or employment in a family child care center licensed under this chapter, a group child care center licensed under ch. DCF 251, or a day camp licensed under ch. DCF 252.

b. A substitute is not required to have a Registry certificate until the substitute has worked for 240 cumulative hours.

(h) Documentation of compliance with continuing education requirements under sub. (3) (c).

(2) QUALIFICATIONS OF STAFF. (a) A provider shall meet all of the following conditions:

1. The provider shall be physically, mentally, and emotionally able to provide responsible care to all children, including children with disabilities.

2. The provider shall be at least 18 years of age.

3. The provider shall have completed high school or its equivalent, as determined by the Wisconsin department of public instruction.

(b) Before receiving a license or beginning to work with children in care, a licensee or provider shall satisfactorily complete one of the following:

1. All of the following:

a. Three credits in early childhood education or a department-approved, non-credit course in early childhood education.

Note: The non-credit course called *Introduction to the Child Care Profession* is the course that has been approved by the department. Information on other acceptable courses and agencies offering department-approved courses is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

b. A department-approved course in operating a child care business. A person is exempt from this requirement if the person has been licensed or provided care for children in regulated child care continuously since December 31, 2008, including any combination of licensure under s. 48.65, Stats., certification under s. 48.651, Stats., or employment in a licensed child care center or for a certified child care operator.

Note: The non-credit course entitled *Fundamentals of Family Child Care* is approved by the department to meet this requirement. A credit-based course in a business topic may also be used. Information on agencies offering the department-approved course is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

2. The Wisconsin Family Child Care Credential.

3. A child development associate credential in family child care issued by the Council for Professional Recognition.

(c) A substitute or volunteer that is used to meet the required staff-to-child ratio shall meet the training requirements specified in par. (b) after the substitute or volunteer has worked in the center for 240 hours.

(d) If more than one provider is needed to meet the required staff-to-child ratio, each additional provider shall meet the training requirements in par. (b) within 6 months of beginning to work with children in care.

(e) 1. Within 3 months after licensure or date of hire, each licensee and provider shall obtain a certificate of completion for a department-approved course in infant and child cardiopulmonary resuscitation, including training in the use of an automated external defibrillator.

2. Each licensee and provider shall maintain a current cardiopulmonary resuscitation certification as specified under subd. 1.

3. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours under sub. (3) (c).

(f) A licensee or a provider shall have satisfactorily completed at least 10 hours of department-approved training in the care of infants and toddlers within 6 months after becoming licensed or working with children in care under age 2 years.

(g) Prior to obtaining a license or working with children in care under age 5 years, a licensee, provider, substitute, volunteer, emergency back-up, or any other person providing care and supervision shall satisfactorily complete department-approved training in shaken baby syndrome and abusive head trauma, and appropriate ways to manage crying, fussing, or distraught children.

Note: The department-approved training is included in the course called *Health, Safety and Nutrition* offered by a Wisconsin technical college or in the non-credit, department-approved courses called *Introduction to the Child Care Profession* and *Fundamentals of Infant and Toddler Care*, if the course was taken after July 1, 2005. Information on agencies offering the department-approved courses is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

(h) No person or agency may offer non-credit child care training as specified in this subsection unless the person or agency and the course have been approved by the department. The department

may at any time withdraw its approval of a non-credit course. Instructors of non-credit department−approved courses shall be approved by the department prior to teaching a course.

Note: Information on the approval process for non-credit courses is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

(3) STAFF DEVELOPMENT. (a) *Orientation of employees, volunteers, and substitutes.* Each employee, volunteer, or substitute shall receive an orientation before the individual begins to work with children in care. The orientation shall be documented on a form prescribed by the department and kept in the employee file. The orientation shall cover all of the following:

1. The names and ages of all the children in care.

2. Current arrival and departure information for each child enrolled and the names of people authorized to pick up the child.

3. A review of children's records, including emergency contact information.

4. Specific information relating to each child's health care needs, including medications, disabilities, or special health conditions.

5. If the center is licensed to care for children under one year of age, procedures to reduce the risk of sudden infant death syndrome.

6. An overview of the daily schedule, including meals, snacks, nap, and any information related to the eating and sleep schedules of infants and toddlers enrolled in the center.

7. A review of the center's procedures for dealing with emergencies, including natural disasters, human-caused events, food emergencies, and allergic reactions.

8. The procedure for reporting suspected abuse or neglect of a child.

9. If the center is licensed to care for children between the hours of 10:00 p.m. and 5:00 a.m., the plan for evacuating sleeping children.

10. The prevention and control of infectious diseases, including immunizations.

11. The administration of medications.

12. The handling and storage of hazardous materials and disposal of biocontaminants.

13. The center policies and procedures required under s. DCF 250.04 (2) (e).

14. The provisions in this chapter.

15. The reporting requirements for the child care background check under s. DCF 13.07 (3).

Note: Form DCF-F-CFS2255, *Staff Orientation Checklist - Family Child Care Centers,* is used to document completion of employee orientation. The form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs or from any regional licensing office in Appendix A.

(b) *Orientation of emergency back-up providers.* Each time an emergency back-up provider cares for the children, the emergency back-up provider shall receive an orientation immediately before being left alone with the children. The orientation shall cover all of the following:

1. The names and ages of all the children in care.

2. Arrival and departure information for each child in care, including the names of people authorized to pick up the child.

3. The location of children's files, including emergency contact information and consent for emergency medical treatment.

4. Information on any children with special health care needs.

5. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

(c) *Continuing education.* 1. A licensee or provider shall satisfactorily complete at least 15 hours of qualifying continuing education annually. Continuing education qualifies under this paragraph if it covers any of the following: in any of the following topics:

a. Prevention and control of infectious diseases.

b. Medication administration.

c. Prevention of and response to emergencies due to food and allergic reactions.

d. Identification of and protection from hazards.

e. Building and physical premises safety.

f. Emergency preparedness and response planning.

g. Handling and storage of hazardous materials.

h. Handling and disposal of bio-contaminants.

i. Child growth and development.

j. Caring for children with disabilities.

k. Guiding children's behavior.

L. Nutrition.

m. Physical activity.

n. Transportation safety.

o. Identification and reporting of suspected child abuse or neglect.

p. Cardiopulmonary resuscitation.

q. First aid.

r. Business operations.

s. Any other topic that promotes child development or protects children's health or safety.

2. Continuing education under subd. 1. may be obtained through attendance at training events, workshops, conferences, consultation with community resource people, web-based training that results in a certificate of completion, or observation of child care programs.

3. Up to 5 hours of independent reading, viewing educational materials, internet searches, or completion of a web-based course that does not result in a certificate of completion may be used to meet the continuing education requirements under subd. 1..

4. A provider shall have documentation of the 12-month period included in his or her training year for meeting continuing education requirements and begin a new training year in the same month each year.

Note: The licensee may use either the department's form, *Staff Continuing Education Record-Child Care Centers*, a copy of the individual's learning record from The Registry, or the licensee's own form to document the completion of continuing education. The department's form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 146. DCF 250.055 is created to read:

DCF 250.055 Supervision and grouping of children. (1) SUPERVISION. (a) Each child shall be supervised by a provider to guide the child's behavior and activities, prevent harm, and ensure safety.

(b) A provider shall be awake at all times when children are in care.

(c) No individual provider may care for children for more than 16 hours in any 24-hour period.

(d) No child may be in care for more than 14 hours in any 24-hour period.

(e) At least one provider who has completed the training required under s. DCF 250.05 (2) (b) shall supervise children at all times, except when a substitute is providing care. A substitute shall meet the requirements under s. DCF 250.05 (2) (c) and (3) (a).

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a written plan reviewed by the department for ensuring supervision of the children in an emergency or during a provider's absence.

(h) A provider may not be engaged in any other activity or occupation during the hours of operation of the center when children are in care, except for daily maintenance of the home.

(i) The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

(j) During the hours of the center's operation, no provider or any other person in contact with children in care may consume or be under the influence of beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats.

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

(L) The licensee shall implement and adhere to a procedure to ensure that the number, names, and whereabouts of children in care are known to the provider at all times.

(m) A provider shall be outside with children and provide sight and sound supervision of the children, unless the children are playing inside the enclosed outdoor area on the premises specified under s. DCF 250.06 (11) (b).

(n) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool with water in it is present in the outdoor play space specified in s. DCF 250.06 (11) (b).

(2) GROUPING OF CHILDREN. (a) At no time may more than 8 children be in the care of the center. This limitation applies to all of the following:

1. All children under 7 years of age, including a provider's own children.

2. All children 7 years of age or older who are not a provider's own children.

(b) The maximum number of children that one provider may care for is specified in Table 250.055.

(c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

Note: For example, if there are 3 children under age 2 present at one time and 5 children between the ages of 2 years and 6 years present, a second provider is required. At no time may the maximum number of children in care exceed 8.

(d) If there is more than one provider with the children, no more than a total of 4 children under the age of 2 years may be in the care of the center when care is provided on a level that is more than 6 feet above or below the ground level.

Note: Section DCF 250.09 (1) (c) 6. requires an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for in a location that is more than six feet above or below the ground level.

Table DCF 250.055
Maximum Number of Children in Family Child Care per Provider

Children Under 2 Years of Age	Children 2 Years of Age and Older	Maximum Number of Additional School-age Children In Care For Fewer Than 3 Hours a Day	Maximum Number of Children Permitted At One Time
0	8	0	8
1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6

SECTION 147. DCF 250.06 (1) (b) 1. and 3. are amended to read:

DCF 250.06 (1) (b) 1. A center shall have at least 35 square feet of usable floor space per child. ~~This~~ Usable floor space ~~shall be exclusive of~~ for children does not include passageways, bathrooms, lockers, storage areas, the furnace room, ~~that~~ the part of the kitchen occupied by stationary equipment, and space occupied by furniture that is not intended for children's use.

3. If the inside temperature at the center exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with safe fans, air conditioning, or other means ~~if the center is not air conditioned~~.

SECTION 148. DCF 250.06 (1) (b) 4. is created to read:

DCF 250.06 (1) (b) 4. There shall be at least one toilet with plumbing and one sink with hot and cold running water available for use by children in care in the center. The hot water temperature may not exceed 120 degrees Fahrenheit.

SECTION 149. DCF 250.06 (2) (b), (c), (d), (g), (h), and (Note) are amended to read:

DCF 250.06 (2) (b) Firearms, ammunition ~~or other potentially dangerous items~~, and bows and arrows with sharp tips located on the premises or in a vehicle used to transport children shall be kept in locked storage and may not be accessible to children.

(c) ~~Materials~~ Potentially dangerous items and materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs, and any articles labeled hazardous to children, shall be in properly marked containers and stored in areas inaccessible to children.

(d) The center shall have at least one working telephone with a list of emergency telephone numbers, including telephone numbers for the local ~~rescue squad,~~ fire department, police department, law enforcement agency, poison control center, and emergency medical service, posted ~~near each telephone~~ in a clearly visible location.

(g) Differences ~~of~~ in elevation of more than 18 inches, either indoors or outdoors, including open sides of stairways, elevated platforms, walks, balconies, and mezzanines used by children shall be protected by railings at least 36 inches high and designed to prevent the passage of an object with a diameter larger than 4 inches through any openings in the railing bars.

(h) Smoking is prohibited anywhere on the premises of a center or in a vehicle used to transport children when children are ~~present~~ in care.

Note: Section DCF 250.03 ~~(25)~~ (26) defines ~~a "premise~~ "premises" as a building and the tract of land on which the building is located.

SECTION 150. DCF 250.06 (2) (L) and (m) are created to read:

DCF 250.06 (2) (L) 1. A family child care center in a one-family or two-family residence shall have a carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit, in accordance with the requirements of s. 101.647, Stats.

2. A family child care center in a building with at least 3 residential units shall have one or more functional carbon monoxide detectors installed in accordance with the requirements of s. 101.149, Stats.

(m) The premises shall be well-drained, free from litter and vermin, in good repair, and maintained in a sanitary condition.

SECTION 151. DCF 250.06 (3) (title) is repealed and recreated to read:

DCF 250.06 (3) (title) EMERGENCY PLANS AND DRILLS.

SECTION 152. DCF 250.06 (3) is renumbered DCF 250.06 (3) (a) (intro.) and, as renumbered, is amended to read:

DCF 250.06 (3) (a) (intro.) Each center shall have a written plan for taking appropriate action in the event of ~~a~~ an emergency, including a fire, ~~or~~ a ~~-~~tornado, a flood; extreme heat or cold; a loss of building services, including no heat, water, electricity, or telephone; human-caused events, such as threats to the building or its occupants; allergic reactions; lost or missing children; vehicle accidents; or other ~~emergency. The center shall practice the fire evacuation plan monthly and the tornado plan monthly from April though October with the children and document when the plans were practiced.~~ circumstances requiring immediate attention. The plan shall include specific procedures that address all of the following:

SECTION 153. DCF 250.06 (3) (a) 1. to 4. is created to read:

DCF 250.06 (3) (a) 1. Evacuation, relocation, shelter-in-place, and lock–down.

2. Ensuring that the needs of children under age 2 and children with disabilities are met.

3. Communication with parents.

4. Connecting children with their parents if the center is required to evacuate the building.

SECTION 154. DCF 250.06 (3) (b) is created to read:

DCF 250.06 (3) (b) The center shall practice the fire evacuation plan monthly, and the tornado plan monthly from April through October, with the children and shall document when the plans were practiced.

SECTION 155. DCF 250.06 (5) is repealed.

SECTION 156. DCF 250.06 (7) (a) 6. c. is amended to read:

DCF 250.06 (7) (a) 6. c. Except in an upstairs duplex, a window that is not more than 46 inches above the floor, capable of being opened from the inside without the use of a tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height.

d. A center located in the upstairs unit of a duplex shall have 2 exits leading directly to the ground floor or to a platform as described in subd. 6. a. and b.

SECTION 157. DCF 250.06 (8) is repealed.

SECTION 158. DCF 250.06 (9) (title) and (e) are repealed and recreated to read:

DCF 250.06 (9) (title) FOOD PREPARATION AND SERVICE.

(e) Extra food that was prepared but not served shall be dated, refrigerated promptly, and used within 36 hours, or frozen immediately for use within 6 months.

SECTION 159. DCF 250.06 (9) (f), Table 250.06, (g), (h) and (Note), (i), (j), (k), (L), (m), and (n) are created to read:

DCF 250.06 (9) (f) Food shall be provided based on the amount of time children are in care, as specified in Table 250.06.

TABLE 250.06
Meals and Snacks to be Served to Children

Time Present	Number of Meals and Snacks
At least 2½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
10 or more hours	2 meals and 2 or 3 snacks

(g) Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

(h) At a minimum, children shall be provided food for each meal and snack that meets the U.S. department of agriculture child and adult care food program minimum meal requirements.

(i) Additional portions of vegetables, fruits, bread, and milk shall be available.

Note: The USDA meal program requirements are found on the U.S. Department of Agriculture website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

(j) Accurate records of meals and snacks served to children shall be available for review by parents and the licensing representative. Written records of meals and snacks served to children shall be retained for 3 months.

(k) When food for a child is provided by the child's parent, the licensee shall give the parents information about the requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

(L) A child enrolled in school who is in attendance at the center when a meal or snack is served shall be offered the meal or snack.

(m) A special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written authorization of a child's physician and upon the request of the parent.

(n) A special diet based on a food allergy may be served upon the written request of the parent.

SECTION 160. DCF 250.06 (10) is repealed.

SECTION 161. DCF 250.06 (11) (b) 3. is amended to read:

DCF 250.06 (11) (b) 3. ~~The outdoor play space shall be well-drained and shall be free of hazards.~~ Structures such as playground equipment, railings, decks, and porches accessible to children and built with CCA-treated lumber shall be sealed with an oil-based sealant or stain~~. Wood treated with creosote, including railroad ties, may not be used in areas accessible to children~~ at least every 2 years.

SECTION 162. DCF 250.06 (11) (b) 3m. is created to read:

DCF 250.06 (11) (b) 3m. Wood treated with creosote or pentachlorophenol (PCP), including railroad ties, may not be used in areas accessible to children.

SECTION 163. DCF 250.06 (11) (b) 4. is amended to read:

DCF 250.06 (11) (b) 4. A permanent enclosure not less than 4 feet high shall be provided to protect the safety of children in care. Fencing, plants, or landscaping may be used to create a permanent enclosure. ~~Programs licensed prior to January 1, 2009, have until January 1, 2010, to install a permanent enclosure.~~ The permanent enclosure may not have any open areas that are greater than 4 inches.

SECTION 164. DCF 250.07 (2) (b) is repealed and recreated to read:

DCF 250.07 (2) (b) If a provider uses time-out periods to deal with unacceptable behavior, a time-out may not exceed 3 minutes and may not be used for a child under age 3 years. The procedures for time-out periods shall be included in the center's written child guidance policy.

SECTION 165. DCF 250.07 (2) (d) (Note) is amended to read:

DCF 250.07 (2) (d) (Note) See s. DCF 250.04 (8) for information on reporting suspected child abuse and s. DCF 250.04 (3) (i) for rules requiring that inappropriate ~~discipline~~ guidance of a child be reported to the ~~Department~~ department within 24 hours after the occurrence.

SECTION 166. DCF 250.07 (3) (title) is amended to read:

DCF 250.07 (3) (title) EQUIPMENT AND FURNISHINGS.

SECTION 167. DCF 250.07 (3) (a) 4. and 5., (f), and (g) are created to read:

DCF 250.07 (3) (a) 4. Maintained in a clean and sanitary condition.

5. Used in accordance with manufacturer instructions, recommendations, and intended use.

(f) Furnishings shall be clean, durable, and safe with no sharp, rough, loose, or pointed edges.

(g) The furnishings shall include all of the following:

1. Table space and seating for each child.

2. Storage space for equipment, bedding, and children's clothing and personal belongings.

SECTION 168. DCF 250.07 (4) (c) is repealed and recreated to read:

DCF 250.07 (4) (c) Each child one year of age or older who has a nap or rest period shall be provided with a sleeping surface that is clean, safe, washable, and placed at least 2 feet from the next sleeping child. The sleeping surface may be any of the following:

1. A bed.

2. A cot.

3. A padded mat.

4. A sleeping bag.

5. A crib or playpen.

SECTION 169. DCF 250.07 (4) (cm) is created to read:

DCF 250.07 (4) (cm) Each child under one year of age who naps or sleeps shall be provided with a clean, safe, washable crib or playpen that meets the applicable safety standards in 16 CFR 1219 or 1220 and shall be placed at least 2 feet from the nearest sleeping child. Cribs or playpens may be placed end-to-end if a solid partition separates the crib or playpen, and an aisle not less than 2 feet in width is maintained between sleeping surfaces.

SECTION 170. DCF 250.07 (4) (d) is amended to read:

DCF 250.07 (4) (d) Each child one year of age or older who is not using a sleeping bag shall be provided with an individually identified sheet and blanket ~~or sleeping bag~~ that may be used only by that child until it is washed. Sleeping bags and bedding shall be stored in a sanitary manner and washed at least after every 5 uses or as soon as possible if wet or soiled.

SECTION 171. DCF 250.07 (4) (e) (Note) and (5) are repealed.

SECTION 172. DCF 250.07 (6) (a) 1m. and (Note) and 4. are created to read:

DCF 250.07 (6) (a) 1m. A licensee, provider, household member, employee, volunteer, visitor, parent, or a child in care may be admitted or readmitted to the family child care center if the person provides a written statement from a physician that the condition is no longer contagious or if the person has been absent for a period of time equal to the longest usual incubation period for the disease under ch. DHS 145.

Note: The Wisconsin Department of Health Services, Division of Public Health, has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child shall be excluded from the center. Copies of the communicable disease chart are available on the Department of Health Services website, https://www.dhs.wisconsin.gov/publications/p4/p44397.pdf.

4. Any child who appears to be ill shall be moved to a separate room or area and shall be provided with a bed, crib, or cot and a sheet and blanket or a sleeping bag. The licensee shall notify the parent or emergency contact and arrange for the child to be removed from the center as soon as possible.

SECTION 173. DCF 250.07 (6) (b) is repealed and recreated to read:

DCF 250.07 (6) (b) *Medical log book.* 1. The licensee shall maintain a medical log book that has a stitched binding with pages that are lined and numbered.

2. Pages may not be removed from the medical log book under subd. 1. nor may lines be skipped. Each entry in the log book shall be in ink, dated, and signed or initialed by the person making the entry.

