

Department of Children and Families

Public Hearing Summary

**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

CR 19-089

A public hearing was held in Madison on July 25, 2019. The department received comments and registrations from the following:

1. 4-C, Madison
 - a. Jessica Bowden
 - b. Michelle Garcia
 - c. Rebecca Hrovat
 - d. Wanda Rodriguez
2. The Registry, Fitchburg
 - Nicole Lopez Purkapile
 - Christine Moldenhauer
 - Jody Gennrich
 - Kathryn-Ann Love
3. Jessica Howe, Licensee
 - Group child care center
 - West Bend
4. Anne Carmody, Columbus
5. Wisconsin Afterschool Network
 - Madison
 - Linda Eisele
6. Linda Kudrna, Licensee
 - Group child care center
 - Cottage Grove
7. Jennifer Schrock
8. Stephanie Winkel, Licensee
 - Family child care center
 - Neenah
9. Katy Love
10. City of Madison Child Care Section
 - Community Development Division
11. Cindy Drew, Director, and Kelly Kuhl, Owner/Administrator
 - Group child care center
 - Lake Mills
12. Mandy Albrecht, Licensee
 - Family child care center
 - Portage

Twenty others observed the hearing for information only.

Summary of Public Hearing Comments and Department Responses

Comment number designates commenter specified on page one.

DCF 202 and 250 Elimination of the ability to be a certified child care operator and a family child care licensee at the same time

Comment (1): We opposes the elimination of dual regulation. We recommend moving forward with the proposal to allow licensed providers to care for children for up to 16 hours , but continuing to allow dual regulation. If providers wants to pay both the licensing fee and any certification fee to be dually regulated, that should be their choice. Extra monitoring visits and technical assistance help to ensure safe environments and practices for children. In addition, eliminating dual regulation will hurt Spanish-speaking providers who are dually regulated. In Dane County 9 of our 16 dually-regulated providers are Spanish-speaking, and they regularly reach out to our Spanish-speaking certifiers for assistance with department requirements and paperwork. We are submitting comments from several dually-regulated providers that oppose the elimination of dual regulation.

Department response: Dual regulation creates costly automation needs for the department, overlapping roles and responsibilities for certification agencies and the department, and complex compliance and enforcement issues. The department believes that the balance of interests weighs more heavily toward eliminating dual regulation. The department also has Spanish-speaking licensing representatives.

Comment (4): I support the elimination of dual regulation.

DCF 202 Repeal of landlord approval

Comment (1. b. and c.): I support the repeal of the requirement that an operator in a rental property obtain permission from the landlord as a condition of certification.

DCF 202.08 (2) (m) Pets and animals; psittacine birds

Comment (9): I suggest clearer language regarding psittacine birds. Would it be possible to add “parrot family” in parentheses?

Department response: **The department agrees** to add a note.

Rule change: DCF 202.08 (2) (m) Note: Psittacine birds are hooked bill birds of the parrot family that have 2 toes forward and 2 toes backward, including macaws, grays, cockatoos and lovebirds.

DCF 202.08 (1m) (b), 250.04 (3), 251.04 (3), and 252.41 (2) Certification agency or department notification; animal bites

Comment (4): The current reporting requirement for animal bites should be expanded to require reporting of any injury caused by an animal. This change would require injuries such as a cat or dog scratch to a child be reported to the department. These injuries can seem insignificant at the time but become infected.

Department response: **The department agrees.**

Rule changes: DCF 202.08 (1m) (b) An injury caused by an animal to a child in care.

DCF 250.04 (3) (ar), DCF 251.04 (3) (ar), and DCF 252.41 (2) (ar) Any injury caused by an animal to a child in care, within 24 hours after the incident.

DCF 202.08 (1m), 250.04 (3), 251.04 (3), 252.41 (3) Department notification; loss of utility services

Comment (11): Please clarify what length of time the loss of utility services applies to and whether it applies to power outages that are not the result of damage to the premises.

Department response: **The department agrees** clarification is needed..

Rule change: DCF 202.08 (1m) (b) 3., 250.04 (3) (b), 251.04 (3) (b), 252.41 (3) (b) Any damage to the premises that may affect compliance with this chapter, or any incident at the premises that results in the loss of utility services, within 24 hours after the occurrence.

DCF 250.04 (3) (im), 250.07 (2) (d), 251.04 (3) (jm), 252.41 (2) Department notification; inappropriate guidance

Comment (11): Please clarify what inappropriate guidance means.

Department response: **The department agrees** clarification is needed.

Rule changes: DCF 250.04 (3) (im) Any prohibited actions specified in s. DCF 250.07 (2) (c) by a provider, volunteer, or household member to a child in care, within 24 hours after the incident.

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 of prohibited actions to a child~~ be reported to the ~~Department~~ department within 24 hours after the occurrence.

