
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 390

Assembly Amendment 1

BACKGROUND

State law requires, subject to certain exceptions, that a person who provides care and supervision for four or more children under age seven be licensed by the Department of Children and Families (DCF). As relevant to the bill, DCF’s administrative rules require a provider who cares for nine or more children be licensed as a “group child care center” and further specify the categories of, and qualifications for, various staff positions within a group child care center.

Under DCF’s current rules, an individual hired to be an assistant child care teacher at a group child care center must be qualified in one of the following ways:

- Be at least 18 years of age and have satisfactorily completed two credits in early childhood education or its equivalent within six months after assuming the position.
- Be at least 18 years of age and have satisfactorily completed one, noncredit department-approved course in early childhood education within six months after assuming the position.
- Be at least 17 years of age and have satisfactorily completed an assistant child care teacher training program approved by the Wisconsin Department of Public Instruction or either of the two academic options listed above.

Assistant child care teachers under the age of 18 who have completed the required training specified above may provide sole supervision to children for opening and closing hours, not to exceed the first two hours and the last two hours of center operation, and for up to two hours during the center’s designated naptime.

DCF’s administrative rules also contain certain provisions governing school-age programs, which are group child care centers that serve only school-age children during nonschool hours. Such programs employ “school-age group leaders” who may be qualified by meeting one of the qualifications for serving as an assistant child care teacher listed above, or other qualifications specified in rule.

Under current DCF rules, assistant child care teachers and school-age group leaders who are 18 years of age or older may provide sole supervision for a group of school-age children for no more than 45 minutes if a qualified school-age program leader or child care teacher on the premises.

2023 ASSEMBLY BILL 390

2023 Assembly Bill 390 generally modifies the administrative rules described above governing assistant child care teachers and school-age group leaders.

With respect to age requirements, the bill lowers the minimum age at which a person is qualified to serve as an assistant child care teacher or school-age group leader to 16 years of age. The bill also reduces the minimum age at which an assistant child care teacher or school-age group leader may provide sole supervision to school-age children, from 18 to 16 years of age.

In addition, the bill eliminates the restriction specifying the limited hours in which an assistant child care teacher may provide sole supervision to a group of children. The bill also eliminates the 45-minute maximum period in which an assistant child care teacher or school-age group leader may provide sole supervision of school-age children.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 specifies that an assistant child care teacher may provide sole supervision to children, as provided under the bill, if a child care teacher is on the premises. The amendment also makes various technical changes to the bill to avoid superfluous language in the administrative code.

BILL HISTORY

Representative Goeben introduced Assembly Bill 390 on September 1, 2023, and offered Assembly Amendment 1 on September 5, 2023. On September 12, 2023, the Assembly Committee on Children and Families recommended adoption of the amendment on a vote of Ayes, 12; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 4.

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:ksm