3. A provider shall record all of the following in the medical log under subd. 1.:

a. Any evidence of unusual bruises, contusions, lacerations, or burns seen on a child, regardless of whether received in or out of the care of the center.

b. Any injuries received by a child while in the care of the center on the date the injury occurred. The record shall include the child's name, the date and time of the injury, and a brief description of the facts surrounding the injury.

c. Any medication dispensed to a child, on the date the medication is dispensed. The record shall include the name of the child, type of medication given, dosage, time, date, and the initials or signature of the person administering the medication.

d. Any incident or accident that occurs when the child is in the care of the center that results in professional medical evaluation.

Note: See s. DCF 250.04 (8) for requirements related to reporting suspected child abuse or neglect.

SECTION 174. DCF 250.07 (6) (c), (d), (e), and (f) 2. are repealed.

SECTION 175. DCF 250.07 (6) (g) is repealed and recreated to read:

DCF 250.07 (6) (g) 1. Except as provided in subd. 2., a child's hands shall be washed with soap and warm running water before meals or snacks, after handling an animal, and after toileting or diapering. A child's hands and face shall be washed when soiled. For children under one year of age, hands may be washed with soap and a wet fabric or a paper washcloth that is used once and discarded.

2. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands shall be washed immediately with soap and running water.

3. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.

4. Bodily secretions from a child shall be wiped with a disposable tissue.

5. All providers shall use universal precautions when exposed to blood or bodily fluids or discharges containing blood.

6. All persons working with children in care shall wash their hands with soap and warm running water before handling food, before and after assisting with toileting or diapering, after handling pets or animals, and after being exposed to blood or bodily fluids containing blood or other types of bodily secretions. If gloves are used, hands shall be washed after removal of gloves.

7. Single use disposable gloves shall be worn if there is contact with bodily fluids or tissue discharges that contain blood. Gloves shall be discarded in plastic bags.

SECTION 176. DCF 250.07 (6) (h) is repealed and recreated to read:

DCF 250.07 (6) (h) *Health precautions.* 1. Surfaces exposed to bodily secretions, including toys, equipment, and furnishings, shall be washed with soap and water and disinfected. The disinfectant solution used shall be one that is registered with the U.S. environmental protection agency as a disinfectant and has instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

2. Soap, towels or an air dryer, toilet paper, and a waste paper container shall be provided in the washroom and accessible to children.

3. Towels and washcloths shall be individual to each person and used only once. Cups, eating utensils, or toothbrushes may not be shared.

4. Wet or soiled clothing shall be changed promptly from an available supply of clean clothing.

5. Section DCF 250.09 (4) applies when a child 2 years of age or older needs attention for diapering or toileting.

6. As appropriate, children shall be protected from sunburn and insect bites with protective clothing, sunscreen, or insect repellent. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the ingredient strength and be reviewed and updated periodically. If sunscreen or insect repellent is provided by the parent, the sunscreen or repellent shall be labeled with the child's name. Recording the application of sunscreen or insect repellent is not necessary.

SECTION 177. DCF 250.07 (6) (i), (j), (k) 5. and (Note), (L), (m) and (Note), and (7) (h) and (Note) are repealed.

SECTION 178. DCF 250.08 is repealed and recreated to read:

DCF 250.08 Transportation. **(1)** APPLICABILITY. (a) Except as provided in par. (b), this section applies to all transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation, if any of the following apply:

1. The licensee owns or leases the vehicle.

2. The licensee contracts with another person or organization that owns or leases the vehicle.

3. Employees, parents, or volunteers are transporting children other than their own at the direction of, at the request of, or on behalf of the licensee.

(b) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the staff-to-child ratios specified in Table DCF 250.055:

1. The requirement that a licensee obtain a copy of the driver's driving record and review it under sub. (4) (c)

2. The requirement to provide evidence that the vehicle is in safe operating condition at 12-month intervals under sub. (5) (b).

3. The requirements related to child care vehicle safety alarms under sub. (8).

(c) The licensee shall document in his or her policies that transportation provided through a written or verbal contract with another person or organization meets the requirements of this section.

(2) PERMISSION AND EMERGENCY INFORMATION. Before transporting a child, a licensee shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include all of the following information:

(a) The purpose of the transportation and the parent or guardian's permission to transport the child for that purpose.

(b) An address and telephone number where a parent or other adult can be reached in an emergency.

(c) The name, address, and telephone number of the child's health care provider.

(d) Written consent from the child's parent for emergency medical treatment.

Note: The licensee may use the department's form, *Child Care Enrollment*, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(3) REQUIRED INFORMATION FOR EACH TRIP. The licensee shall ensure that written documentation of all of the following is maintained at the center and in any vehicle transporting children while the children are being transported:

(a) A list of the children being transported.

(b) A copy of the completed permission and emergency information form under sub. (2) for each child being transported.

(c) For transportation to or from a child's home or school, the transportation route and scheduled stops.

(4) DRIVER. (a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid driver license from the state where the driver resides and for the type of vehicle driven.

(b) Before a driver who is not the licensee first transports children and annually thereafter, the licensee shall provide the driver with an orientation. The licensee shall document the orientation. The orientation shall include all of the following:

1. The procedure for ensuring that all children are properly restrained in the appropriate child safety seat.

2. The procedure for loading, unloading, and tracking of children being transported.

3. The procedure for evacuating the children from a vehicle in an emergency.

4. Behavior management techniques for use with children being transported.

5. A review of applicable statutes and rules affecting transportation of children.

6. A review of applicable center policies.

7. First aid procedures.

8. A review of child abuse and neglect laws and center reporting procedures.

9. Information on any special needs a child being transported may have and the plan for how those needs will be met.

10. A review of the use of the vehicle alarm, if applicable.

11. Any other job responsibilities as determined by the licensee.

(c) 1. Prior to the day a driver first transports children in care and annually thereafter, the licensee shall obtain a copy of the driving record for each driver and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

2. In determining whether a driver may pose a threat to the children, the licensee shall consider the totality of the driver's record, any other relevant facts, and the following factors in combination:

a. The seriousness of any accidents or violations.

b. The amount of time that has passed since an accident or violation occurred.

c. The number of accidents or violations.

d. The likelihood that a similar incident will occur.

3. A driver whose driving record indicates that the driver poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm.

(d) 1. Except as provided in subd. 2., a driver of a vehicle that is transporting children in care may not use a cellular phone or other wireless telecommunication device while loading, unloading, or transporting children, except when the vehicle is out of traffic, not in operation, and any of the following applies:

a. The phone or device is used to call 911.

b. The phone or device is used to communicate with emergency responders.

c. The phone or device is used to communicate with the center regarding an emergency situation.

2. A navigation device may be used during transportation of children if the device is programmed to a destination when the vehicle is out of traffic and not in operation.

(5) VEHICLE. (a) The licensee shall ensure that each vehicle that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.

2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.

3. Enclosed. Children may not be transported in a truck, except in the cab.

4. In safe operating condition.

(b) At 12-month intervals, the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

Note: The department's form, *Vehicle Safety Inspection*, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(c) The licensee shall obtain and maintain vehicle liability insurance with minimums no less than those specified in subch. VI. of ch. 344, Stats.

(d) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

(e) At least once per year, the licensee shall make available to the department each vehicle that is required to have a child safety alarm under sub. (8) (a) to determine whether the child safety alarm is in good working order.

(6) SEAT BELTS AND CHILD SAFETY RESTRAINTS. (a) No person may transport a child under the age of 8 in a motor vehicle, unless the child is restrained in a child safety restraint system that is appropriate to the child's age and size in accordance with s. 347.48 Stats., and ch. Trans 310.

Note: For further information on child safety restraints, see https://wisconsindot.gov/Pages/safety/education/child-safety/default.aspx.

(b) 1. Each child who is not required to be in an individual child car safety seat or booster seat when being transported under par. (a) shall be properly restrained by a seat belt in accordance with 347.48, Stats., and ch. Trans 315.

2. Each adult in the vehicle shall be properly restrained by a seat belt in accordance with 347.48, Stats., and ch. Trans 315.

3. Seat belts may not be shared.

(c) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(d) Children under age 13 years who are in the care of the center may not ride in the front seat of a vehicle.

(7) VEHICLE CAPACITY AND SUPERVISION. (a) The center shall be responsible for a child from the time the child is placed in a vehicle until the children reaches his or her destination and is released to a person responsible for the child. A parent of a school age child may authorize a child to enter a building unescorted.

Note: Form, *Transportation Permission - Child Care Centers*, may be used to designate an adult to receive a child being transported. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(b) Children may not be left unattended in a vehicle.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a disability that limits their ability to respond to an emergency.

(d) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(e) No child may be in a vehicle for transport to or from a center, a field trip, or other center activity for more than 60 minutes for a one-way trip.

(8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be as determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available on the department's website at http://dcf.wisconsin.gov/ccregulation/providers.

SECTION 179. DCF 250.09 (1) (c) (Note), 3., and 4. are amended to read:

DCF 250.09 (1) (c) (Note) The department's form, DCF-F-CFS0061-E, *Intake for ~~Children under~~ Child Under 2 Years – Child Care Centers*, is used to record information for individualizing the program of care for each child. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. Wisconsin has an information and referral service for persons with questions or concerns about a child's development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area. When a provider or parent has concerns about a child's growth or development a referral to a Birth-to-Three agency should be considered to determine if the child is eligible for special services. With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) coordinate programming activities with the local Birth-to-Three agency.

3. Sheets or blankets used to cover ~~the~~ a child one year of age or older shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

4. ~~Children~~ A child under one year of age may not sleep in a crib or playpen that contains soft or loose materials, such as sheepskins, pillows, ~~fluffy~~ blankets, flat sheets, bumper pads, bibs, pacifiers with attached soft objects, or stuffed animals. No blankets or other items may be hung on the sides of a crib or playpen.

SECTION 180. DCF 250.09 (2) (j) is repealed.

SECTION 181. DCF 250.09 (3) (b) and (c) are amended to read:

DCF 250.09 (3) (b) Ensure that food, breastmilk, and formula brought from home ~~is~~ are labeled with the child's name, ~~and~~ dated, and ~~is~~ refrigerated, if required.

(c) Ensure that ~~formula provided by the center is of the commercial, iron-fortified type and mixed according to the manufacturer's direction~~ the food, breastmilk, or formula offered to infants and toddlers is consistent with the requirements of the U.S. department of agriculture child and adult care food program.

SECTION 182. DCF 250.09 (3) (c) (Note) is created to read:

DCF 250.09 (3) (c) (Note): Information on the meal program requirements of the USDA Child and Adult Care Food Program may be found on the website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

SECTION 183. DCF 250.09 (3) (g) is amended to read:

DCF 250.09 (3) (g) Refrain from heating breast milk or formula in a microwave oven.

SECTION 184. DCF 250.09 (3) (L) is created to read:

DCF 250.09 (3) (L) Infant bottles and nipples may not be reused without first being cleaned.

SECTION 185. DCF 250.09 (4) (b) is amended to read:

DCF 250.09 (4) (b) Change the child on an easily cleanable surface ~~which~~ that is cleaned with soap and water and a disinfectant solution after each use ~~with a chlorine bleach solution of one quart water to one tablespoon bleach, made fresh daily or a product containing quaternary ammonia prepared according to the label directions or a commercially prepared disinfectant that contains bleach or quaternary ammonia~~ The disinfectant solution used shall be one that is registered with the U.S. environmental protection agency as a disinfectant and has instructions for use as a disinfectant on the label. The disinfectant shall be used according to label instructions.

SECTION 186. DCF 250.09 (4) (b) (Note) is repealed.

SECTION 187. DCF 250.09 (4) (c) is amended to read:

DCF 250.09 (4) (c) If the diapering surface is above floor level, ~~provide~~ use a strap, restraint, or other structural barrier to prevent falling. A child may not be left unattended on the diapering surface.

SECTION 188. DCF 250.09 (4) (f) and (i) are repealed.

SECTION 189. DCF 250.095 (title) and (intro) are amended to read:

DCF 250.095 Additional requirements when the licensee is not providing care to children at least 50% of the center's licensed hours ~~of center operation~~. A licensee who does not provide care and supervision to children at least 50% of the center's licensed hours ~~of a center's operation~~ shall comply with the following requirements:

SECTION 190. DCF 250.10 (1), (2) (b) and (c), and (4) (a) are amended to read:

DCF 250.10 (1) APPLICABILITY. Family child care centers ~~which~~ that operate during any period of time between ~~9:00~~ 10:00 p.m. and 5:00 a.m. shall comply with the requirements of this section.

(2) (b) Minimum staff-to-child ratios and group sizes ~~as specified in~~ ~~Table DCF 250.05~~ under Table DCF 250.055 shall be maintained during night care.

(c) The parent or center shall provide each child in ~~night~~ care after 10:00 p.m. with an individually labeled sleeping garment and a toothbrush.

(4) (a) A provider shall develop, submit to the department ~~for approval,~~ and implement a plan to evacuate sleeping children in an emergency. Review of the plan shall be part of the orientation under s. DCF 250.05~~(2)~~ (3).

SECTION 191. DCF 250.11 (2) (am) is created to read:

DCF 250.11 (2) (am) An applicant for a license to operate a family child care center shall be an individual.

SECTION 192. DCF 250.11 (3) (c) 1. and 2. are amended to read:

DCF 250.11 (3) (c) 1. The license fee required under s. 48.65 (3) (a), Stats., applicable fees for child care background checks under s. 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats.

2. A completed background ~~information disclosure~~ check request form ~~provided by the department~~ for the applicant and, if the center will be located in a residence, any household member aged 10 and above, and any applicable fees.

SECTION 193. DCF 250.11 (3) (c) 6m. is created to read:

DCF 250.11 (3) (c) 6m. Documentation of liability insurance on a vehicle used to transport children, as required under s. DCF 250.08 (5) (c).

SECTION 194. DCF 250.11 (4) (a) 2. is repealed.

SECTION 195. DCF 250.11 (4) (a) 3. is amended to read:

DCF 250.11 (4) (a) 3. The license renewal fee under s. 48.65 (3) (a), Stats., ~~and~~ applicable fees for child care background checks under s. 48.686, Stats., any ~~forfeitures due and owing~~ unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., ~~or penalties~~ and any unpaid penalty under s. 48.76, Stats.

SECTION 195. DCF 250.11 (4) (a) 6m. is created to read:

DCF 250.11 (4) (a) 6m. Documentation of liability insurance on a vehicle used to transport children as required under s. DCF 250.08 (5) (c).

SECTION 196. DCF 250.11 (4) (b) is amended to read:

DCF 250.11 (4) (b) If the department determines that the applicant has met the minimum requirements for a license under ~~s. 48.67, Stats.,~~ this chapter and has paid ~~any~~ the applicable fees ~~referred to in~~ under ss. 48.65 and ~~48.685(8)~~ 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

SECTION 197. DCF 250.11 (5) (b) 2. is repealed.

SECTION 198. DCF 250.11 (5) (b) 3. is amended to read:

DCF 250.11 (5) (b) 3. The license renewal fee under s. 48.65 (3) (a), Stats., applicable fees for child care background checks under s. 48.686, Stats., ~~and~~ any unpaid forfeitures ~~due and owing~~ under s. 48.715 (3) or 49.155 (7m) (a) (3), Stats., ~~or~~ and any unpaid penalties under s. 48.76, Stats.

SECTION 199. DCF 250.11 (5) (b) 6m. is created to read:

DCF 250.11 (5) (b) 6m. Documentation of liability insurance on a vehicle used to transport children required under s. DCF 250.08 (5) (c).

SECTION 200. DCF 250.11 (5) (c) is amended to read:

DCF 250.11 (5) (c) If the department determines that the licensee has met the minimum requirements for a license under ~~s. 48.67, Stats.,~~ this chapter and if the applicant has paid ~~any~~ the applicable fees under ss. 48.65 and ~~48.685(8)~~ 48.686, Stats., any ~~forfeiture~~ unpaid forfeiture under s. 48.715 (3)(a) or 49.155 (7m) (a) 3., Stats., and any ~~applicable~~ unpaid penalty under s. 48.76, Stats., the department shall issue the applicant a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

SECTION 201. DCF 250.11 (5) (d) is created to read:

DCF 250.11 (5) (d) No corporation, partnership, limited liability company, non–incorporated association, or cooperative that is a licensee may apply for continuation of a license.

SECTION 202. DCF 250.11 (5) (d), as created by this rule, is repealed.

SECTION 203. DCF 250.11 (6) (c) (Note) and (9) (b) are amended to read:

DCF 250.11 (6) (c) (Note) **Note**: The ~~Department's~~ department's form CFS-0067, ~~Family Day Care License Application~~ *Initial License Application – Family Child Care Centers*, is used to apply for a new license. The ~~Department~~ department will provide an application prior to the continuation date for a new license.

(9) (b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a family child care center may not accept for care any child not enrolled and in care as of the date of receipt of the notice without the written approval of the department.

SECTION 204. DCF 250.11 (11) (a) is renumbered DCF 250.11 (11).

SECTION 205. DCF 250.11 (11) (b), (c), and (d) are repealed.

SECTION 206. DCF 250.12 (2) (a) and (3) are amended to read:

DCF 250.12 (2) (a) Pursuant to s. 48.73, Stats., the department may visit and inspect any family child care center at any time during licensed hours ~~of operation~~. A department licensing representative shall have unrestricted access to the premises identified in the license, including

access to children in care, ~~and~~ staff and child records, and any other materials or ~~other~~ individuals ~~having~~ with information on the family child care center's compliance with this chapter.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. ~~48.685~~ 48.686, 48.715, or 48.76, Stats.

SECTION 207. DCF 250 Appendix A is amended to read:

APPENDIX A

REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and ~~related~~ the counties and tribes within each region.

REGIONS	COUNTIES AND TRIBES
Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: ~~(920) 448-5312~~ (920) 785-7811 Fax: ~~(920) 448-5306~~ (920) 785-7869	Counties: Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago Tribes: Menominee, Oneida, Stockbridge-Munsee, Ho Chunk
Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: ~~(715) 365-2500~~ (715) 361-7700 Fax: (715) 365-2517	Counties: Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood Tribes: Bad River, Lac Courte Oreille, Lac du Flambeau, Red Cliff, Sokaogon, Forest County Potawatomi, Ho Chunk
Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: ~~(262) 521-5100~~ (262) 446-7800 Fax: ~~(262) 521-5314~~ (262) 446-7991	Counties: Kenosha, Milwaukee, Racine, Waukesha

Southern Regional Office ~~1 West Wilson Street, Room 655~~ 2135 Rimrock Road P.O. Box 8947 Madison, WI 53708-8947 Gen: ~~(608) 266-2900~~ (608) 422-6765 Fax: ~~(608) 261-7824~~ (608) 422-6766	Counties: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth Tribe: Ho Chunk
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: ~~(715) 836-2185~~ (715) 930-1148 Fax: (715) 836-2516	Counties: Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn Tribe: Ho Chunk

SECTION 208. DCF 250 Appendices B, C, and D are repealed.

SECTION 209. Chapter DCF 251 (title) is amended to read:

Chapter DCF 251

GROUP CHILD CARE CENTERS AND CHILD CARE PROGRAMS ESTABLISHED OR CONTRACTED FOR BY SCHOOL BOARDS

SECTION 210. DCF 251.03 (2) is amended to read:

DCF 251.03 (2) "Assistant child care teacher" means a child care worker who works under the supervision of a child care teacher and who meets the qualifications under s. DCF 251.05 ~~(1)~~ (2) (g).

SECTION 211. DCF 251.03 (2m) and (Note) are created to read:

DCF 251.03 (2m) "Background check request form" means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, *Background Check Request*, is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 212. DCF 251.03 (3m) is repealed.

SECTION 213. DCF 251.03 (4) is amended to read:

DCF 251.03 (4) "Center director" means the person who is responsible to the licensee for the supervision of the center's program for children and for the supervision of the center's staff and who meets the qualifications under s. DCF 251.05 ~~(1)~~ (2) (e).

SECTION 214. DCF 251.03 (4r) is created to read:

DCF 251.03 (4r) "Child care background check" means the requirements in s. 48.686, Stats., and ch. DCF 13.

SECTION 215. DCF 251.03 (5) is amended to read:

DCF 251.03 (5) "Child care teacher" means a child care worker who plans, implements, and supervises the daily activities for a designated group of children and who meets the qualifications under s. DCF 251.05 ~~(1)~~ (2) (f).

SECTION 216. DCF 251.03 (10g) is created to read:

DCF 251.03 (10g) "Early childhood education" means the teaching of children who are 8 years of age or less.

SECTION 217. DCF 251.03 (10m) is repealed and recreated to read:

DCF 251.03 (10m) "Emergency" means unforeseen circumstances that require immediate attention.