DCF 251.04 (3) (jm) Any prohibited actions specified in s. DCF 251.07 (2) (e) by an employee or volunteer to a child in care, within 24 hours after the incident.

DCF 251.07 (2) (f) (Note): ~~Inappropriate discipline of Prohibited actions by an employee or volunteer to a child~~ by a staff member must be reported to the department within 24 hours after the occurrence under s. DCF 251.04 (3) (i).

DCF 252.41 (2) (gm) Any prohibited actions specified in s. DCF 252.44 (2) (c) by a staff member to a child during the child's hours of attendance, within 24 hours after the incident.

DCF 250.04 (3) (m), 251.04 (3) (m), 252.41 (2) (m) Department notification; communicable disease

Comment (11): Clarify the timeframe for reporting a confirmed communicable disease. Is it within 24 hours after the center has been made aware?

Department response: **The department agrees** clarification is needed.

Rule changes: DCF 250.04 (3) (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 24 hours after the center is notified of the diagnosis. The licensee shall also notify the parents of all enrolled children and the local health department within 24 hours after the center is notified of the diagnosis.

DCF 251.04 (3) (m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled at the center or a person in contact with children at the center,

within 24 hours after the center is notified of the diagnosis. The licensee shall also notify the local health department within 24 hours after the center is notified of the diagnosis.

DCF 252.41 (2) (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 after the camp is notified of the diagnosis. The licensee shall also notify the local health department within 24 hours after the camp is notified of the diagnosis.

DCF 250.04 (4), 251.04 (4), and 252.41 (5) Parent notification; trauma to child's head

Comment (3): Define trauma to the head; if a child scratches himself on the face, is that reportable?

Department response: **The department agrees** clarification is needed.

Rule changes: DCF 250.04 (4) (c) 2. c., 251.04 (4) (a) 2. c., and 252.41 (5) (a) 3. The child experiences a head injury, 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. For purposes of this subdivision, a "head injury" means a bump, blow, or jolt to the head.

DCF 251.04 (6) Children's records; immunizations

Comment (11): Will families still have the option to waive immunizations?

Department response: The rule requires centers to comply with s. 252, Stats., and ch. DHS 144, which allow for waivers due to health, religion, and personal conviction.

DCF 251.05 (2) Staff records; afterschool programs

Comment (5): In many afterschool programs, staff records are kept at the administrative office, not at the program site. Can there be any consideration in DCF 251.095 that identifies staff information that needs to be kept at the program site, separate from the information at the administrative office?

Department response: The department currently considers and grants exceptions to these programs and identifies in the conditions of the exception what information needs to be kept onsite. The department is not considering revision of this rule at this time.

DCF 251.05 (2) (a) Staff records; staff physicals

Comment (3, 11): The proposed rule requires staff in a group child care center to get a health examination within 42 days, which is not enough time.

Department response: **The department agrees.** That was an error that has been corrected.

Rule change: DCF 251.05 (2) Except as provided under par. (e), 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:

DCF 250.05 (2) (f) and 251.05 (2) (a) Staff records; The Registry; significant rule revision; active membership

Comment (2): The timeframe to obtain an updated certificate from The Registry following a significant revision of DCF 250 or 251 should be within one year. Six months is not enough time.

Department response: **The department agrees.**

Rule change: DCF 250.05 (2) (f) 1. b. An updated certificate from The Registry within one year following the effective date of a significant revision of this chapter, as determined by the department.

DCF 251.05 (2) (a) 4. c. For persons required to have a certificate from The Registry under subd. 4. a. and b., an updated certificate from The Registry within one year following the effective date of a significant revision of this chapter, as determined by the department.

Comment (11): Define what a significant revision means in terms of updating a Registry certificate; does it only apply to significant revisions of the educational qualifications section? Will this happen automatically or do staff need to reapply?

Department response: Upon notice from the department of a significant rule revision of the staff qualification sections, child care staff will need to reapply to The Registry at the membership rates set by The Registry. The department will determine at the time of proposed rule revisions whether updated certificates from The Registry will be necessary.

Comment (2, 2. d.): Providers should be required to maintain an active membership in The Registry so records are accurate and compliance with licensing rules can be determined.

Department response: The department will not be considering this major rule revision at this time.

DCF 251.05 (3) Qualifications; training on shaken baby syndrome

Comment (2): Please add from the WI Technical College to the notes regarding shaken baby syndrome training in the *Health, Safety, and Nutrition* course in DCF 251.

Department response: **The department agrees** and has revised the notes regarding this course.

Rule changes: DCF 251.05 (3) (b) 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 course for credit called *Health, Safety and Nutrition* offered by a Wisconsin technical college, if the course was taken after 7/1/05.

DCF 251.05 (3) (i) 2. Note: The course for credit called *Health, Safety and Nutrition* offered by a Wisconsin technical college 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>.

DCF 251.05 (3) (j) 2. Note: The course for credit called *Health, Safety and Nutrition* offered by a Wisconsin technical college 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>.