SECTION 218. DCF 251.03 (11g) (b) and (14g) are amended to read:

DCF 251.03 (11g) (b) A history of a civil or criminal conviction or administrative rule violation that is substantially ~~relates~~ related to ~~caring for~~ the care of children, as ~~described in ch.~~ determined under s. DCF ~~12~~ 13.05.

(14g) "In care" means enrolled in the center, with the center providing supervision, either on or off the premises, including during center-provided transportation, for the safety and the developmental needs of the child or children.

SECTION 219. DCF 251.03 (16m) is created to read:

DCF 251.03 (16m) "Licensed hours" means the authorized hours specified on the license certificate and letter of transmittal within which the center may provide child care services.

SECTION 220. DCF 251.03 (17), (19), and (26) are amended to read:

DCF 251.03 (17) "Licensee" means the corporation, individual, partnership, limited liability company, or non−incorporated association or cooperative ~~which~~ that has legal and financial responsibility for the operation of a child care center and for meeting the requirements of this chapter.

(19) "Night care" means any care that is offered by a licensed group child care center between ~~9:00~~ 10:00 p.m. and 5:00 a.m.

(26) "Regularly assigned child care worker" means a child care worker who is assigned to a specific group of children in a self-contained room or area ~~for not less than 5 hours per day~~.

SECTION 221. DCF 251.03 (18m) is repealed.

SECTION 222. DCF 251.03 (29g) is amended to read:

DCF 251.03 (29g) "Substitute" means a person who replaces a regularly scheduled person and meets the requirements under s. DCF 251.05 ~~(1)~~ (2) (i).

SECTION 223. DCF 251.04 (2) (a) (Note) and (d) are amended to read:

DCF 251.04 (2) (a) (Note): Under the state public accommodation law~~,~~ at s. 106.52 (3), Stats., ~~as well as~~ federal ~~statutes and regulations~~ law related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, ~~handicap~~ disability, religion, or certain other characteristics may be illegal.

(d) If residing in another state, designate in writing, as part of the application under s. DCF ~~251.12 (2)~~ 251.11 (2) and (3), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with all requirements of this chapter.

SECTION 224. DCF 251.04 (2) (bm) is created to read:

DCF 251.04 (2) (bm) Comply with all conditions placed on the license.

SECTION 225. DCF 251.04 (2) (g) is repealed and recreated to read:

DCF 251.04 (2) (g) 1. Submit to the department a certificate of insurance that indicates the dates of coverage for all of the following:

a. General liability insurance with limits of not less than $25,000 for each person and $75,000 for each occurrence.

b. Vehicle liability insurance with minimums not less than the amounts specified under s. 121.53, Stats., if transportation is provided by the center.

c. Vehicle liability insurance for non-owned vehicles with minimums not less than the amounts specified under s. 121.53, Stats., if transportation is provided in vehicles that are not owned by the center and are not public transportation vehicles or chartered vehicles.

2. An indication that pets are included in the liability coverage if cats or dogs are permitted in areas of the center accessible to children during the hours of operation.

SECTION 226. DCF 251.04 (2) (h) (intro.) is amended to read:

DCF 251.04 (2) (h) (intro.) Develop, submit to the department ~~for review~~**.** and implement written policies consistent with the requirements of this chapter on all of the following subjects:

SECTION 227. DCF 251.04 (2) (h) 4. to 12. are created to read:

DCF 251.04 (2) (h) 4. Admission.

5. Health care. If the center is licensed to care for children under one year of age, the policies shall include procedures to reduce the risk of sudden infant death syndrome.

6. Education.

7. Nutrition, including accommodating children with food allergies.

8. Child guidance, including appropriate ways to manage crying, fussing, or distraught children.

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

10. Continuing education for staff.

11. Orientation of new staff and volunteers.

12. Transportation, if the center will transport children either on field trips or on a regular schedule. The policy shall include a procedure to ensure that no child is left unattended in a vehicle.

SECTION 228. DCF 251.04 (2) (i) is repealed.

SECTION 229. DCF 251.04 (2) (L), (n), and (o) are repealed and recreated to read:

DCF 251.04 (2) (L) 1. Post next to the child care license all of the following:

a. The current statement of compliance or a noncompliance statement and correction plan, including any rule violations the department has not verified as corrected and in compliance.

b. The child care license any notice from the department regarding rule violations, such as a warning letter or enforcement action.

c. Any stipulations, conditions, temporary closures, exceptions, or exemptions that affect the license.

2. All items posted as required under this paragraph posted shall be visible to parents.

(n) Submit to the department by the department's next business day a completed background check request form if any of the following occurs:

1. A change in the board president or chairperson.

2. A corporation or limited liability company designates a new person to be subject to the background check.

3. A household member turns age 18 years, unless the household member has previously submitted a background check request form.

4. A household member turns age 10 years.

(o) Submit to the department a completed background check request form for each potential household member prior to the date on which the person becomes a household member, unless the person is less than age 10 years.

Note: The *Background Check Request* form is available electronically through the Child Care Provider Portal or at https://dcf.wisconsin.gov/forms. A paper version is available from any regional licensing office listed in Appendix A.

SECTION 230. DCF 251.04 (3) (a) and (Note) are amended to read:

DCF 251.04 (3) (a) Any ~~death of a child in the care of the center or any~~ incident or accident that occurs while the child is in the care of the center that results in ~~an injury that requires~~ professional medical ~~treatment~~ evaluation, within ~~48~~ 24 hours of the licensee becoming aware of the medical ~~treatment~~ evaluation.

Note: The licensee may use either the department's form, ~~*Accident*~~ *Incident Report - Child Care Centers*, or the licensee's own form to report incidents~~,~~ or accidents ~~or deaths~~. ~~Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A~~ The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 231. DCF 251.04 (3) (am) and (Note) and (ar) are created to read:

DCF 251.04 (3) (am) Any death of a child in care, within 24 hours after the death.

Note: The licensee may use either the department's form, *Incident Report - Child Care Centers*, or the licensee's own form to report the death of a child in care. The department's form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(ar) Any animal bite to a child in care, within 24 hours after the incident.

SECTION 232. DCF 251.04 (3) (b) is amended to read:

DCF 251.04 (3) (b) Any damage to the premises ~~which~~ that may affect compliance with this chapter or any damage to the premises that results in the loss of utility services, within 24 hours after the occurrence.

SECTION 233. DCF 251.04 (3) (g) (Note) is repealed.

SECTION 234. DCF 251.04 (3) (j) is amended to read:

DCF 251.04 (3) (j) Any suspected abuse or neglect of a child by an employee or volunteer that was reported under s. DCF 251.04 ~~(8) (a) or any inappropriate discipline of a child by an employee or volunteer~~ (6), including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, during the child's hours of attendance, within 24 hours after the occurrence.

SECTION 235. DCF 251.04 (3) (jm) is created to read:

DCF 251.04 (3) (jm) Any inappropriate guidance of a child by an employee or volunteer, within 24 hours after the occurrence.

SECTION 236. DCF 251.04 (3) (L) (Note) is repealed and recreated to read;

DCF 251.04 (3) (L) (Note): Alterations, additions, or changes of use to commercial buildings may require submittal of plans to and approval by the Department of Safety and Professional Services or its agent before commencing construction. It is recommended that an architect or engineer be consulted prior to the beginning of any construction or remodeling to determine whether plans must be submitted.

SECTION 237. DCF 251.04 (3) (m) and (n) are amended to read:

DCF 251.04 (3) (m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled at the ~~child care~~ center or a person in contact with children at the center, within ~~48~~ 24 hours. The local health department shall also be notified within 24 hours.

(n) Any change in meal preparation arrangements ~~or transportation services~~, at least 5 calendar days before the change. Centers adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals on the premises.

SECTION 238. DCF 251.04 (3) (o) is created to read:

DCF 251.04 (3) (o) Any change in transportation services, at least 5 calendar days prior to the change.

SECTION 239. DCF 251.04 (4) (a) 1. to 4. are repealed and recreated to read:

DCF 251.04 (4) (a) 1. The child has been exposed to a confirmed case of a communicable disease reportable under ch. DHS 145 and transmitted through normal contact. Notification shall occur when the information becomes known to the center.

2. Notification shall be made immediately in all of the following situations:

a. The child becomes ill.

b. The child needs professional evaluation of an injury.

c. The child experiences a trauma to the head, has a seizure, consumes incorrect breastmilk, consumes food or drink that may contain the child's allergen, consumes or comes in contact with poisonous materials, or is given incorrect medication.

3. The child has sustained a minor injury that does not appear to require professional medical evaluation. Notification may be made when the child is picked up at the center or delivered to the parent or other authorized person.

4. The child will be going on a field trip that is not part of the regularly scheduled program. Notification of the date, time, and destination shall be prior to the field trip.

SECTION 240. DCF 251.04 (4) (d) and (e) (Note) are amended to read:

DCF 251.04 (4) (d) ~~If~~ The center shall notify parents of any religious training that is part of the center program~~,~~. The reference to the religious component shall be included in any publicity and in the education policy. ~~This information shall be shared with parents.~~

(e) (Note): Copies of a summary of this chapter may be obtained from the Child Care Information Center, ~~2109 S. Stoughton Rd., Madison, WI 53716~~ www.ccic.wi.gov, 1-800-362-7353.

SECTION 241. DCF 251.04 (5) is repealed.

SECTION 242. DCF 251.04 (6) (a) 1. i. and (Note) and 3. and (Note) are repealed.

SECTION 243. DCF 251.04 (6) (a) 4. and (Note) and 6m. are amended to read:

DCF 251.04 (6) (a) 4. Authorization from the parent for the child to participate in ~~and be transported for~~ field trips and other off-premises activities, if these are part of the center's program.

Note: The licensee may use either the department's form, *Field Trip or Other Activity Notification/Permission*, the department's form, *Child Care Enrollment*, or the licensee's own form for securing parental ~~information~~ permission. ~~The department's form, Child Care Enrollment, also contain authorization from a parent to participate in field trips if the center chooses to use that form. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.~~ Forms are available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

6m. Documentation ~~of each~~ that indicates the child's immunization history is in compliance with s. 252.04, Stats., and ch. DHS 144.

SECTION 244. DCF 251.04 (6) (a) 6m. (Note) and 8. and (c) are repealed and recreated to read:

DCF 251.04 (6) (a) 6m. (Note): To record immunization information, use either an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider or the Department of Health Services Form F-44192, *Child Care Immunization Record*. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

8. Documentation of each child's most recent physical examination subject to the following:

a. Each child under 2 years of age shall have an initial health examination not more than 6 months prior to nor more than 3 months after being admitted to the center, and a follow-up examination at least once every 6 months thereafter.

b. Each child who is at least 2 years of age but who is not 5 years of age or older shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years thereafter.

c. Children age 5 and older are not required to have a health exam.

d. A health examination report shall be made on an electronic printout from a licensed physician, physician assistant, or other HealthCheck provider or on a form provided by the department that is signed and dated by a licensed physician, physician assistant, or other HealthCheck provider.

Note: To document a health examination, use either an electronic printout from a medical professional or the department's Form DCF-F-CFS0060, *Child Health Report — Child Care Centers*. The department's form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(c) If children are transported by the center to or from the child's home or school, the licensee shall maintain a daily attendance record that includes the actual time the child was picked up or dropped off.

SECTION 245. DCF 251.04 (8) (title) is amended to read:

DCF 251.04 (8) (title) REPORTING CHILD ABUSE OR NEGLECT.

SECTION 246. DCF 251.04 (8) (a) (Note) is created to read:

DCF 251.04 (8) (a) (Note): Failure of the licensee to report known or suspected child abuse or neglect does not lessen the legal duty of a child care employee to report known or suspected cases of child abuse or neglect. Information related to child abuse or neglect may be obtained from the Child Care Information Center, www.ccic.wi.gov, 1-800-362-7353.

SECTION 247. DCF 251.04 (8) (b) (Note 1) is repealed.

SECTION 248. DCF 251.05 is repealed and recreated to read:

DCF 251.05 Staff. (1) STAFF RECORDS. (a) The licensee shall maintain a file on each employee. The file shall be available for examination by the licensing representative at the center and shall include all of the following:

1. The employee's name, address, date of birth, education, position, previous work experience in child care, including the reason for leaving previous positions, and the name, address, and telephone numbers of persons to be notified in an emergency.

Note: The licensee may use the department's form, *Staff Record - Child Care Centers*, or the licensee's own form for recording staff information. The form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

2. Documentation of a completed child care background check that indicates the person is eligible to work in a child care program as specified in s. 48.686, Stats., and ch DCF 13.

Note: Information on child care background checks is available at https://dcf.wisconsin.gov/ccbgcheck.

3. a. A physical examination report on a form provided by the department that was completed not more than 12 days prior to nor more than 30 days after the person was hired. The report shall be signed and dated by a licensed physician, physician's assistant, or other HealthCheck provider. The report shall indicate that the person is free from illnesses detrimental to children, including tuberculosis, and that the person is physically able to work with young children.

b. The health examination requirement in subd. 3. a. does not apply to a provider who requests an exemption based on the provider's adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

Note: The department's form, *Staff Health Report - Child Care Centers*, is used for recording physical examination information. Forms are available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

4. a. A certificate from The Registry documenting that the person has met the educational qualifications for the position under sub. (2) if the person has worked as a teacher, director, or administrator at the center for at least 6 months. A copy of an educator's license issued by the department of public instruction as a teacher may substitute for a certificate from The Registry.

b. For administrators, center directors, and teachers in school-age only programs that have been in the position for 6 months or more, a certificate from The Registry.

c. For persons required to have a Registry certificate under subd. 4. a. and b., an updated certificate from The Registry within 6 months following the effective date of a significant revision of this chapter, as determined by the department.

d. For persons not required to have a Registry certificate, including assistant teachers, and a teacher, center director, or administrator who has not worked for the center for more than 6 months, documentation of the person's educational qualifications.

Note: Information about how to obtain a certificate may be obtained from The Registry's website, http://www.the-registry.org or by calling 608-222-1123.

5. Documentation of a high school diploma or its equivalent as determined by the Wisconsin department of public instruction.

6. Documentation of days and hours worked, and in which classroom, when the person was included in the staff-to-child ratio shall be maintained by the center.

7. Documentation of compliance with continuing education requirements under sub. (3) (c).

(b) Adults who work at the center and who are compensated from sources other than the center, and student teachers, shall meet the staff record requirements specified in par. (a) 1., 2., and 3.

(2) QUALIFICATIONS OF STAFF. (a) *Competency.* A child care worker, center administrator, center director, and volunteers counted in staff-to-child ratio shall be physically, mentally, and emotionally able to provide responsible care for all children, including children with disabilities.

(b) *Training on preventing shaken baby syndrome.* Each child care worker, center administrator, center director, volunteer counted in staff-to-child ratio, or substitute who provides care and supervision to children under 5 years of age shall document completion of department−approved training in shaken baby syndrome and abusive head trauma, and appropriate ways to manage crying, fussing, or distraught children prior to beginning to work with children under age 5 years.

Note: Department−approved training in the prevention of shaken baby syndrome is included in the department−approved non−credit courses called *Introduction to the Child Care Profession* and *Fundamentals of Infant and Toddler* or the credit-based course called *Health, Safety and Nutrition*, if the course was taken after 7/1/05.

(c) *Cardiopulmonary resuscitation training.* All employees in regular contact with children shall obtain, maintain and place in the employee's file a current certificate of completion for infant and child cardiopulmonary resuscitation and automated external defibrillator use from an agency approved by the department within 3 months after beginning to work with children in care. Volunteers included in determining staff−to−child ratios shall obtain a certificate of completion in infant and child cardiopulmonary resuscitation after volunteering for 240 cumulative hours. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

(d) *Administrator.* 1. The licensee may act as administrator of a group child care center. If the licensee does not act as administrator, the licensee shall designate a person or persons to be the administrator or administrators of the center. The administrator shall be responsible for the center's management, including personnel, finance, physical plant, and the day-to-day operation of the center.

2. An administrator, including a licensee that is an administrator, shall meet all of the following conditions:

a. Be at least 21 years of age.

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

3. Before a person assumes the position of administrator, the person shall have all of the following:

a. One year of experience as a manager or satisfactory completion of one credit or non−credit department−approved course in business or program administration.

b. One year of experience as a center director, as a child care teacher in a group child care center or kindergarten, or as a licensee of a family child care center under ch. DCF 250; or satisfactory completion of one non−credit department−approved course or of one course for credit in early childhood education or its equivalent.

4. If the board of a parent cooperative is responsible for management of a center, the requirements under subds. 2. and 3. do not apply.

5. Within one year of assuming the position, each administrator shall complete at least 10 hours of training in supervision or personnel management, if the administrator has not previously received that training. The training may be counted as part of the annual continuing education requirement.

(e) *Center director.* 1. a. A licensee with the applicable qualifications in this paragraph may act as the center director.

b. If the licensee does not act as center director, the licensee shall designate a person or persons to be the center director.

c. No person may act as the center director for more than 2 full-day or 4 part-day centers.

2. The center director shall be responsible for the supervision of the planning and implementation of the center's program for children, the supervision of staff at the center, staff meetings and orientation, and continuing education for staff.

3. A center director for a program licensed to serve 50 or fewer children shall meet all of the following conditions:

a. Be at least 21 years of age.

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

c. Have at least 320 hours of experience as a teacher or assistant teacher in a group child care center or other approved setting or have at least 320 hours of experience as a licensee of a family child care center under ch. DCF 250.

d. Have completed at least one of the preservice training requirements in Table 251.0A prior to beginning work as a center director. The center director shall also complete any additional training requirements in Table 251.0A as provided.

TABLE 251.05A

Director of a center licensed to care for 50 or fewer children	
Preservice training	**Additional training**
Two courses for credit in early childhood education.	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
The Wisconsin Program Development Credential	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
The Wisconsin Preschool Credential	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
The Wisconsin Infant–Toddler Credential	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential
Two non-credit department-approved courses in early childhood education.	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
One course for credit and one non-credit department-approved course in early childhood education.	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
Forty-eight credits from an institution of higher education with at least 3 credits in early childhood education	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
A Child Development Associate (CDA) credential issued by the Council for Professional Recognition	Within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent
A certificate from The Registry indicating the	Within one year of assuming the position, one

person is qualified as a director for a center licensed to care for 50 or fewer children	course in the Wisconsin Child Care Administrator Credential or its equivalent
A one-year diploma in child care or early childhood education from an institution of higher education	No additional training required
An associate degree in early childhood education or child care from an institution of higher education	No additional training required
A bachelor's degree from an institution of higher education in early childhood education, education, or child development	No additional training required
A license issued by the Wisconsin department of public instruction indicating that the person is qualified to act as a pre-kindergarten, kindergarten, or early childhood regular or special education teacher	No additional training required

4. A center director for a program licensed to serve 51 or more children shall meet all of the following conditions:

a. Be at least 21 years of age.

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

c. Have at least 2 years of experience as a child care teacher or center director in a group child care center or other approved setting.

d**.** Have completed one of the preservice training requirements in Table 251.05B prior to beginning work as a center director. The center director shall also complete any additional training requirements in Table 251.0B as provided.

TABLE 251.05B

Director of a center licensed to care for 51 or more children	
Preservice Training	**Additional Training**
Four courses for credit in early childhood education from an institution of higher	Within 3 years of assuming the position the Wisconsin Child Care Administrator Credential

education.	
The Wisconsin Program Development Credential	Within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential
The Wisconsin Preschool Credential	Within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential
The Wisconsin Infant – Toddler Credential	Within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential
A combination of four courses for credit and non-credit department-approved courses in early childhood education	Within 3 years of assuming the position the Wisconsin Child Care Administrator Credential
A certificate from The Registry indicating that the person is qualified as a director for a center licensed to care for 51 or more children	Within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential
An associate degree in early childhood education or child care from an institution of higher education.	No additional training required
A bachelor's degree in early childhood education, education, or child development from an institution of higher education	No additional training required
A license from Wisconsin department of public instruction to act as a pre-kindergarten, kindergarten, or early childhood (regular or special education) teacher	No additional training required

(f) *Child care teacher.* 1. A child care teacher shall plan, implement, and supervise the daily activities for a group of children.

2. A person who is a child care teacher shall meet all of the following conditions:

a. Be at least 18 years of age.

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

c. Have at least 320 hours of experience as an assistant child care teacher in a group child care center or other approved early childhood setting.

3. Prior to assuming the position, a person hired to be a child care teacher shall complete or obtain one of the following:

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

b. Two non-credit department-approved courses in early childhood education.

Note The non−credit courses approved by the department to meet the entry level training requirements for a child care teacher are *Introduction to the Child Care Profession* and *Skills and Strategies for the Child Care Teacher*.

c. Certificate from The Registry indicating that the person is qualified as a child care teacher.

d. A Wisconsin Preschool Credential.

e. A Wisconsin Infant-Toddler Credential.

f. Forty-eight credits from an institution of higher education with at least 3 credits in early childhood education or its equivalent.

g. A one-year child care diploma in child care or early childhood education from an institution of higher education.

h. An associate degree in early childhood education or child care from an institution of higher education.

i. A Child Development Associate credential issued by the Council for Professional Recognition.

j. Certificate from American Montessori Society, Association Montessori International, or Montessori Accreditation Council for Teacher Education.

k. A bachelor's degree in early childhood education, education, or child development from an institution of higher education or a license from the Wisconsin department of public instruction to act as a teacher.

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl.

L. A certificate from the department of workforce development, bureau of apprenticeship standards, as a child development specialist.

(g) *Assistant child care teacher.* 1. An assistant child care teacher shall work under the supervision of a child care teacher with a group of children.

2. Except as provided under subd. 3., a person hired to be assistant child care teacher shall be qualified in one of the following ways:

a. Be at least 18 years old and have satisfactorily completed one course for credit in early childhood education or its equivalent at an institution of higher education within 6 months after assuming the position.

b. Be at least 18 years old and have satisfactorily completed one, non-credit department-approved course in early childhood education within 6 months after assuming the position.

Note: *Introduction to the Child Care Profession* or *Skills and Strategies for the Child Care Teacher* are non−credit courses that are approved by the Department to meet the entry level training requirements for a child care assistant teacher. Information on agencies offering the department−approved course is available on the department's website at http://dcf.wisconsin.gov.

c. Have satisfactorily completed an assistant child care teacher training program approved by the Wisconsin department of public instruction.

3. A parent serving as an assistant child care teacher in a center operated by a parent cooperative is exempt from the training requirements under subd. 2.

(h) *Non-credit course criteria.* Non-credit courses offered to meet the non-credit course requirements specified in this subsection shall contain the components prescribed by the department and shall be approved by the department before being offered. The department may at any time withdraw its approval of a non-credit course. Instructors of non-credit department-approved courses shall be approved by the department prior to teaching a course.

Note: Information on the process for obtaining department approval for non-credit courses may be obtained from The Registry at www.the-registry.org or 608-222-1123. A list of agencies approved to offer non-credit department-approved courses is available on the department's website at http://dcf.wisconsin.gov.

(i) *Substitutes.* 1. When a regular required staff member is absent from a center, there shall be a substitute who is at least 18 years of age.

2. A substitute who is employed by the same licensee for more than 240 hours shall have completed at least one course for credit or one non-credit, department-approved course in early childhood education before completing 240 cumulative hours of work as a substitute.

Note: The credit-based course called *Health, Safety and Nutrition* or the department-approved, non-credit course called *Introduction to the Child Care Profession* may be used to meet this requirement and if taken after 7/1/05 also contains the department-approved training in shaken baby syndrome prevention. Information on agencies offering the department-approved course is available on the department's website at http://dcf.wisconsin.gov.

3. The center director or designee shall maintain a record of the days and hours worked by each substitute.

(j) *Volunteers and student teachers*. 1. Volunteers and student teachers shall participate in the orientation required under sub. (3) (a).

2. A volunteer who is used to meet the required staff-to-child ratios shall complete at least one course for credit or one non-credit, department-approved course in early childhood education before completing 240 cumulative hours of work as a volunteer.

Note: The credit-based course called *Health, Safety and Nutrition* or the department-approved, non-credit course called *Introduction to the Child Care Profession* may be used to meet this requirement and if taken after 7/1/05 also contain the department-approved training in shaken baby syndrome prevention. Information on agencies offering the department-approved course is available on the department's website at http://dcf.wisconsin.gov.

3. A volunteer who is not used to meet the required staff-to-child ratios shall have training in child care programming and procedures before working with children in care. The training shall include the responsibilities of the volunteer, general child supervision techniques, a review of the

daily schedule and general health and safety practices including meal or snack preparation, dishwashing, toileting, personal hygiene and emergency evacuation procedures. This includes volunteers working in a center operated by a parent cooperative.

4. The center director or designee shall coordinate the volunteer program and keep on file documentation of the hours worked by volunteers who are used to meet staff-to-child ratios.

(k) *Provider health*. 1. No licensee, employee, volunteer, visitor, or other person with symptoms of serious illness that presents a safety or health risk to children or a communicable disease that is reportable under ch. DHS 145 and transmitted through normal contact may be in contact with children in care.

2. No licensee, employee, volunteer, visitor, or other person whose behavior gives reasonable concern for the safety of children may be in contact with the children in care.

3. The department may require a licensee, employee, or other person in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

Note: See also DCF 251.11 (1) (f), which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical or mental health of a person may endanger children in care.

4. No person with a health history of typhoid, paratyphoid, dysentery, or other diarrheal disease may work in a center until it is determined by appropriate tests that the person is not a carrier of the disease.

(3) STAFF DEVELOPMENT. (a) *Orientation.* Except as provided under subd. 12., each center shall develop and implement a written orientation program that all new employees, substitutes, and regularly scheduled volunteers shall complete and document within their first week at the center. The orientation program shall cover all of the following:

Note: See DCF 251.08 (4) (b) for orientation requirements for persons transporting children.

1. A review of this chapter.

2. A review of center policies and procedures required under s. DCF 251.04 (2) (h).

3. A review of the center emergency plans required under s. DCF 251.04 (2) (h) 9., including fire and tornado evacuation plans and the operation of fire extinguishers.

4. Prevention and response to emergencies due to food and allergic reactions.

5. First aid procedures.

6. Administration of medications.

7. Job responsibilities in relation to the job description.

8. Training in the recognition of childhood illnesses and infectious disease control, including handwashing procedures, universal precautions for handling bodily fluids, and immunizations.

Note: Information on universal precautions may be obtained from the Child Care Information Center website, https://dcf.wisconsin.gov/ccic, or by calling 800−362−7353.

9. A schedule of activities of the center.

10. A review of child abuse and neglect laws and center reporting procedures.

11. The procedure for ensuring that all child care workers know the children assigned to their care and their whereabouts at all times, including during center-provided transportation.

12. Child management techniques.

13. The procedure for sharing information related to a child's special health care needs including any physical, emotional, social, or cognitive disabilities with any child care worker who may be assigned to care for that child throughout the day.

14. If the center is licensed to care for children under one year of age, a review of procedures to reduce the risk of sudden infant death syndrome prior to an employee's or volunteer's first day of work.

15. The procedure to contact a parent if a child is absent from the center without prior notification from the parent.

16. Information on any special needs that a child enrolled in the center may have and the plan for how those needs will be met.

17. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.

18. The handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

Note: The licensee may use the department's form, *Staff Orientation Checklist - Group Child Care Centers*, for documenting staff orientation. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(b) *Staff meetings*. To ensure that staff have the opportunity to receive pertinent information and clarification of problems and issues, each center shall conduct in-person staff meetings at least 9 times in a calendar year or one time for each month of center operation and shall document that staff meetings have been held.

(c) *Continuing education*. 1. Each administrator, center director, and child care worker who works more than 20 hours a week shall participate in at least 25 hours of continuing education annually.

2. Each administrator, center director, and child care worker who works 20 or fewer hours a week shall participate in at least 15 hours of continuing education annually.

3. Any continuing education hours completed that exceed the annual requirement for the year may be used to meet the annual requirement in the 2 years following completion.

4. Continuing education courses completed for credit that exceed the annual requirement for the year may be used to meet the annual requirement in the 2 years following completion.

5. Assistant child care teachers who are currently enrolled in their first entry level course are not required to earn continuing education for that year.

6. The types of training acceptable to meet continuing education requirements shall be limited to any of the following:

a. Formal courses resulting in credits or continuing education units.

b. Workshops, conferences, seminars, lectures, correspondence courses, and home study courses.

c. Training offered by the child care center through the use of guest or staff trainers.

d. Documented observation time in other early childhood programs.

e. Web-based training that results in a certificate of completion.

7. Continuing education may be in any of the following topics:

a. Prevention and control of infectious diseases.

b. Medication administration.

c. Prevention of and response to emergencies due to food and allergic reactions.

d. Identification and protection from hazards.

e. Building and physical premises safety.

f. Emergency preparedness and response planning.

g. Handling and storage of hazardous materials.

h. Handling and disposal of bio-contaminants.

i. Child growth and development.

j. Caring for children with disabilities.

k. Guiding children's behavior.

L. Nutrition.

m. Physical activity.

n. Transportation safety.

o. Identification and reporting of suspected child abuse or neglect.

p. Cardiopulmonary resuscitation.

q. First aid.

r. Business operations.

s. Any other topic that promotes child development or protects children's health or safety.

8. Independent reading, viewing educational materials, internet searches, or web-based training that does not result in a certificate of completion may be counted for up to 5 hours of continuing education per year for each person required under subd. 1. to have 25 hours of continuing education, and up to 2.5 hours of continuing education per year for each person required under subd. 2. to have 15 hours of continuing education.

9. Each administrator, center director, and child care worker shall have documentation of the 12-month period included in his or her training year for meeting continuing education requirements and begin a new training year in the same month each year.

Note: The licensee may use either the department's form, *Staff Continuing Education Record - Child Care Centers*, or the licensee's own form to document the completion of continuing education. Forms are available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 249. DCF 251.055 is created to read:

DCF 251.055 Supervision and grouping of children. (1) SUPERVISION. (a) Each child shall be supervised by a child care worker who is within the sight and sound of the children to guide the children's behavior and activities, prevent harm, and ensure safety.

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

(c) Assistant child care teachers who are at least 18 years of age and have completed the training required for the position may provide sole supervision to a group of children in full-day centers for opening and closing hours, not to exceed the first 2 hours and the last 2 hours of center operation, and during the center's designated naptime, not to exceed 2 hours.

(d) A child care worker may not provide care to children at the center for more than 12 hours in any 24-hour period.

(e) A child may not be in care for more than 14 hours in any 24-hour period.

(f) The center shall implement and adhere to a procedure to ensure that the number, names, and whereabouts of children in care are known to assigned child care workers at all times.

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

(h) The center shall implement a procedure to contact a parent if a child is absent from the center without prior notification from the parent.

(i) No person under the age of 18 shall be left in sole charge of a child.

(j) No licensee, employee, volunteer, or other individual in contact with children may consume alcoholic beverages or any non-prescribed controlled substance specified in ch. 961, Stats., on the premises of the center or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the center's operation.

(2) GROUPING OF CHILDREN. (a) The maximum number of children in a group may not exceed the number specified in Table 251.055.

(b) The ratio of child care workers to children may not be less than the minimum number of child care workers to children specified in Table 251.055.

TABLE DCF 251.055		
Maximum Group Size and Minimum Number of Child Care Workers in Group Child Care Centers		
Age of Children	**Minimum Number of Child Care Workers to Children**	**Maximum Number of Children in a Group**
Birth to 2 Years	1:4	8
2 years to 2½ Years	1:6	12
2½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	26
5 Years to 6 Years	1:17	34
6 Years and Over	1:18	36

(c) When there is a mixed-age group, the staff-to-child ratio shall be adjusted on a pro rata basis, according to age.

Note: The licensee may use the department's form, *Child Care Staff-To-Child Ratio Worksheet - Group Child Care Centers*, to adjust the staff-to-child ratio. Forms are available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

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

(e) When the group of children is a mixed age group of children 2 years and older, the group size shall be determined by the number of children that can be cared for by 2 child care workers as determined by the staff-to child pro rata requirement under par. (c).

(f) Maximum group size does not apply to field trips, outdoor play areas, and areas of the center reserved exclusively for eating. Staff-to-child ratios shall be maintained in those settings.

(g) During naptime, an adjustment in group size and staff-to-child ratios in Table 251.055 may be made as follows:

1. One child care worker shall be within sight or sound of each group of sleeping children.

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

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

4. As children wake, sight and sound supervision and staff-to-child ratios in Table 251.055 shall be maintained for awake children.

(h) When 8 or fewer children are present in a center, there shall be a second adult available within 5 minutes for emergencies. The center shall maintain a signed and dated statement from that person, including an address and telephone number, certifying that the person is available and agrees to serve if needed.

(i) In a center with 9 or more children present, there shall be at least 2 adults available in the center at all times. At least one of the adults shall be a child care worker directly involved in the supervision and care of the children.

(j) When 9 or more children are on a field trip there shall be at least 2 child care workers accompanying the children and the staff-to-child ratios in Table DCF 251.055 shall be maintained. At least one of the child care workers shall be a child care teacher.

(k) Support staff, such as clerical, housekeeping, and food service staff, may only be considered in determining the staff-to-child ratios at any of the following times:

1. During those hours when they give full attention to the care and supervision of children if they meet the qualifications of a child care worker.

2. During naptime when children are sleeping.

(L) Child care workers shall be free of non-classroom duties when they are counted in meeting the staff-to-child ratios.

(m) Children of staff who attend the center and who are on the premises for supervision and care shall be included in determining group size and staff-to-child ratios.

SECTION 250. DCF 251.06 (1) (a) is amended to read:

DCF 251.06 (1) (a) The building in which a center is located shall comply with applicable state and local building codes. The licensee shall maintain a ~~report of~~ building inspection report ~~of the building, which~~ that specifies that the building meets the applicable Wisconsin commercial building codes for use as a group child care center. The report shall designate areas that are approved for children that are less than 30 months of age.

SECTION 251. DCF 251.06 (1) (b) and (Note) are repealed.

SECTION 252. DCF 251.06 (1) (e), (2) (a) (Note), (d), and (f) are amended to read:

DCF 251.06 (1) (e) If the inside temperature exceeds 80° F., the licensee shall provide for air circulation with fans, with air conditioning, or by other means.

(2) (a) (Note): Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at ~~http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp~~ https://datcp.wi.gov/Pages/Programs_Services/ChildProductRecallsAdvice.aspx or by contacting the United States Consumer Products Safety Commission (US CPSC) at 1−800−638−2772.

(d) Materials harmful to children, including power tools, flammable, or combustible materials, insecticides, matches, drugs, cleaning supplies, bleaches, and other ~~articles~~ hazardous, toxic, or poisonous ~~to children~~ articles shall be ~~in properly marked containers~~ appropriately labeled and stored in areas inaccessible to children.

(f) The center shall have a working telephone or access to a working telephone on the premises during hours of operation, with a list of emergency telephone numbers, including telephone numbers for the local ~~rescue squad,~~ fire department, police department, or other law enforcement agency, poison control center, and emergency medical service ~~posted near each telephone~~ in a clearly visible location. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

SECTION 253. DCF 251.06 (2) (gm) is created to read:

DCF 251.06 (2) (gm) The premises shall be well drained, free from litter, clean, and in good repair. The premises shall be maintained to prevent the entrance or harborage of vermin.

SECTION 254. DCF 251.06 (2) (h) is amended to read:

DCF 251.06 (2) (h) Smoking is prohibited on the premises of the center or in a vehicle used to transport children when the children are ~~present~~ in care.

SECTION 255. DCF 251.06 (2) (i) is repealed and recreated to read:

DCF 251.06 (2) (i) There shall be no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children.

SECTION 256. DCF 251.06 (2) (im), (m), (n), and (o) are created to read:

DCF 251.06 (2) (im) No lead-based paint or other toxic finishing material may be used on indoor or outdoor furnishings and equipment.

(m) Cleaning aids such as mops and brooms shall be clean. Buckets used with mops shall be emptied and stored in areas inaccessible to children.

(n) Garbage containers in the building shall be rigid, covered, watertight, and emptied daily or more often as needed. Compactors need not be emptied daily. Garbage and refuse stored out of doors shall be kept in leak-proof containers equipped with tight-fitting covers and shall be disposed of as necessary to prevent decomposition or overflow.

(o) Windows and doors that are used for ventilation shall be screened.

SECTION 257. DCF 251.06 (3) is repealed and recreated to read:

DCF 251.06 (3) EMERGENCY PLANS AND DRILLS. (a) Each center shall have a written plan for taking appropriate action in the event of an emergency, including fire, tornado, or flood; extreme heat or cold; loss of building services, including heat, water, electricity, or telephone; human-caused events, such as threats to the building or its occupants; allergic reactions; lost or missing

children; vehicle accidents; or other circumstances requiring immediate attention. The plan shall include all of the following:

1. Evacuation, relocation, shelter-in-place, and lock-down.

2. Ensuring the needs of children under age 2 and children with disabilities are met.

3. Communication with parents.

4. Connecting children with their parents if the center is required to evacuate the building.

(b) Each center shall do all of the following:

1. Post the fire evacuation route and tornado shelter areas.

2. Practice the fire evacuation plan monthly, and tornado drills monthly from April through October.

3. Ensure that all staff members know what their duties are if there is an emergency.

4. Keep a written record of dates and times all fire and tornado drills practiced.

Note: The licensee may use the department's form *Safety and Emergency Response Documentation - Group Child Care Centers*, to document the results of the monthly testing of fire alarms and smoke detectors. Forms are available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 258. DCF 251.06 (4) (j) and (Note) are amended to read:

DCF 251.06 (4) (j) Fire ~~alarms, alarm~~ detection and prevention systems ~~and~~, including smoke detectors, heat or flame detectors, pull stations, and sprinkler systems, shall be maintained in good working order. ~~Fire alarms and~~ A signaling device, such as a smoke ~~detectors~~, heat, or flame detector shall be used to conduct monthly fire evacuation drills. ~~Fire alarms and smoke detectors shall be tested weekly and a record kept of the test results.~~ The licensee shall either document that fire detection and prevention systems are monitored by a fire prevention agency or that the detectors and alarms have been tested monthly.

Note: The licensee may use the department's form ~~Fire,~~ Safety~~,~~ and Emergency Response Documentation - Group Child Care Centers, to document the results of the weekly testing of fire alarms and smoke detectors. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 259. DCF 251.06 (5) is repealed.

SECTION 260. DCF 251.06 (6) (b) 1. is amended to read:

DCF 251.05 (6) (b) 1. Water samples from the well shall be tested ~~annually~~ for lead and bacteria by a laboratory certified ~~under ch. ATCP 77~~ by the department of agriculture, trade and consumer protection as specified in ch. NR 809. The laboratory report shall be available to the department upon request.

SECTION 261. DCF 251.06 (6) (b) 1. (Note) is created to read:

DCF 251.06 (6) (b) 1. (Note)**:** Group child care centers with a non-transient, non-community water system are notified by the Department of Natural Resources of the required testing time frames.

SECTION 262. DCF 251.06 (6) (b) 2. (Note) is repealed.

SECTION 263. DCF 251.06 (6) (b) 3. (Note) is amended to read:

DCF 251.05 (6) (b) 3. (Note): Centers using a private well should contact their regional Department of Natural Resources (DNR) office to determine whether they need to be in compliance with additional water test requirements. Child care centers that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non community water system (NTNC) and must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest Department of Natural Resources from the list at:
~~www.dnr.state.wi.us/org/caer/cs/ServiceCenter/SSbyRegion.html~~
http://dnr.wi.gov/Contact/SSbyCounty.html

SECTION 264. DCF 251.06 (8) and (9) (a) 6. are repealed.

SECTION 265. DCF 251.06 (9) (b) 3. c. and 5. are amended to read:

DCF 251.06 (9) (b) 3. c. Sanitize by ~~submerging dishes and utensils for at least 2 minutes in 1½ teaspoons of bleach per gallon of water or another solution of~~ using a ~~sanitizer approved by the department~~ product that is registered with the U.S. environmental protection agency as a sanitizer

and has instructions for use as a sanitizer on the label. The sanitizer shall be used in a manner consistent with the label instructions.

5. If the center uses a home-type dishwasher to clean dishes and utensils, the dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by ~~submerging dishes and utensils for at least 2 minutes in 1½ teaspoons of bleach per gallon of water or other solution~~ ~~approved by the department~~ using a product that is registered with the U.S. environmental protection agency as a sanitizer and has instructions for use as a sanitizer on the label. The sanitizer shall be used in a manner consistent with the label instructions.

SECTION 266. DCF 251.06 (9) (b) 6. (Note) and (e) are repealed.

SECTION 267. DCF 251.06 (9) (f) 3. and 4., and (g) (title) are amended to read:

DCF 251.06 (9) (f) 3. ~~Leftover prepared food~~ ~~which has not been~~ Food that was prepared but not served shall be dated, refrigerated promptly, and used within 36 hours, or frozen immediately for ~~later~~ use within 6 months.

4. Food delivery vehicles shall be equipped with clean containers or cabinets to store food while in transit. Containers for cold food shall be capable of maintaining the temperature at or below 40° F. and containers for hot food shall be capable of maintaining the temperature at or above ~~150° F~~ 135° F.

(g) ~~*Food service*~~ *Meal preparation personnel.*

SECTION 268. DCF 251.06 (9) (g) 1. d. and (10) (dm) are created to read:

DCF 251.06 (9) (g) 1. d. Participate in the orientation under s. DCF 251.05 (3) (a) and shall document annual training of at least 4 hours in kitchen sanitation, food handling, and nutrition.

(10) (dm) 1. Toilet rooms and fixtures shall be in a sanitary condition at all times.

2. Potty chair receptacles shall be emptied and rinsed after use and the potty chair and receptacle shall be disinfected immediately using a product registered with the U.S. environmental protection agency as a disinfectant that has instructions for use as a disinfectant on the label. The disinfectant shall be used according to label instructions.

SECTION 269. DCF 251.06 (11) (b) 5. and 6. are amended to read:

DCF 251.06 (11) (b) 5. An energy-absorbing surface, such as loose sand, pea gravel, or pine or bark mulch, in a depth of at least 9 inches is required under climbing equipment, swings, and slides whenever the play equipment is 4 feet or more in height and in a fall zone of 4 feet beyond ~~and whenever play equipment is 4 feet or more in height~~ the equipment. Shredded rubber and poured surfacing shall be installed to the manufacturer's specifications based on the height of the equipment.

6. ~~The outdoor play space shall be well-drained and shall be free of hazards such as uncovered wells, cisterns and unused appliances~~. Structures such as playground equipment, railings, decks, and porches accessible to children that have been constructed with CCA treated lumber shall be sealed with an exterior oil based sealant or stain~~. Wood containing creosote, including railroad ties, may not be accessible to children~~ at least every 2 years.

SECTION 270. DCF 251.06 (11) (b) 6m. is created to read:

DCF 251.06 (11) (b) 6m. Wood containing creosote or pentachlorophenol (PCP), including railroad ties, may not be accessible to children.

SECTION 271. DCF 251.06 (11) (b) 7. is amended to read:

DCF 251.06 (11) (b) 7. The boundaries of the outdoor play space shall be defined by a permanent enclosure not less than 4 feet high to protect the children. Fencing, plants, or landscaping

may be used to create a permanent enclosure. The permanent enclosure may not have any open areas that are greater than 4 inches.

SECTION 272. DCF 251.06 (11) (bm) is created to read:

DCF 251.06 (11) (bm) *Equipment.* Outdoor equipment shall be safe and durable. The equipment shall be all of the following:

1. Used in accordance with manufacturer instructions, recommendations, and intended use.

2. Scaled to the developmental level, size, and ability of the children.

3. Of sturdy construction with no sharp, rough, loose, protruding, pinching, or pointed edges, or areas of entrapment, in good operating condition, and anchored when necessary.

4**.** Placed to avoid danger of injury or collision and to permit freedom of action.

SECTION 273. DCF 251.06 (11) (c) 2. b. and (12) (a) and (b) are amended to read:

DCF 251.06 (11) (c) 2. b. Provides for adequate supervision of the children as specified in Table ~~251.05 D~~ 251.055.

(12) (a) Above-ground and in-ground swimming pools~~, and beaches~~ on the premises may not be used by children in care. Swimming pools shall be enclosed by a 6-foot fence with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 4 inches or less. ~~Access~~ A beach on the premises may not be used by children in care and access to a beach shall be restricted by a 6-foot fence.

(b) A wading pool on the premises may be used if the water is changed and the pool is disinfected daily. Supervision and staff-to-child ratio requirements under s. DCF ~~251.05(3) and (4)~~ 251.055 (1) and (2) shall be met.

SECTION 274. DCF 251.07 (2) (b), (c), (f) (Note), and (3) (title) and (a) (intro.) are amended to read:

DCF 251.07 (2) (b) Each child care center shall ~~have~~ develop and implement a written policy ~~which~~ that provides for positive guidance, redirection, and the setting of clear-cut limits for the children. The policy shall be designated to help a child develop self-control, self-esteem, and respect for the rights of others.

(c) If a center uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed ~~5~~ 3 minutes, and the procedure shall be included in the center's guidance policy.

(f) (Note): Inappropriate ~~discipline~~ guidance of a child by a staff member must be reported to the department within24 hours after the occurrence under s. DCF 251.04 (3) (i).

(3) EQUIPMENT AND FURNISHINGS. (a) (intro.) Indoor ~~and outdoor play~~ furnishings and equipment shall be safe and durable. The equipment and furnishings shall be:

SECTION 275. DCF 251.07 (3) (a) 5. is created to read:

DCF 251.07 (3) (a) 5. Used in accordance with manufacturer instructions, recommendations, and intended use.

SECTION 276. DCF 251.07 (3) (d) (Note) is repealed.

SECTION 277. DCF 251.07 (3) (e) is repealed and recreated to read:

DCF 251.07 (3) (e) Shelves shall be provided for equipment and supplies in rooms used by children. Equipment and supplies shall be arranged in an orderly fashion so that children may select, use, and replace items.

SECTION 278. DCF 251.07 (3) (g), (h), and (i) are created to read:

DCF 251.07 (3) (g) Tables and seating shall be scaled to the proper height and size for the children's comfort and reach.

(h) There shall be sufficient storage space for the clothing and personal belongings of each child in attendance. For children 2 years of age and older, the space for outer garment storage shall be at child level.

(i) Furnishings, toys, and other equipment shall be washed or cleaned when they become soiled.

SECTION 279. DCF 251.07 (4) (c) is repealed and recreated read:

DCF 251.07 (4) (c) Each child under one year of age who naps or sleeps shall be provided with a safe, washable crib or playpen that meets the applicable safety standards in 16 CFR 1219 or 1220 and shall be placed at least 2 feet from the nearest sleeping child. Cribs or playpens may be placed end-to-end if a solid partition separates the crib or playpen and an aisle not less than 2 feet in width is maintained between sleeping surfaces.

SECTION 280. DCF 251.07 (4) (cm) is created to read:

DCF 251.07 (4) (cm) Each child over one year of age who has a nap or rest period shall be provided with a sleeping surface that is clean, safe, washable, and placed at least 2 feet from the nearest sleeping child. Sleeping surfaces may be placed end-to-end if a solid partition separates children and an aisle not less than 2 feet in width is maintained between sleeping surfaces. The sleeping surface shall be any of the following:

1. A bed.
2. A cot.
3. A padded mat.
4. A sleeping bag.
5. A crib or playpen.

SECTION 281. DCF 251.07 (4) (d) and (e) and (5) (title) and (a) 4. are amended to read:

DCF 251.07 (4) (d) Each child age one year and older not using a sleeping bag shall be provided with an individually identified sheet and blanket ~~or sleeping bag which~~ that may be used only by that child until it is washed.

(e) Bedding shall be maintained and stored in a clean and sanitary manner, replaced immediately if wet or soiled, and washed after every 5 uses, at ~~least after every 5 uses~~ a minimum. A crib or playpen shall be washed and disinfected between changes in occupancy.

(5) MEALS ~~AND~~, SNACKS, AND FOOD SERVICE.

(a) 4. ~~Each~~ At a minimum, children shall be provided food for each meal and snack ~~served shall meet~~ that meets the U.S. department of agriculture child and adult care food program minimum meal requirements for amounts and types of food.

SECTION 282. DCF 251.07 (5) (a) 4. (Note) is repealed and recreated to read:

DCF 251.07 (5) (a) 4. (Note): The USDA meal program requirements are found on the website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

SECTION 283. DCF 251.07 (5) (a) 4m. is created to read:

DCF 251.07 (5) (a) 4m. Additional portions of vegetables, fruits, bread, and milk shall be available.

SECTION 284. DCF 251.07 (5) (a) 5. d. is repealed.

SECTION 285. DCF 251.07 (5) (a) 5m. is created to read:

DCF 251.07 (5) (a) 5m. A daily menu may not be repeated within a one-week time period.

SECTION 286. DCF 251.07 (5) (a) 7. is repealed.

SECTION 287. DCF 251.07 (5) (a) 8. is amended to read:

DCF 251.07 (5) (a) 8. When food for a child is provided by the child's parent, the center shall provide ~~parents~~ the parent with information about requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

SECTION 288. DCF 251.07 (5) (a) 8. (Note) is repealed.

SECTION 289. DCF 251.07 (5) (a) 9. is amended to read:

DCF 251.07 (5) (a) 9. A special diet~~,~~ based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written instruction of a child's physician and upon request of the parent.

SECTION 290. DCF 251.07 (5) (b) (title) is repealed and recreated to read:

DCF 251.07 (5) (b) (title) *Food service.*

SECTION 291. DCF 251.07 (5) (b) 3., 4., and 5., are created to read:

DCF 251.07 (5) (b) 3. Except as provided in subd. 4., in a center where meals and snacks are served, seating and table space shall be at least equal to the licensed capacity of the center, excluding infants, so that all children can be served at the same time.

4. In a center where meals are served in a central lunchroom, seating and table space shall be at least equal to the number of children to be served in a shift.

5. Eating surfaces, including high chairs, shall be washed and sanitized before and after each use.

SECTION 292. DCF 251.07 (6) (a) 1. is renumbered (6) (a).

SECTION 293. DCF 251.07 (6) (a) 2. is repealed.

SECTION 294. DCF 251.07 (6) (b) is amended to read:

DCF 251.07 (6) (b) *Isolation*. A center shall have an isolation area for the care of children who appear to be ill. If the area is not a separate room, it shall be separated from the space used by other children by a partition, screen, or other means to keep other children away from the ill child.

SECTION 295. DCF 251.07 (6) (c) is repealed and recreated to read:

DCF 251.07 (6) (c) *Ill child procedure.* The following procedures shall apply when a child with an illness or condition that has the potential to affect the health of other persons, such as vomiting, diarrhea, unusual lethargy, or uncontrolled coughing, is observed in the child care center:

1. The child shall be isolated until the child can be removed from the center.

2. The child in the isolation area shall be within sight and sound supervision of a staff member.

3. The child shall be provided with a bed, crib, playpen, cot, or padded mat and a sheet and blanket or a sleeping bag.

4. The child's parent or emergency contact shall be contacted as soon as possible after the illness is discovered and arrangements shall be made for the child to be removed from the center.

SECTION 296. DCF 251.07 (6) (dm) is created to read:

DCF 251.07 (6) (dm) M*edical log book.* 1. The licensee shall maintain a medical log book that has stitched binding with pages that are lined and numbered.

2. Pages may not be removed from the medical log book under subd. 1. nor may lines be skipped. Each entry in the log book shall be in ink, dated, and signed or initialed by the person making the entry.

3. A provider shall record all of the following in the medical log under subd. 1.:

a. Any evidence of unusual bruises, contusions, lacerations, or burns seen on a child, regardless of whether received in or out of the care of the center.

b. Any injuries received by a child while in the care of the center on the date the injury occurred. The record shall include the child's name, the date and time of the injury, and a brief description of the facts surrounding the injury.

c. Any medication dispensed to a child, on the date the medication is dispensed. The record shall include the name of the child, type of medication given, dosage, time, date, and the initials or signature of the person administering the medication.

d. Any incident or accident that occurs when the child is in the care of the center that results in professional medical evaluation.

Note: See s. DCF 250.04 (8) for requirements related to reporting suspected child abuse or neglect.

4. The director or a designee shall review records of injuries with staff every 6 months to ensure that all possible preventive measures are being taken. The reviews shall be documented in the medical log book under subd. 1.

SECTION 297. DCF 251.07 (6) (e) 1. is amended to read:

DCF 251.07 (6) (e) 1. ~~A~~ No child or other person with a reportable communicable disease specified in ch. DHS 145 may ~~not~~ be admitted to or permitted to remain in a ~~child care~~ center during the period when the disease is communicable.

SECTION 298. DCF 251.07 (6) (e) 2. and (f) 1. c. and (Note) and 2. are repealed.

SECTION 299. DCF 251.07 (6) (g) is repealed and recreated to read:

DCF 251.07 (6) (g) *Health precautions***.** 1. Bodily secretions, such as runny noses, eye drainage, and coughed-up matter shall be wiped with a disposable tissue used once and placed in a plastic-lined container.

2. Surfaces exposed to bodily secretions including walls, floors, toys, equipment, and furnishings shall be washed with soap and water and disinfected. The disinfectant solution shall be registered with the U.S. environmental protection agency as a disinfectant and have instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

3. As appropriate, children shall be protected from sunburn and insect bites with protective clothing, sunscreen, or insect repellent. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the ingredient strength and be reviewed and updated every 6 months. If sunscreen or insect repellent is provided by the parent,

the sunscreen or repellent shall be labeled with the child's name. Recording the application of sunscreen or insect repellent is not necessary.

4. Children shall be clothed to ensure body warmth and comfort. Wet or soiled clothing shall be changed promptly from an available supply of clean clothing.

5. Center staff shall adopt and follow universal precautions when exposed to blood and blood-containing bodily fluids and injury discharges.

6. Single use disposable gloves shall be worn if there is contact with blood-containing bodily fluids or tissue discharges. Gloves shall be discarded in plastic bags.

SECTION 300. DCF 251.07 (6) (h) is repealed.

SECTION 301. DCF 251.07 (6) (i) 1., 2., 3., and 5. are amended to read:

DCF 251.07 (6) (i) 1. A child's hands shall be washed with soap and warm running water before meals and snacks, after handling an animal, and after toileting or diapering. A child's hands and face shall be washed ~~after meals,~~ when soiled. For children under one year of age, hands may be washed with soap and a wet fabric or paper washcloth that is used once and discarded.

2. Persons working with children shall wash their hands with soap and warm running water before handling food, ~~and~~ before and after assisting with toileting and diapering, ~~and~~ after wiping bodily secretions from a child with a disposable tissue, and after exposure to blood or bodily fluids. If gloves are used, hands shall be washed after the removal of gloves.

3. ~~Cups~~ Personal use items, such as cups, eating utensils, toothbrushes, combs, and towels may not be shared and shall be kept in a sanitary condition.

5. Applicable rules under s. DCF 251.09 (4) (a), (c), and (d) shall apply ~~to child care workers~~ when children 2 years of age and older require attention for diapering and toileting.

SECTION 302. DCF 251.07 (6) (j) 1. (Note) is created to read:

DCF 251.07 (6) (j) 1. (Note) The center may use the department's form, *Child Care Enrollment*, or its own form for obtaining medical consent from the parent. The form is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 303. DCF 251.07 (6) (j) 8. and 9., (k), and (L) are repealed.

SECTION 304. DCF 251.07 (8) is amended to read:

DCF 251.07 (8) MISCELLANEOUS ACTIVITIES. A center ~~which~~ that includes in its program watercraft, riflery, archery ~~or~~, horseback riding, or adventure-based activities shall comply with the applicable requirements under s. DCF 252.44 (8), (9) ~~and~~, (11), and (13).

SECTION 305. DCF 251.08 is repealed and recreated to read:

DCF 251.08 Transportation. (1) APPLICABILITY. (a) Except as provided in par (b), this section applies to all transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation if any of the following apply:

1. The licensee owns or leases the vehicle.

2. The licensee contracts with another individual or organization that owns or leases the vehicle.

3. Employees, parents, or volunteers are transporting children at the direction, at the request, or on behalf of the licensee.

(b) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the staff-to-child ratios in s. DCF 251.055 (2) (b):

1. The requirement that a licensee obtain a copy of the driver's driving record and review it under sub. (4) (c).

2. The requirement to provide evidence that the vehicle is in safe operating condition at 12-month intervals under sub. (5) (b).

3. The requirements related to vehicle child safety alarms under sub. (8).

(c) The licensee shall document in its policies that transportation provided through a written or verbal contract with another individual or organization meets the requirements of this section.

(2) PERMISSION AND EMERGENCY INFORMATION. Before transporting a child, a licensee shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include all of the following information:

(a) The purpose of the transportation and the parent or guardian's permission to transport the child for that purpose.

(b) An address and telephone number where a parent or other adult can be reached in an emergency.

(c) The name, address, and telephone number of the child's health care provider.

(d) Written consent from the child's parent or guardian for emergency medical treatment.

Note: The licensee may use the department's form, *Child Care Enrollment*, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(3) REQUIRED INFORMATION FOR EACH TRIP. The licensee shall ensure that written documentation of all of the following is maintained at the center and in any vehicle transporting children while the children are being transported:

(a) A list of the children being transported.

(b) A copy of the completed permission and emergency information form under sub. (2) for each child being transported.

(c) For transportation to or from a child's home or school, the transportation route and scheduled stops.

(4) DRIVER. (a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid driver's license for the state where the driver resides and for the

type of vehicle driven.

(b) Before a driver who is not the licensee first transports children, the licensee shall provide the driver with an orientation. The licensee shall review, document, and update the orientation with each driver annually. The orientation shall include all of the following:

1. The procedure for ensuring that all children are properly restrained in the appropriate child safety seat.

2. The procedure for loading, unloading, and tracking of children being transported.

3. The procedure for evacuating the children from a vehicle in an emergency.

4. Behavior management techniques for use with children being transported.

5. A review of this chapter and applicable statutes under s. 347.48, Stats.

6. A review of applicable center policies.

7. First aid procedures.

8. A review of child abuse and neglect laws and center reporting procedures.

9. Information on any special needs a child being transported may have and the plan for how those needs will be met.

10. A review of the use of the vehicle alarm, if applicable.

11. Any other job responsibilities as determined by the licensee.

(c) 1. Prior to the day a driver first transports children in care and annually thereafter, the licensee shall obtain a copy of the driving record for each driver and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

2. In determining whether a driver may pose a threat to the children, the licensee shall consider

the totality of the driver's record, any other relevant facts, and the following factors in combination:

a. The seriousness of any accidents or violations.

b. How much time has passed since an accident or violation occurred.

c. The number of accidents or violations.

d. The likelihood that a similar incident will occur.

3. A driver whose driving record indicates that the driver poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm.

(f) 1. Except as provided in subd. 2., a driver of a vehicle that is transporting children in care may not use a cellular phone or other wireless telecommunication device while loading, unloading, or transporting children, except when the vehicle is out of traffic, not in operation, and any of the following applies:

1. The phone or device is used to call 911.

2. The phone or device is used to communicate with emergency responders.

3. The phone or device is used to communicate with the center regarding an emergency situation.

2. A navigation device may be used during transportation if the device is programmed to a destination when the vehicle is out of traffic and not in operation.

(5) VEHICLE. (a) The licensee shall ensure that each vehicle that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.

2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.

3. Enclosed. Children may not be transported in a truck except in the cab.

4. In safe operating condition.

(b) At 12-month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

Note: The department's form, *Vehicle Safety Inspection*, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(c) At least once per year, the licensee shall make available to the department each vehicle that is required to have a child safety alarm under sub. (8) (a) to determine whether the child safety alarm is in good working order.

(d) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

(6) SEAT BELTS AND CHILD SAFETY RESTRAINTS. (a) No person may transport a child under the age of 8 in a motor vehicle, unless the child is restrained in a child safety restraint system that is appropriate to the child's age and size and in accordance with s. 347.48 Stats., and ch. Trans 310.

Note: For further information on child safety restraints, see https://wisconsindot.gov/Pages/safety/education/child-safety/default.aspx.

(b) 1. Each child who is not required to be in an individual child car safety seat or booster seat when being transported under par. (a) shall be properly restrained by a seat belt in accordance with s. 347.48, Stats., and ch. Trans 315.

2. Each adult in the vehicle shall be properly restrained by a seat belt in accordance with s. 347.48, Stats., and ch. Trans 315.

3. Seat belts may not be shared.

(c) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(d) Children under age 13 years who are in the care of the center may not ride in the front seat of a vehicle.

(7) VEHICLE CAPACITY AND SUPERVISION. (a) The center shall be responsible for a child from the time the child is placed in a vehicle until the children reaches his or her destination and is released to a person responsible for the child. A parent of a school age child may authorize a child to enter a building unescorted.

Note: The form *Transportation Permission - Child Care Centers* may be used to designate an adult to receive a child being transported. Forms are available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(b) Children may not be left unattended in a vehicle.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a disability that limits their ability to respond to an emergency.

(d) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(e) No child may be in a vehicle for transport to or from a center, a field trip, or other center activity for more than 60 minutes for a one-way trip.

(8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating

capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at http://dcf.wisconsin.gov.

SECTION 306. DCF 251.09 (1) (am) (intro.)is amended to read:

DCF 251.09 (1) (am) (intro.) Prior to admission, ~~an interview shall be conducted with~~ the licensee shall obtain written information from a child's parent or guardian ~~to obtain written information which will aid child care workers in individualizing~~ to individualize the program of care for the child. Child care workers shall use the information obtained from parents to provide care to the child. Information shall include all of the following:

SECTION 307. DCF 251.09 (1) (d) (intro.) is renumbered DCF 251.09 (1) (d) and amended to read:

DCF 251.09 (1) (d) Each infant and toddler shall be cared for by a regularly assigned child care worker in ~~a specific~~ an approved self−contained room or area. ~~Infants and toddlers may not be transferred to the care of another child care worker or another group or room in order to adjust group sizes or staff−to−child ratios, except under one of the following circumstances:~~

SECTION 308. DCF 251.09 (1) (d) 1. and 2. are repealed.

SECTION 309. DCF 251.09 (1) (e), (f), (k), and (L) are amended to read:

DCF 251.09 (1) (e) The regularly assigned child care teacher and assistant child care teacher for

each group of infants and toddlers shall have a minimum of 10 hours of training in infant and toddler care approved by the department within 6 months after assuming the position. If the training is not part of the required pre-service entry−level training under s. DCF 251.05 ~~(1)~~ (2) (f) or (g) it shall be obtained through continuing education.

(f) Infants and toddlers are restricted to first floors and ground floors having direct grade−level exits unless the building is in compliance with all applicable building codes that permit children to be cared for on other levels. The building inspection report on file with the licensing office shall indicate ~~that~~ where care may be provided for children under ~~2 years~~ 30 months of age ~~may be cared for on other levels of the center~~.

(k) Sheets or blankets used to cover ~~the child~~ a child one year of age or older shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

(L) ~~Children~~ A child under one year of age may not sleep in a crib or playpen that contains soft or loose materials, such as sheepskins, pillows, ~~fluffy~~ blankets, flat sheets, bumper pads, bibs, pacifiers with attached soft objects, or stuffed animals. No blankets and other items may be hung on the sides of the crib or playpen.

SECTION 310. DCF 251.09 (2) (intro.) is created to read:

DCF 251.09 (2) (intro.) In addition to the requirements under s. DCF 251.07, all of the following apply to the care of infants and toddlers:

SECTION 311. DCF 251.09 (2) (i) is repealed.

SECTION 312. DCF 251.09 (2) (j) and (k) and (3) (a) 2. and 3. are amended to read:

DCF 251.09 (2) (j) ~~Equipment~~ When infants and toddlers are taken out doors for a walk, equipment shall be provided ~~to take infants and toddlers out of doors for a walk~~, such as strollers or wagons.

(k) An adult−size rocking chair or other adult-size chair shall be provided for each child care worker ~~for the purpose of holding and rocking children~~.

(3) (a) 2. Ensure that food, breast milk, and formula brought from home are labeled with the child's name, ~~and~~ dated, and ~~are~~ refrigerated, if required.

3. Ensure that ~~formula prepared by the center is of the commercial, iron−enriched type and mixed according to the manufacturer's directions~~ food, breast milk, and formula offered to infants and toddlers is consistent with the requirements of the U.S. department of agriculture child and adult care food program.

SECTION 313. DCF 251.09 (3) (a) 3. (Note) is created to read:

DCF 251.09 (3) (a) 3. (Note) Information on the meal program requirements of the Child and Adult Care Food Program may be found on the website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

SECTION 314. DCF 251.09 (3) (a) 4. and 6. are repealed.

SECTION 315. DCF 251.09 (3) (a) 8., 9., 13., and 15. and (b) are amended to read:

DCF 251.09 (3) (a) 8. Offer drinking water to infants and toddlers, as appropriate, several times daily.

9. Hold a child who is unable to hold a bottle whenever a bottle is given. Bottles may not be propped.

13. Offer a variety of nourishing foods to each child~~, such as cereal, vegetables, fruit, egg yolks and meat,~~ according to the child's developmental level and the parent's feeding ~~schedule~~ instructions.

15. Refrain from heating breast milk or formula in a microwave oven.

(b) Procedures for heating infant formula, milk, and food ~~in a microwave oven~~ shall be posted ~~near the microwave oven. Child~~, and child care workers shall follow the posted procedures ~~for~~

~~heating food, milk and formula~~.

SECTION 316. DCF 251.09 (3) (c) is created to read:

DCF 251.09 (3) (c) Infant bottles and nipples may not be reused without first being cleaned and sanitized.

SECTION 317. DCF 251.09 (4) (a) 2. and 3. are amended to read:

DCF 251.09 (4) (a) 2. Change wet or soiled diapers ~~and clothing~~ promptly.

3. Change each child on an easily cleanable surface ~~which~~ that is cleaned with soap and water and a disinfectant solution after each use ~~with a chlorine bleach solution of one tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia product prepared in accordance with label directions~~. The disinfectant solution shall be registered with the U.S. environmental protection agency as a disinfectant and have instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

SECTION 318. DCF 251.09 (4) (a) 3. (Note) and 9. are repealed.

SECTION 319. DCF 251.09 (4) (d) is amended to read:

DCF 251.09 (4) (d) There shall be a supply of ~~dry and clean clothing and~~ diapers sufficient to meet the needs of ~~all~~ the children using diapers at the center.

SECTION 320. DCF 251.095 (3) (f) and (g) are created to read:

DCF 251.095 (3) (f) Section DCF 251.06 (2) (o) on the requirement that windows and doors used for ventilation be screened.

(g) Section DCF 251.06 (11) (b) 5. on the requirement for an energy absorbing surface on playgrounds to a depth of at least 9 inches.

SECTION 321. DCF 251.095 (4) (b) 1., 2., and 3. are amended to read:

DCF 251.095 (4) (b) 1. The administrator of a center serving only school−age children shall

meet the requirements in s. DCF 251.05 (~~1~~) (2) (d) 2. or shall have department−approved experience, credits, or courses in ~~elementary~~ education, physical education, child guidance, social work, coaching, juvenile justice, or recreation, or other department−approved training.

2. A center director or child care teacher of a center serving only school−age children shall meet the requirements of s. DCF 251.05 ~~(1)~~ (2) (e) or (f), as appropriate, or shall substitute for those requirements department−approved experience, credits or approved courses in ~~elementary~~ education, physical education, child guidance, recreation, coaching, social work, juvenile justice, or other department-approved training. The Wisconsin Afterschool and Youth Credential may be used to meet the requirements for a center director or child care teacher.

3. Each assistant child care teacher shall meet the requirements in s. DCF 251.05 ~~(1)~~ (2) (g) or shall have satisfactorily completed at least 10 hours of training approved by the department in the care of school-age children within 6 months after assuming the position.

SECTION 322. DCF 251.095 (4) (c) is repealed.

SECTION 323. DCF 251.10 (1) and (2) (a), (b), and (c) are amended to read:

DCF 251.10 (1) APPLICABILITY. Group child care centers ~~which~~ that operate during any period of time between ~~9:00~~ 10:00 p.m. and 5:00 a.m. shall comply with the additional requirements of this section.

(2) (a) A center offering night care may serve no more than 20 children at any one time between ~~9:00~~ 10:00 p.m. and 5:00 a.m., unless the building is equipped with emergency lighting supplied by a stand-by power source.

(b) When the same premises ~~are~~ is used for the operation of both day care and night care, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.

(c) Minimum staff-to-child ratios and group sizes as specified in ~~s. DCF 251.05(4)~~ s. DCF 251.055 (2) shall be maintained during night care.

SECTION 324. DCF 251.11 (2) (c) 2., 5., and 5g. are amended to read:

DCF 251.11 (2) (c) 2. A completed background ~~information disclosure~~ check request form provided by the department for the applicant. If the center is or will be located in a residence, a completed background ~~information disclosure~~ check request form shall be submitted for any household member aged 10 and above.

5. A copy of all the policies required under s. DCF 251.04 (2) (h) ~~and (i)~~ and a completed copy of the group child care policy checklist provided by the department.

5g. The articles of incorporation and by-laws if the licensee is organized as a corporation, association or cooperative. If the licensee is a limited liability company, articles of organization and the operating agreement, if applicable shall be submitted.

SECTION 325. DCF 251.11 (3) (a) 2. is repealed.

SECTION 326. DCF 251.11 (3) (a) 3. and (b) and (4) (b) 3. are amended to read:

DCF 251.11 (3) (a) 3. The license renewal fee under s. 48.65 (3) (a), Stats., applicable fees for child care background checks, and any unpaid forfeiture ~~due and owing~~ under s. 48.715 (3) or 49.155 (7m) (a) 3., Stats., ~~or~~ and any penalty under s. 48.76, Stats.

(b) If the department determines that the applicant has met the minimum requirements for license under ~~s. 48.67, Stats.,~~ this chapter and if the applicant has paid ~~any~~ the applicable fees under ss. 48.65 and ~~48.685(8)~~ 48.686, Stats., any unpaid forfeiture under s. 48.715(3)(a) or 49.155 (7m) (a) 3., Stats., and any ~~applicable~~ unpaid penalty under s. 48.76, Stats., the department shall issue a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

(4) (b) 3. The license renewal fee under s. 48.65(3)(a), Stats., ~~and~~ applicable fees for child care

background checks under s. 48.686, Stats., any unpaid forfeiture ~~due and owing~~ under s. 48.715(3) or 49.155 (7m) (a) 3., Stats., ~~or~~ and any unpaid penalty under s. 48.76, Stats.

SECTION 327. DCF 251.11 (4) (b) 2. is repealed.

SECTION 328. DCF 251.11 (4) (c) and (8) (b) are amended to read:

DCF 251.11 (4) (c) If the department determines that the applicant has met the minimum requirements for license under ~~s. 48.67, Stats.,~~ this chapter, has paid the applicable fees ~~referred to in~~ under ss. 48.65 and ~~48.685(8)~~ 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., and any ~~applicable~~ unpaid penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(8) (b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a group child care center may not accept for care any child not enrolled and in care as of the date of receipt of the notice without written approval of the department.

SECTION 329. DCF 251.11 (10) (a) is renumbered DCF 251.11 (10).

SECTION 330. DCF 251.11 (10) (b) to (d) are repealed.

SECTION 331. DCF 251.12 (2) (a) is amended to read:

DCF 251.12 (2) (a) Pursuant to s. 48.73, Stats., the department may visit and inspect any group child care center at any time during licensed hours ~~of operation~~. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children ~~served and~~ in care, staff and child records, and any other materials or ~~other~~ individuals ~~having~~ with information on the group child care center's compliance with this chapter.

SECTION 332. DCF 251.13 is created to read:

DCF 251.13 Programs established or contracted for by school boards. (1) A child care program established or contracted for by a school board under s. 120.13 (14), Stats., shall comply with the applicable standards for group child care centers under this chapter.

(2) The department shall annually inspect each child care program established or contracted for by a school board under s. 120.13 (14), Stats., and document in writing whether or not the child care program complies with this chapter.

SECTION 333. DCF 251 Appendix A is amended to read:

APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and ~~related~~ the counties and tribes within each region.

REGIONS	COUNTIES AND TRIBES
Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: ~~(920) 448-5312~~ (920) 785-7811 Fax: ~~(920) 448-5306~~ (920) 785-7869	Counties: Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago Tribes: Menominee, Oneida, Stockbridge-Munsee, Ho Chunk
Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: ~~(715) 365-2500~~ (715) 361-7700 Fax: (715) 365-2517	Counties: Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood Tribes: Bad River, Lac Courte Oreille, Lac du Flambeau, Red Cliff, Sokaogon, Forest County Potawatomi, Ho Chunk
Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: ~~(262) 521-5100~~ (262) 446-7800 Fax: ~~(262) 521-5314~~ (262) 446-7991	Counties: Kenosha, Milwaukee, Racine, Waukesha
Southern Regional Office ~~1 West Wilson Street, Room 655~~ 2135 Rimrock Road P.O. Box 8947 Madison, WI 53708-8947 Gen: ~~(608) 266-2900~~ (608) 422-6765 Fax: ~~(608) 261-7824~~ (608) 422-6766	Counties: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth Tribe: Ho Chunk
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: ~~(715) 836-2185~~ (715) 930-1148 Fax: (715) 836-2516	Counties: Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn Tribe: Ho Chunk

SECTION 334. DCF 251 Appendices B, C, and D are repealed.

SECTION 335. Chapter DCF 252 (title) is amended to read:

Chapter DCF 252

DAY CAMPS FOR CHILDREN ~~AND DAY CARE PROGRAMS ESTABLISHED BY SCHOOL BOARDS~~

SECTION 336. Chapter DCF 252 (preface), subch. I (title), and DCF 252.01 are repealed.

SECTION 337. DCF 252.02 (1) is amended to read:

DCF 252.02 (1) This ~~subchapter~~ chapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for ~~child care centers and~~ day camps for children.

SECTION 338. DCF 252.04 (1) and (Note) are created to read:

DCF 252.04 (1) "Background check request form" means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, *Background Check Request*, is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 339. DCF 252.04 (3g) is amended to read:

DCF 252.04 (3g) "Camp-provided transportation" means transportation provided in a vehicle owned, leased, or contracted for by the ~~center~~ camp or transportation provided in volunteer or staff-owned vehicles regardless of whether the drive is reimbursed for the use of the vehicle.

SECTION 340. DCF 252.04 (4m) and (12) are repealed and recreated to read:

DCF 252.04 (4m) "Child care background check" means the requirements in s. 48.686, Stats., and ch. DCF 13.

(12) "Emergency" means unforeseen circumstances that require immediate attention.

SECTION 341. DCF 252.04 (13m) (b) and (15m) are amended to read:

DCF 252.04 (13m) (b) A history of a civil or criminal conviction or administrative rule violation that is substantially ~~relates~~ related to ~~caring for~~ the care of children, as ~~described in ch.~~ determined under s. DCF ~~12~~ 13.05.

(15m) "In care" means enrolled in the camp, with the camp providing supervision, either on or off the premises including during camp-provided transportation, for the safety and developmental needs of the child or children.

SECTION 342. DCF 252.04 (16m) is created to read:

DCF 252.04 (16m) "Licensed hours" means the authorized hours specified on the license certificate and letter of transmittal within which the day camp may provide child care services.

SECTION 343. DCF 252.04 (22m) and (25) are amended to read:

DCF 252.04 (22m) "Pre-camp training" means a program developed by the licensee containing the elements specified in s. DCF 252.42 ~~(2) (a)~~ (3) and attended by camp staff prior to the opening of each year's camp session.

(25) "Supervision of children" means guidance of behavior and activities of children for their health, safety, and well-being by counselors who are close enough to prevent harm and ~~assure~~ ensure safety.

SECTION 344. DCF 252.05 (1) (a) 2m. and 5. (Note), (c) (intro.), 3., 9., 10. and (Note), and 12., and (h) are amended to read:

DCF 252.05 (1) (a) 2m. A copy of the ~~Background Information Disclosure~~ background check request form.

5. (Note): A packet of materials, including the Initial License Application – Day ~~Camp~~ Camps for Children ~~form~~, is available from any of the regional offices listed in Appendix A.

(c) (intro.) An applicant for an initial day camp license or a licensee continuing a regular license shall complete all forms truthfully and accurately, pay all fees and forfeitures due to the department, and submit all of the following materials to the department:

3. The articles of incorporation and by-laws if the camp is organized as a corporation, association or cooperative or, if the licensee is a limited liability company, a copy of the articles of organization and the operating agreement, if applicable.

9. The license fee required under s. 48.65 ~~(3) (a)~~, Stats., applicable fees for child care background checks under s. 48.686, Stats., any unpaid forfeiture under s. 48.715(3) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats.

10. ~~A~~ For an initial license application only, a completed ~~Background Information Disclosure~~ background check request form ~~provided by the department~~ for the applicant and if the camp will be located in a residence, any household member aged 10 and above.

Note: The ~~form, Background Information Disclosure,~~ background check request form is used for reporting background information. Information on how to ~~obtain the form~~ request a background check is available on the department's website http://dcf.wisconsin.gov~~, or from any of the regional offices in Appendix A~~.

12. A copy of all the policies required under s. DCF 252.41(1) (f) ~~and (g)~~ and a completed copy of the day camp policy checklist on a form provided by the department.

(h) If the department determines that the licensee continuing a regular license has met the minimum requirements for a license under ~~s. 48.67, Stats.,~~ this chapter has paid the applicable fees referred to in ss. 48.65 and ~~48.685(8)~~ 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

SECTION 345. DCF 252.05 (1) (i), (j), and (k) are created to read:

DCF 252.05 (1) (i) The department may refuse to issue or continue a license if another child care center or day camp operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding forfeiture or penalty.

(j) The department may not process an application for a license if the applicant has had a child care license under s. 48.65, Stats., or a child care certification under s. 48.651, Stats., revoked or denied within the last 2 years. No person may submit an application for a licensee and no licensee may hire a person who had a child care license revoked or denied within the previous 2 years.

(k) The department shall consider a licensee who fails to submit any of the materials described in par. (c) by the expiration or continuation date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the day camp.

SECTION 346. DCF 252.05 (8) (b) is amended to read:

DCF 252.05 (8) (b) Upon receipt of the notice under par. (a) and during any revocation or denial procedures ~~which~~ that may result, a day camp may not accept for care any child not enrolled and in care as of the date of receipt of the notice without the written approval of the department.

SECTION 347. DCF 252.06 (2) (a) is repealed and recreated to read:

DCF 252.06 (2) (a) Pursuant to s. 48.73, Stats., the department may visit and inspect any day camp at any time during licensed hours. A department licensing representative shall have unrestricted access to the premises identified in the license whether temporary or permanent, children in care, staff and child records, and any other materials or individuals with information on the camp's compliance with this chapter.

SECTION 348. DCF 252.06 (3) is amended to read:

DCF 252.06 (3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. ~~48.685~~ 48.686, 48.715, or 48.76, Stats.

SECTION 349. DCF 252.07 (title) is amended to read:

DCF 252.07 (title) Non-discrimination, confidentiality, and reporting child abuse or neglect.

SECTION 350. DCF 252.07 (2) (b) 1. and 2. are repealed and recreated to read:

DCF 252.07 (2) (b) 1. The child's parent.

2. Any person, business, school, social services provider, medical provider, or other agency or organization if written parental consent has been given.

SECTION 351. DCF 252.07 (2) (c), (3) (title), (a), and (b) (intro.) and 3. are amended to read:

DCF 252.07 (2) (c) If a parent requests a record or report on the parent's child, the day camp shall make the record or report accessible to the parent ~~upon request~~.

(3) REPORTING CHILD ABUSE OR NEGLECT. (a) A licensee, employee, or volunteer at a day camp who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ~~s.~~ ss. 48.02 (1) and 48.981 (1), Stats., shall immediately contact the county ~~welfare agency~~ department of social services under s. 46.22, Stats., or the county department of human services under 46.23, Stats., or local law enforcement agency in compliance with s. 48.981, Stats.

(b) (intro.) The licensee shall ensure that every ~~day camp worker~~ employee or volunteer who comes in contact with the children at the day camp has received annual pre-camp training in all of the following:

3. The process for ~~reporting~~ ensuring that known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

SECTION 352. DCF 252.08 (2) is amended to read:

DCF 252.08 (2) A pet that is suspected of being ill, or infested with external lice, fleas, ticks, or internal worms shall be ~~removed from the camp~~ inaccessible to children.

SECTION 353. DCF 252.09 is repealed and recreated to read:

DCF 252.09 Transportation. (1) APPLICABILITY. (a) Except as provided in par (b), this section applies to all transportation of children in care, including both regularly scheduled transportation to and from the camp and field trip transportation, if any of the following apply:

1. The licensee owns or leases the vehicle.

2. The licensee contracts with another individual or organization that owns or leases the vehicle.

3. Employees, parents, or volunteers are transporting children at the direction, request, or on behalf of the licensee.

(b) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the counselor-to-child ratios in Table DCF 252.425:

1. The requirement that a licensee obtain a copy of the driver's driving record under sub. (4) (c).

2. The requirement to provide evidence that the vehicle is in safe operating condition at 12-month intervals under sub. (5) (b).

3. The requirements related to vehicle child safety alarms under sub. (8).

(c) The licensee shall document in their policies that transportation provided through a written or verbal contract with another individual or organization meets the requirements of this section.

(2) PERMISSION AND EMERGENCY INFORMATION. Before transporting a child, a licensee shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include the following information:

(a) The purpose of the transportation and the parent or guardian's permission to transport the child for that purpose.

(b) An address and telephone number where a parent or other adult can be reached in an emergency.

(c) The name, address, and telephone number of the child's health care provider.

(d) Written consent from the child's parent or guardian for emergency medical treatment.

Note: The licensee may use the department's form, *Child Care Enrollment*, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(3) REQUIRED INFORMATION FOR EACH TRIP. The licensee shall ensure that written documentation of all of the following is maintained at the camp and in any vehicle transporting children while the children are being transported:

(a) A list of the children being transported.

(b) A copy of the completed permission and emergency information form under sub. (2) for each child being transported.

(c) For transportation to or from a child's home or school, the transportation route and scheduled stops.

(4) DRIVER. (a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid driver's license for the state where the driver resides and for the type of vehicle driven.

(b) Before a driver who is not the licensee first transports children the licensee shall provide the driver with a training. The licensee shall review, document and update the orientation with each driver annually. The orientation shall include all of the following:

1. The procedure for ensuring that all children are properly restrained in the appropriate child safety seat.

2. The procedure for loading, unloading, and tracking of children being transported.

3. The procedure for evacuating the children from a vehicle in an emergency.

4. Behavior management techniques for use with children being transported.

5. A review of this section and the applicable statutes under s. 347.48 Stats.

6. A review of applicable camp policies.

7. First aid procedures.

8. A review of child abuse and neglect laws and center reporting procedures.

9. Information on any special needs a child being transported may have and the plan for how those needs will be met.

10. A review of the use of the vehicle alarm, if applicable.

11. Any other job responsibilities as determined by the licensee.

(c) 1. Prior to the day a driver first transports children in care and annually thereafter, the licensee shall obtain a copy of the driving record for each driver and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

2. In determining whether a driver may pose a threat to the children, the licensee shall consider the totality of the driver's record, any other relevant facts, and all of the following factors in combination:

a. The seriousness of any accidents or violations.

b. How much time has passed since an accident or violation occurred.

c. The number of accidents or violations.

d. The likelihood that a similar incident will occur.

3. A driver whose driving record indicates that the driver poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the department of transportation at (608) 261-2566 or http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm.

(d) 1. Except as provided in subd. 2., a driver of a vehicle that is transporting children in care may not use a cellular phone or other wireless telecommunication device while loading, unloading, or transporting children except when the vehicle is out of traffic, not in operation, and any of the following applies:

a. The phone or device is used to call 911.

b. The phone or device is used to communicate with emergency responders.

c. The phone or device is used to communicate with the camp regarding an emergency situation.

2. A navigation device may be used during transportation of children if the device is programmed to a destination when the vehicle is out of traffic and not in operation.

(5) VEHICLE. (a) The licensee shall ensure that each vehicle that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.

2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.

3. Enclosed. Children may not be transported in a truck, except in the cab.

4. In safe operating condition.

(b) At 12-month intervals, the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

Note: The department's form, *Vehicle Safety Inspection*, is used to record evidence of the vehicle's safe operating condition. Forms are available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(c) At least once per year, the licensee shall make available to the department each vehicle that is required to have a child safety alarm under sub. (8) (a) to determine whether the child safety alarm is in good working order.

(d) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

(6) SEAT BELTS AND CHILD SAFETY RESTRAINTS. (a) No person may transport a child under the age of 8 in a motor vehicle, unless the child is restrained in a child safety restraint system that is appropriate to the child's age and size and in accordance with s. 347.48 Stats., and ch. Trans 310.

Note: For further information on child safety restraints, see https://wisconsindot.gov/Pages/safety/education/child-safety/default.aspx.

(b) 1. Each child who is not required to be in an individual child car safety seat or booster seat when being transported under par. (a) shall be properly restrained by a seat belt in accordance with 347.48, Stats., and ch. Trans 315.

2. Each adult in the vehicle shall be properly restrained by a seat belt in accordance with 347.48, Stats., and ch. Trans 315.

3. Seat belts may not be shared.

(c) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(d) Children under age 13 years who are in the care of the camp may not ride in the front seat of a vehicle.

(7) VEHICLE CAPACITY AND SUPERVISION. (a) The center shall be responsible for a child from the time the child is placed in a vehicle until the children reaches his or her destination and is

released to a person responsible for the child. A parent of a school age child may authorize a child to enter a building unescorted.

Note: The form, *Transportation Permission - Child Care Centers*, may be used to designate an adult to receive a child being transported. Forms are available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(b) Children may not be left unattended in a vehicle.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who have a disability that limits their ability to respond to an emergency.

(d) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(e) No child may be in a vehicle for transport to or from the camp, a field trip, or other camp activity for more than 60 minutes hour each direction.

(8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at http://dcf.wisconsin.gov.

SECTION 354. DCF 252.41 (1) (bm) and (br) are created to read:

DCF 252.41 (1) (bm) Ensure that all information provided to the department is current and accurate.

(br) Comply with all conditions placed on the license.

SECTION 355. DCF 252.41 (1) (f) (intro.) is amended to read:

DCF 252.41 (1) (f) (intro.) Develop, submit to the department, and implement written policies and procedures consistent with this chapter on all of the following subjects~~, submit them to the department for review and implement them~~:

SECTION 356. DCF 252.41 (1) (f) 4. to 12. are created to read:

DCF 252.41 (1) (f) 4. Admission, including a procedure to contact a parent if a child is absent from the camp without prior notification from the parent.

5. Program objectives and a description of activities designed to carry out the program objectives.

6. Transportation if children may be transported to and from the camp or for field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.

7. Plans to be followed in the event of a fire, tornado, missing child, or other emergency. If an open-sided shelter is used as a base camp, the plan shall identify the location of a designated tornado shelter and the procedure to ensure the camp receives information about tornado watches or warnings. The plan shall include a procedure to ensure that children reach the tornado shelter in a timely fashion.

8. The plan for supervising children during water activities and waterfront activities, including emergency procedures to be carried out if a child participating in water activities cannot be found.

9. The plan for providing pre-camp training to staff.

10. Child guidance, including ways to manage crying, fussing, or distraught children.

11. Health, including procedures to be followed when there is contact with animals.

12. Nutrition.

SECTION 357. DCF 252.41 (1) (g), (h), and (j) are repealed.

SECTION 358. DCF 252.41 (1) (L), (n), and (o) are repealed and recreated to read:

DCF 252.41 (1) (L) 1. Post next to the day camp license all of the following:

a. The current statement of compliance or a noncompliance statement and correction plan, including rule violations the department has not verified as corrected and in compliance.

b. Any notice from the department regarding rule violations, such as a warning letter or enforcement action.

c. Any stipulations, conditions, temporary closures, exceptions, or exemptions that affect the license.

2. All items posted as required under this paragraph shall be visible to parents.

(n) Submit to the department by the department's next business day a completed background check request form for any of the following:

1. There is a change in the board president or chairperson.

2. A corporation or limited liability company designates a new person to be subject to the child care background check.

3. A household member turns age 18, unless the household member has previously submitted a background check request form.

4. A household member turns age 10.

(o) Submit to the department a completed background check request form for each potential household member prior to the date on which the individual becomes a household member, unless the person is less than age 10.

SECTION 359. DCF 252.41 (1) (p) is repealed and recreated to read:

DCF 252.41 (1) (p) Submit a current delegation of administrative authority signed by the licensee that describes the organizational structure of the camp. The delegation of administrative authority shall identify by position or name those persons that will be on the premises and in charge of the camp for all hours of operation.

SECTION 360. DCF 252.41 (2) (a) and (Note) are amended to read:

DCF 252.41 (2) (a) ~~The death of a child in care or any~~ Any accident or incident that occurs while the child is in the care of the camp that results in professional medical ~~treatment~~ evaluation, within ~~48~~ 24 hours of the licensee becoming aware of the medical ~~treatment~~ evaluation.

Note: The licensee may use either the department's form, ~~Child Care Accident~~ Incident Report – Regulated Child Care, or the licensee's own form to report accidents. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

SECTION 361. DCF 252.41 (2) (am) and (ar) are created to read:

DCF 252.41 (2) (am) Any death of a child in care, within 24 hours after the death.

(ar) Any animal bite to a child in care, within 24 hours after the incident.

SECTION 362. DCF 252.41 (2) (b) and (g) are amended to read:

DCF 252.41 (2) (b) Any damage to the base camp ~~which~~ that may affect compliance with this chapter, or any damage to the base camp that results in the loss of utility services, within 24 hours after the occurrence.

(g) Any suspected abuse or neglect of a child by a staff member that was reported under s. DCF 252.07 (3) (a) ~~or any inappropriate discipline of a child~~, including any incident that results in a child

being forcefully shaken or thrown against a surface, hard or soft, by a staff member during the child's hours of attendance, within 24 hours after the occurrence.

SECTION 363. DCF 252.41 (2) (gm), (L) (Note), (m), (n), and (o) are created to read:

DCF 252.41 (2) (gm) Any inappropriate guidance of a child by a staff member during the child's hours of attendance, within 24 hours after the occurrence.

(L) (Note) Alterations, additions, or changes of use to commercial buildings may require submittal of plans to and approval by the Department of Safety and Professional Services or its agent before commencing construction. It is recommended that an architect or engineer be consulted prior to the beginning of any construction or remodeling to determine whether plans must be submitted.

(m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled at the day camp or any person in contact with children at the camp, within 24 hours. The local health department shall be notified within 24 hours.

(n) Any change in meal preparation arrangements, at least 5 calendar days prior to the change. Camps adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals.

(o) Any change in transportation services, at least 5 calendar days prior to the change.

SECTION 364. DCF 252.41 (3) is repealed.

SECTION 365. DCF 252.41 (4) (a) (intro.) and 1. are amended to read:

DCF 252.41 (4) (a) (intro.) The licensee shall create and maintain at the camp~~,~~ a current written record for each child ~~enrolled at the camp. The record shall be on file~~ before the child's first day of attendance ~~and updated annually . The licensee~~ or subsequent re-enrollment. The licensee shall make the record available to the licensing representative. Each child's file shall include all of the following:

1. ~~Pre-admission and enrollment~~ Enrollment information consisting of all of the following:

SECTION 366. DCF 252.41 (4) (a) 3. and (Note) are repealed.

SECTION 367. DCF 252.41 (4) (a) 4. is amended to read:

DCF 252.41 (4) (a) 4. Authorization from the parent for the child to participate in ~~and be transported for~~ field trips and other off-premises activities, if these are part of the camp program.

SECTION 368. DCF 252.41 (4) (a) 4. (Note) is repealed and recreated to read:

DCF 252.41 (4) (a) 4. (Note): The licensee may use either the department's forms *Field Trip or Other Activity Permission /Notification — Child Care Centers* and *Child Care Enrollment* or the licensee's own form for securing parental information. Forms are available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

SECTION 369. DCF 252.41 (4) (a) 6m. is created to read:

DCF 252.41 (4) (a) 6m. Documentation of each child's immunization history that indicates compliance with s. 252.04, Stats., and ch. DHS 144.

SECTION 370. DCF 252.41 (4) (b) is repealed.

SECTION 371. DCF 252.41 (5) (title), (a) 1., 2., and 3. are repealed and recreated to read:

DCF 252.41 (5) (title) PARENTS.

(a) 1. The child has been exposed to a confirmed case of a communicable disease reportable under ch. DHS 145 and transmitted through normal contact. Notification shall occur when the information becomes known to the camp.

2. Notification shall be made immediately in all of the following situations:

a. The child becomes ill.

b. The child needs professional evaluation of an injury.

c. The child experiences a trauma to the head, has a seizure, consumes food or drink that may contain the child's allergen, consumes or comes in contact with poisonous materials, or is given incorrect medication.

3. The child has sustained a minor injury that does not appear to require professional medical evaluation. Notification may be made when the child is picked up at the camp or delivered to the parent or other authorized person.

SECTION 372. DCF 252.41 (5) (b), (c), and (d) are created to read:

DCF 252.41 (5) (b) The camp shall notify the parents of any religious training that is part of the camp program. The reference to the religious component shall be included in any publicity and program objectives and activities.

(c) A copy of this chapter shall be posted or available in an area of the camp where parents are likely to see it.

(d) A copy of the child care policies of the camp shall be made available to the parents in an area of the camp accessible to parents. Personnel policies need not be included.

SECTION 373. DCF 252.42 is repealed and recreated to read:

DCF 252.42 Personnel. (1) STAFF RECORDS. (a) The licensee shall maintain a file on each employee that shall be available for examination by the licensing representative. Each employee's file shall include all of the following:

1. The employee's name, address, date of birth, education, position, previous experience in child care including the reason for leaving previous positions, and the name, address, and telephone numbers of persons to be notified in an emergency.

Note: The licensee may use the department's form, *Staff Record - Child Care Centers*, or the licensee's own form for recording staff information. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

2. Documentation of any pertinent certification or training required for the position, including department-approved training in shaken baby syndrome prevention and the effects of shaking an

infant or young child, taken before to beginning to work with children in care, if the person will provide care to children under age 5 years.

3. Documentation of a completed child care background check that indicates the person is eligible to work in a child care program.

Note: Information on child care background checks is available on the department's website, https://dcf.wisconsin.gov/ccbgcheck.

4. Documentation of successful completion of pre-camp training.

Note: The licensee may use the department's form, *Pre-camp Training Documentation - Day Camps*, or the licensee's own form to document the successful completion of pre-camp training. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

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

6. Documentation of a high school diploma or its equivalent as determined by the Wisconsin department of public instruction.

(b) The licensee shall maintain a listing at the base camp of the name, address, and telephone number of the person to be notified in the event of an emergency involving an employee.

(c) The licensee shall maintain a staff record that meets the requirements specified in par. (a) 1. to 6. for each student teacher or person who works at the camp and is compensated from sources other than the camp.

(2) CAMP STAFF. (a) Camp staff members, including the camp director, paid and unpaid counselors, and volunteers shall be physically, mentally, and emotionally able to provide responsible care for all children, including children with disabilities.

(b) 1. Each day camp shall have a person designated as camp director. The camp director shall be responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.

2. A camp director shall be at least 21 years of age and shall have at least one of the following:

a. The Wisconsin Afterschool and Youth Development Credential.

b. A bachelor's degree in outdoor education, recreation, coaching, juvenile justice, social work, psychology, child development, or education, or another camp-related field.

c. Two or more years of supervisory or administrative experience in an organized camp or children's program.

(d) Counselors, whether paid or unpaid, who are counted in determining the counselor-to-child ratio shall be at least 18 years of age and have a high school diploma or the equivalent, as determined by the department of public instruction.

(e) In the absence of a regular staff member, there shall be a similarly qualified staff member or substitute.

(3) STAFF TRAINING. (a) Each day camp shall develop a written pre-camp training plan. A copy of the plan shall be submitted to the department and implemented. The plan shall include all of the following:

1. A review of the applicable parts of this chapter.

2. A review of camp policies and procedures, as required under s. DCF 252.41 (1) (f).

3. Job responsibilities in relation to job descriptions.

4. Training in the recognition of childhood illnesses and infectious disease control, including handwashing procedures and universal precautions for handling bodily fluids.

Note: A copy of the universal precautions may be obtained from the Child Care Information Center by calling 800-362-7353 or from the Occupational Health Section, Bureau of Public Health, Department of Health Services, 1 W. Wilson St. Madison, WI 53703.

5. Daily activity plans and schedules.

6. First aid procedures.

7. A review of plans required under ss. DCF 252.41 (1) (f) 7. and 8., and 252.43 (2), including the plans for a missing child, fire, or tornado, and for supervision when children are swimming, if applicable.

8. The procedure for ensuring that camp counselors know the children assigned to their care and their whereabouts at all times.

9. Training in the use of fire extinguishers and recognition of local poisonous plants, snakes, and other potential hazards on the premises, and procedures to be followed to protect the children from these hazards.

10. A review of child abuse and neglect laws and the camp reporting procedures.

11. Information on the care of children with disabilities enrolled in the camp and the procedure for sharing information related to a child's special health care needs, including any physical, emotional, social, or cognitive disabilities with any person who may be assigned to care for that child throughout the day.

12. Child management techniques.

13. For any person who will be providing care and supervision to children under 5 years of age, department-approved training in shaken baby syndrome and abusive head trauma and appropriate ways to manage crying, fussing, or distraught children.

(b) All paid or unpaid counselors who are counted in determining the counselor-to-child ratio shall receive pre-camp training. The pre-camp training shall be for a minimum of 24 hours and shall include orientation at the base camp.

(c) Children's parents serving as counselors and volunteers who are not included for meeting the required counselor-to-child ratio are exempt from the 24-hour pre-camp training if all of the following conditions are met:

1. The parent or volunteer receives at least 4 hours of training in day camp programming, as required under par. (a), including orientation at the base camp.

2. The parent or volunteer works under the supervision of a counselor who has met the training requirements specified in par. (b).

(d) The camp director shall plan and implement monthly staff meetings that provide ongoing supervision and in-service training for the staff.

(e) All camp staff in regular contact with the children, including the camp director and counselors, shall obtain and maintain a current certificate of completion for child and adult cardiopulmonary resuscitation (CPR), including department-approved training in the use of an automatic external defibrillator prior to working with children in care. The CPR training may be included in pre-camp training.

(f) The camp director shall coordinate the volunteer program and keep on file documentation of the days and hours worked for volunteers who are included for meeting the required counselor-to-child ratio.

(4) HEALTH. (a) No licensee, employee, volunteer, visitor, or parent with symptoms of a communicable disease reportable under ch. DHS 145 or a serious illness that presents a safety or health risk to children may be in contact with the children in care.

(b) 1. No licensee, employee, volunteer, visitor, or parent whose behavior gives reasonable concern for the safety of the children may be in contact with the children in care.

2. The department may require a licensee, employee or other person in contact with the children in care whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

(c) No person with a health history of typhoid, paratyphoid, dysentery, or other diarrheal disease may work in a camp until it is determined by appropriate tests that the person is not a carrier of the disease.

SECTION 374. DCF 252.425 is created to read:

DCF 252.425 Supervision and grouping of children. (1) SUPERVISION. (a) Each child shall be supervised at all times to guide the child's behavior and activities, prevent harm, and ensure safety.

(b) All children in care shall be assigned to a counselor. The camp shall implement a procedure to ensure that the number, names, and whereabouts of children in care are known to the assigned camp counselor at all times.

(c) 1. Counselors who are included for meeting the required counselor-to-child ratio may not provide care to children more than 12 hours in any 24-hour period.

2. Notwithstanding subd. 1., camps that provide an occasional overnight activity for children enrolled in the camp may allow a counselor to provide care for children for more than 12 hours in the 24-hour period to permit the counselor to remain with the children during the overnight session.

(d) No licensee, employee, volunteer, or other individual in contact with children may consume alcoholic beverages or any non-prescribed controlled substance specified in ch. 961 Stats., on the premises of the camp or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the camp's operation.

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

(f) The camp shall implement a procedure to contact a parent if a child is absent from the camp without prior notification from the parent.

(g) A child may not be in care for more than 14 hours in any 24-hour period.

(h) 1. The camp director shall be at the camp during the hours of operation, except if any of the following conditions are met:

a. The camp director is on a field trip with all of the children.

b. The camp director is on a field trip with some of the children and has a reliable method of communicating easily with the camp.

c. Another qualified person that is identified in the written delegation of administrative authority under s. DCF 252.41 (1) (p) is present at the camp and is authorized to make decisions for the camp.

(i) When 9 or more children are present at the camp, there shall be at least 2 adults available at all times and at least one of the adults shall be a counselor.

(2) GROUPING OF CHILDREN (a) 1. Except as provided in subd. 2., 3., and 4., the ratio of counselors to children may not be less than the minimum number of counselors to children specified in Table DCF 252.425.

TABLE DCF 252.425
COUNSELOR-TO-CHILD RATIO FOR CHILDREN IN A DAY CAMP

Age of Children	Minimum Number of Counselors to Children
3 Years to 4 Years	1:4
4 Years to 5 Years	1:6
5 Years and 6 Years	1:12
7 Years and Over	1:18

2. When there is a mixed-age group, the counselor-to-child ratio shall be adjusted on a pro rata basis, according to age.

Note: The department's form, *Counselor-to-Child Ratio Worksheet* may be used to prorate the staff-to-child ratio for mixed age groups. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

3. When children 7 years of age and older are served in the same group with children ages 3 and 4, the ratio of counselors to children in the group shall be consistent with the requirements for the youngest children in the group as specified in Table DCF 252.425.

4. When 9 or more children are on a field trip, at least 2 adults shall accompany the children. The counselor-to-child ratios in Table DCF 252.425 shall be met on field trips.

(b) Support staff, such as maintenance, clerical, housekeeping, and food service staff, may only be considered in determining counselor–to–child ratios if the support staff meet the qualifications of a camp counselor and are giving full attention to the care and supervision of children.

(c) A camp counselor may not engage in any duties that are not related to caring for children while he or she is counted in meeting the required counselor–to–child ratios.

(d) Children of staff who attend the camp and who are on the premises for supervision and care shall be counted in the determination of counselor-to-child ratios.

SECTION 375. DCF 252.43 (1) (f) is repealed and recreated to read:

DCF 252.43 (1) (f) The base camp premises and any structures used by children on the premises shall be free of litter, safe, well maintained, in good repair, and clean.

SECTION 356. DCF 252.43 (1) (f) (Note) is repealed.

SECTION 377. DCF 252.43 (1) (h) to (m) are created to read:

DCF 252.43 (1) (h) Painted exterior and interior surfaces accessible to children shall be free of flaking or deteriorating paint and finished with lead-free paint or other non-toxic material.

(i) Garbage and refuse at the base camp shall be kept in rigid, watertight, and leak-proof containers with tight-fitting covers and disposed of as necessary to prevent decomposition and overflow.

(j) The areas around garbage and refuse containers shall be clean and dry.

(k) Solid waste disposal sites on the premises must be licensed by the department of natural resources.

(L) The growth of brush, weeds, grass, and plants shall be controlled in the base camp area to prevent the harborage of noxious insects, rodents, and any other animals.

(m) Chemical insect, weed, and rodent control measures shall be applied according to label instructions. Control measures shall be used in a safe manner.

SECTION 378. DCF 252.43 (2) and (3) are repealed and recreated to read:

DCF 252.43 (2) PROTECTIVE MEASURES. (a) Children shall be protected from indoor and outdoor hazards, including any recalled products.

Note: Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at https://datcp.wi.gov/Pages/Publications/KeepYourKidsSafeNewsletter.aspx or by contacting the U.S. consumer products safety commission (US CPSC) at 1-800-638-2772.

(b) Materials harmful to children, including drugs, pesticides, flammable or combustible materials, insecticides, matches, cleaning supplies, bleaches, and other hazardous, toxic, or poisonous materials shall be stored in the original, covered, and labeled container in areas not accessible to children. Power tools shall be stored so they are inaccessible to children.

(c) A motor vehicle shall be immediately available at the camp in case of emergency if a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call.

(d) Smoking is prohibited anywhere on the premises or in a vehicle used to transport children when children are in care.

(e) The camp shall have a working telephone at the camp during the hours of operation. A list of emergency telephone numbers, including fire, law enforcement, and poison control shall be in a clearly visible location. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

(3) EMERGENCY PLANS AND DRILLS. (a) Each camp shall have a written plan for taking appropriate action in the event of an emergency situation, including a fire, tornado, or natural disaster, extreme heat or cold, lost or missing children, a missing swimmer, an accident, an illness, allergic reactions, human-caused events, such as threats to the premises or its occupants, or other circumstances requiring immediate attention. The plan shall include specific procedures that address all of the following:

1. Evacuation, relocation, shelter-in-place, and lock–down.

2. Procedures for ensuring that the needs of children with disabilities are met.

3. Communication with parents.

4. Connecting children with their parents if the camp is required to evacuate the premises.

(b) Each staff member shall be informed of and knowledgeable about his or her duties in the event of an emergency and appropriate evacuation routes.

(c) All fire protection facilities and equipment, including fire extinguishers, shall be operable and maintained in working order by a qualified person. Each fire extinguisher shall be inspected once per year by a qualified person and have a label indicating its present condition and the date of the last inspection.

(d) Before camp opens, written notification of the camp operation shall be given to the nearest fire department or forest ranger service for protection in case of fire. The notification shall include the dates the camp will be operational and the number and ages of children in care.

(e) Any necessary permits required for operation of incinerators or for open fires shall be secured and available for review by a licensing representative.

Note: The department recommends that the licensee contact the local municipality and the Department of Natural Resources prior to the camp opening to determine what permits are required.

(f) The clearing around open fires shall be free of burnable materials for a radius of 6 feet.

SECTION 379. DCF 252.43 (3m), (4), and (5) are created to read:

DCF 252.43 (3m) FOOD PREPARATION, SERVICE, AND STORAGE. (a) When meals are prepared or heated on the premises, the kitchen area shall be equipped with a microwave or stove, a refrigerator, a sink, and utensils that are necessary to prepare and serve meals. The sink shall be used exclusively for food preparation and dishwashing.

(b) Camps preparing or serving only snacks are not required to have a sink unless dishes or utensils requiring dishwashing are used. Camps preparing or serving only snacks are not required to have a microwave or stove unless the snacks require heating.

(c) All equipment and utensils used for preparing, serving, or storing food shall have smooth hard surfaces, be easily cleanable, in good repair, durable, non-toxic, and free of cracks, seams, chips, and roughened areas, and be maintained in a clean and sanitary condition.

(d) Single-service utensils and food containers may not be reused.

(e) Foods shall be stored at temperatures that protect against spoilage. Milk and other perishable food shall be maintained at or below 40 degrees Fahrenheit.

(f) Food shall be protected from potential contamination and adulteration, including dirt, insects, rodents, or animals. Dry foods, such as cereals, crackers, and pasta shall be stored in bags with zip-type closures or metal, glass, or food-grade plastic containers with tight-fitting covers and shall be labeled and dated. In this paragraph, “food-grade plastic” means any plastic material used

in the manufacture of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

(g) Raw fruits and vegetables shall be washed before being served or cooked.

(h) Meals shall be prepared at the base camp in a central kitchen operated by the camp or in another location that has been inspected by a representative of a state agency. Food delivery vehicles shall be equipped with clean containers or cabinets to store food while in transit. Containers for cold food shall be capable of maintaining the temperature at or below 40 degrees Fahrenheit and containers for hot food shall be capable of maintaining the temperature at or above 135 degrees Fahrenheit.

Note: The rules for restaurants and other public eating establishments are in ss. ATCP 75.101 to 75.112. Chapter ATCP 75 is at https://docs.legis.wisconsin.gov/code/admin_code/atcp.

i. Extra food that was prepared but not served shall be dated, refrigerated promptly, and used within 36 hours, or frozen immediately for use within 6 months.

(4) WATER. (a) A supply of safe drinking water shall be available to children at all times from disposable cups, covered water bottles labeled with the child's name, or angle jet type drinking fountains. Common use of drinking cups is prohibited.

Note: It is recommended that single-use disposable water bottles not be reused.

(b) 1. When a public water system is not available, a private well may be used if it is approved by the department of natural resources. Water samples from an approved well shall be tested for lead and bacteria by a laboratory certified under ch. ATCP 77 annually and at least 2 weeks prior to the camp opening. The water supply shall be bacteriologically safe. The laboratory report shall be made available to the department upon request.

2. If the water test under subd. 1. results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used on a temporary basis until the water is determined to be safe.

Note: Camps using a private well that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non-community water system (NTNC) and must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest department of natural resources office from the list at https://dnr.wi.gov/Contact/SSbyCounty.html.

(d) Where running water is not available, a covered drinking water container that is easily distinguishable from other containers, constructed of a food grade material that does not permit the water to become contaminated by dirt, insects, or animals, and suitable for pouring or equipped with a faucet shall be provided. Dipping into water from the container is prohibited. The container shall be cleaned and sanitized daily. The water source shall be a public water supply or as specified in par. (b).

(5) WASHROOMS AND TOILET FACILITIES. (a) Handwashing and toileting facilities shall be provided and accessible to children.

(b) Single-use disposable towels shall be provided and accessible to children.

(c) Soap, toilet paper, and a wastepaper container shall be provided and accessible to children.

(d) Outdoor toilets, when used, shall be constructed according to the requirements of the applicable Wisconsin commercial building codes and maintained in good repair.

(e) If devices other than plumbed toilets or outdoor toilets are used, they shall be subject to local ordinances and required permits shall be obtained.

(f) Plumbing shall comply with all applicable sections of Wisconsin plumbing codes.

(g) Liquid waste disposal shall be connected to a public sewer, if available. If not available, liquid waste disposal shall be in accordance with chs. SPS 382, 383 and 384.

(h) Handwashing and toilet facilities shall be in clean and sanitary condition.

SECTION 380. DCF 252.44 (1) (a) 9. (Note) is amended to read:

DCF 252.44 (1) (a) 9. (Note): With parental consent and consultation, it is recommended that ~~centers~~ camps who care for children who have an ~~Individualized Family Service Plan (IFSP) or an~~ Individualized Education Program (IEP) coordinate programming activities with the local school district ~~or Birth to Three agency~~.

SECTION 381. DCF 252.44 (2) (b) and (3) (title) are amended to read:

DCF 252.44 (2) (b) If a camp uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed ~~5~~ 3 minutes, and the procedures shall be included in the camp's child guidance policy as specified in par. (a).

(3) (title) EQUIPMENT AND FURNISHINGS.

SECTION 382. DCF 252.44 (3) (a) (intro.) and (b) (intro.) and 2. are amended to read:

DCF 252.44 (3) (a) (intro.) The camp shall provide program equipment and furnishings in a variety and quantity ~~which will allow~~ that allows staff to implement activities outlined in the written policy on program objectives and activities required under s. DCF 252.41 (1) ~~(g)2.~~ (f) 5. and ~~which~~ meets all of the following criteria:

(b) (intro.) All equipment and furnishings, whether or not owned by the camp, shall be:

2. ~~Of sound~~ Safe, durable, of sturdy construction with no sharp, rough, loose, protruding, pinching or pointed edges, or areas of entrapment, in good operating condition, and anchored when necessary.

SECTION 383. DCF 252.44 (3) (b) 4. is created to read:

DCF 252.44 (3) (b) 4. Used in accordance with manufacturer instructions, recommendations, and intended use.

SECTION 384. DCF 252.44 (3) (d) is repealed and recreated to read:

DCF 252.44 (3) (d) No trampolines or inflatable bounce surfaces on the premises may be accessible to children or used by children in care.

SECTION 385. DCF 252.44 (5) (title) is repealed and recreated to read:

DCF 252.44 (5) (title) MEALS, SNACKS, AND FOOD SERVICE

SECTION 386. DCF 252.44 (5) (e) and (Note) and (f) are repealed and recreated to read:

DCF 252.44 (5) (e) At a minimum, each meal and snack provided to children shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements for amounts and types of food. Additional portions of vegetables, fruits, bread, and milk shall be available.

Note: The USDA meal program requirements may be found on the website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

(f) When food for a child is provided by the child's parent, the camp shall provide the parents with information about requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

SECTION 387. DCF 252.44 (5) (h) is repealed.

SECTION 388. DCF 252.44 (6) (a) 1. is renumbered (6) (a).

SECTION 389. DCF 252.44 (6) (a) 2. is repealed.

SECTION 390. DCF 252.44 (6) (c) (title) is repealed and recreated to read:

DCF 252.44 (6) (c) (title) *Ill child procedure.*

SECTION 391. DCF 252.44 (6) (d) 1. and 3. (Note) are repealed and recreated to read:

DCF 252.44 (6) (d) 1. No child or any other person with a reportable communicable disease specified in ch. DHS 145 may be admitted or readmitted to a camp, be permitted to remain in a camp, or be permitted to have contact with children in care during the period when the disease is communicable.

3. (Note) The Division of Public Health in the Wisconsin Department of Health Services has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also proved additional guidance on the symptoms of

each disease and information on how long an infected child must be excluded from the camp. Copies of the communicable disease chart are available from the Department of Health Services website at https://www.dhs.wisconsin.gov/publications/p4/p44397.pdf.

SECTION 392. DCF 252.44 (6) (e) 1. d., 6., and 7. are repealed.

SECTION 393. DCF 252.44 (6) (f) and (g) are repealed and recreated to read:

DCF 252.44 (6) (f) *Injury.* Written procedures for the treatment of children who are in accidents or otherwise injured shall be available, made known to staff, and carried out as follows:

1. Written permission from the parent to call the family physician or refer the child or medical care in case of emergency shall be on file at the camp. This permission shall be used only when the parent or the designated responsible person cannot be reached.

Note: The camp may use the department's form, Child Care Enrollment, or its own form for obtaining medical consent from the parent. Information on how to obtain forms is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. Prior to the opening of camp, a planned source of emergency medical care, such as a hospital emergency room, clinic, or other constantly staffed medical facility, shall be designated and made known to staff and parents.

3. A camp shall establish and follow written procedures for treating minor injuries and for taking a child to an emergency medical care facility.

4. First aid equipment shall be available at a designated location at the base camp.

5. Standard first aid procedures shall be followed for injuries.

6. Superficial wounds may be cleaned with soap and water only and protected.

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

(g) *Medical log.* 1. The licensee shall maintain a medical log book that has a stitched binding with pages that are lined and numbered.

2. Pages may not be removed from the medical log under subd. 1 nor may lines be skipped. Each entry in the log book shall be in ink, dated, and signed or initialed by the person making the entry.

3. A provider shall record all of the following in the medical log under subd. 1:

a. Any evidence of unusual bruises, contusions, lacerations, or burns seen on a child, regardless of whether received in or out of the care of the camp.

b. Any injuries received by a child while in the care of the camp on the date the injury occurred. The record shall include the child's name, the date and time of the injury, and a brief description of the facts surrounding the injury.

c. Any medication dispensed to a child, on the date the medication is dispensed. The record shall include the name of the child, type of medication given, dosage, time, date, and the initials or signature of the person administering the medication.

d. Any incident or accident that occurs when the child is in the care of the center that results in professional medical evaluation.

4. The director or a designee shall review records of injuries with staff every 6 months to ensure that all possible preventive measures are being taken. The reviews shall be documented in the medical log book under subd. 1.

SECTION 394. DCF 252.44 (6) (h) and (Note) are repealed.

SECTION 395. DCF 252.44 (6) (i) (title), 1., and 5. are amended to read:

DCF 252.44 (6) (i) (title) ~~*Personal*~~ *Health precautions and personal cleanliness*

1. A child's hands shall be washed with soap and running water before ~~and after~~ meals and snacks and after handling animals and toileting or diapering.

5. Children shall be clothed to ensure body warmth and comfort. Wet or soiled clothing and diapers shall be changed promptly from an available supply of clean clothing.

SECTION 396. DCF 252.44 (6) (i) 7. to 9. are created to read:

DCF 252.44 (6) (i) 7. As appropriate, children shall be protected from sunburn and insect bites with protective clothing, if not protected by sunscreen or insect repellent. Sunscreen and insect repellent may only be applied on the written authorization of the parent. The authorization shall include the ingredient strength of the sunscreen or repellent. If parents provide the sunscreen or insect repellent, the sunscreen or repellent shall be labeled with the child's name. Children may apply their own sunscreen or insect repellent with written parental authorization. Recording the application of sunscreen or insect repellent is not required.

8. Center staff shall follow universal precautions when exposed to blood and blood−containing bodily fluids and injury discharges.

9. Single use disposable gloves shall be worn if there is contact with blood−containing bodily fluids or tissue discharges. Gloves shall be discarded in plastic bags.

SECTION 397. DCF 252.44 (6) (j) 3. and (7) (title) and (am) 5. are amended to read:

DCF 252.44 (6) (j) 3. Change each child on an easily cleanable surface ~~which~~ that is cleaned with soap and water and a disinfectant solution after each use ~~with a chlorine bleach solution of one tablespoon bleach to one quart of water, made fresh daily or a quaternary ammonia product prepared according the manufacturer's recommendation~~. The disinfectant solution shall be registered with the U.S. environmental protection agency as a disinfectant and have instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

(7) (title) ~~WATER ACTIVITY AREA.~~ SWIMMING AND WATER ACTIVITY AREAS.

(am) 5. ~~Water activity areas shall be free of hazards.~~ Equipment in water activity areas, including ~~but not limited to~~ docks, ladders, rafts, diving boards, boats, life jackets, and paddles, shall be maintained and in good repair.

SECTION 398. DCF 252.44 (7) (b) 1m. is created to read:

DCF 252.44 (7) (b) 1m. If the center uses a pool, beach, or other water attraction that is not located on the center premises and certified lifesaving personnel are on duty, the waterfront supervisor is not required to meet the qualification in subd. 1. b.

SECTION 399. DCF 252.44 (7) (b) 2. and 3. are amended to read:

DCF 252.44 (7) (b) 2. The camp shall maintain a ratio of one person with a current Red Cross certified lifesaving certificate per 25 children in the water, except where a public swimming place has life-saving personnel on duty. While children are in the water, ~~staff-to-child~~ only staff who can swim may be included when determining counselor-to-child ratios under ~~s.~~ Table DCF ~~252.42(3)(b)~~ 252.425 ~~shall be maintained by staff who can swim~~.

3. The waterfront ~~director~~ supervisor or an equally qualified person shall be on duty at all times whenever children are in the water.

SECTION 400. DCF 252.44 (7) (b) 5m. is created to read:

DCF 252.44 (7) (b) 5m. The waterfront supervisor shall establish and enforce procedures for ensuring that children who have access to a beach or are engaged in fishing or other shoreline activities are properly supervised.

SECTION 401. DCF 252.44 (7) (b) 6. is amended to read:

DCF 252.44 (7) (b) 6. The waterfront supervisor or person acting as the waterfront supervisor may not be included ~~in the staff-to-child~~ when determining counselor-to-child ratios during any period when children are in the water.

SECTION 402. DCF 252.44 (7) (e) is repealed.

SECTION 403. DCF 252.44 (9) (intro) and (d), (11) (b), (12) (b), and (13) (e) are amended to read:

DCF 252.44 (9) (intro) FIREARMS AND ARCHERY. Firearms and archery equipment may not be used by children under 7 years of age. When firearms and archery equipment are used by children ~~over age~~ 7 years of age and older, the following precautions shall ~~be observed~~ apply:

(d) ~~Children shall be closely supervised to ensure that all firearms, ammunition and archery equipment is used in a safe manner and to ensure that all~~ All firearms, archery equipment, and unused ammunition ~~is~~ shall be returned to the instructor.

(11) (b) Children may ride horseback only ~~under close supervision~~ in a ring or other enclosed area.

(12) (b) The counselor-to-child ratio under ~~Table DCF 252.42~~ Table DCF 252.425 shall be maintained, except that the number of adults accompanying children away from the base camp shall be no fewer than 2.

(13) (e) Counselor-to-child ratios shall be adequate to manage and supervise the adventure-based activity based upon the number of children participating and type of activity. ~~However, at~~ At no time, shall the counselor-to-child ratio be less than that specified in ~~Table DCF 252.42~~ Table DCF 252.425.

SECTION 404. DCF 252, Subchapter II is repealed.

SECTION 405. DCF 252, Appendix A is amended to read:

APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and ~~related~~ the counties and tribes within each region.

REGIONS		COUNTIES AND TRIBES
Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: ~~(920) 448-5312~~ (920) 785-7811 Fax: ~~(920) 448-5306~~ 920-785-7869		Counties: Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago Tribes: Menominee, Oneida, Stockbridge-Munsee, Ho Chunk
Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: ~~(715) 365-2500~~ (715) 361-7700 Fax: (715) 365-2517		Counties: Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood Tribes: Bad River, Lac Courte Oreille, Lac du Flambeau, Red Cliff, Sokaogon, Forest County Potawatomi, Ho Chunk
Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: ~~(262) 521-5100~~ (262) 446-7800 Fax: ~~(262) 521-5314~~ (262) 446-7991		Counties: Kenosha, Milwaukee, Racine, Waukesha
Southern Regional Office ~~1 West Wilson Street, Room 655~~ 2135 Rimrock Road P.O. Box 8947 Madison, WI 53708-8947 Gen: ~~(608) 266-2900~~ (608) 422-6765 Fax: ~~(608) 261-7824~~ 608-422-6766		Counties: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth Tribe: Ho Chunk
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: ~~(715) 836-2185~~ (715)930-1148 Fax: (715) 836-2516		Counties: Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn Tribe: Ho Chunk

SECTION 406. DCF 252 Appendix B is repealed.

SECTION 407. EFFECTIVE DATE. These rules shall take effect the first day of the month following publication in the Administrative Register, as provided in s. 227.22 (2) (intro.), Stats., except as follows:

(1) **SECTIONS 31, 52, 119, and 202 take effect on October 1, 2021.**