Comment (2): Is the training on shaken baby syndrome required to be in-person or is online training accepted? Is there only going to be one online course approved for this training?

Comment (11): Are staff in a group center still allowed to watch an approved video and complete the face-to-face training within 6 months?

Department response: In addition to a standalone course, training on shaken baby syndrome is currently included in two of the department's non-credit courses, which can be satisfactorily completed in an online or correspondence format. Therefore, the training currently is being accepted in an online format through these courses. Future online courses for shaken baby syndrome training will be first approved through the department.

The pretraining video remains an acceptable temporary training shaken baby syndrome until the individual completes the appropriate entry-level training or the in-person training on shaken baby syndrome.

DCF 202.08 (1) (b) 5. h., 250.05 (3) (a) 12., and 251.05 (4) (a) 17. and 18. Qualifications; orientation topics

Comment (11): Please define biocontaminants and clarify what should be included in training on this topic.

Department response: **The department agrees** to add language from CCDBG on the term "biocontaminants."

Rule change: DCF 202.08 (1) (b) 5. h., 250.05 (3) (a) 12., and 251.05 (4) (a) 17. and 18. Handling and disposal of bio-contaminants. In this subdivision, "biocontaminants" includes blood, body fluids, or excretions that may spread infectious disease.

DCF 250.05 (3) (b) and 251.05 (3) (d) Qualifications; business course; credit, non-credit

Comment (2): Does DCF 250.05 (3) (b) mean business topics specifically related to operating a child care business or any general business course? Also, we recommend referring to courses as "for-credit" or "non-credit."

Department response: **The department agrees** to clarify rules on the type of business course. The department does not agree to use the term "for-credit course." The department will use the term "course for credit."

Rule changes: DCF 250.05 (3) (b) 1. b. A non-credit, department-approved course in operating a child care business or a course for credit in business or program administration. 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. Information on agencies offering the department-approved course is available on the department's website at <https://dcf.wisconsin.gov/cclicensing>.

DCF 251.05 (3) (d) 3. a. One year of experience as a manager or satisfactory completion of a department-approved course in business or program administration. The course may be either a non-credit course or a course for credit.

DCF 250.05 (3) and 251.05 (3) Qualifications; semester or quarter course

Comment (2): Please specify whether a “course for credit” means a semester or a quarter.

Department response: The department will continue to accept any credit system and will not further define a course for credit. The department is aware that the number of hours required to successfully complete a course for credit may vary from school to school.

DCF 251.05 (3) Qualifications; student teacher; staff ratio

Comment (10): There is currently a rule that does not allow student teachers to be included in staff-to-child ratios unless that student is also employed by the child care center. The department has eliminated that rule in the proposed revisions. We do not support changes that reduce the requirements for teaching staff.

Department response: This rule change does not reduce the requirements for teaching staff. Student teachers still need to meet minimum qualifications, but can now be counted in staff-to-child ratios.

DCF 251.05 (3) (d) 3. a. Qualifications; administrator

Comment (2): Is the business course requirement for administrators a general business course and is it one course for credit or a one-credit course?

Department response: **The department agrees** clarification is needed. The requirement is one course for credit or one non-credit course. The rule allows for an individual to take a non-credit course in business or program administration approved by the department or a course for credit in business or program administration, which does not need to be department approved. Any business or program administration course for credit will meet this requirement.

Rule change: DCF 251.05 (3) (d) 3. a. One year of experience as a manager or satisfactory completion of a department-approved course in business or program administration. The course may be either a non-credit course or a course for credit.

DCF 251.05 (3) (e) Qualifications; director; Registry certificate; Registry levels

Comment (2): Table 251.05A specifies the preservice training and additional training for directors of a center licensed to care for 50 or fewer children, and Table 251.05B specifies the preservice training and additional training for directors of a center licensed to care for 51 or more children. These tables currently say “A certificate from The Registry indicating that the person is qualified...” Please change to “preliminarily qualified.” The licensor makes the final determination on whether a person is qualified..

Department response: **The department agrees** and will add this term in Tables 251.05A and 251.05B.

Rule change: Tables 251.05A and B “A certificate from The Registry indicating that the person is preliminarily qualified as a director...”

Comment (2): Under the proposed rule, a certificate from The Registry indicating that the person is on Registry Level 12 or above is no longer included in the list of types of acceptable preservice training before individual may begin work as a center director. Removing this option will mean that individuals with unrelated bachelor’s degrees will no longer qualify.

Department response: That is correct. Individuals who are currently qualified as a director and have worked as a director before the rule becomes effective will continue to be qualified.

Rule change: DCF 251.05 (3) (e) 5. a. Notwithstanding subd. 3. d., a person is not required to complete preservice training under Table 251.05A if the person was employed as the director of a center licensed to serve 50 or fewer children prior to September 30, 2019, and met the preservice training requirement with a certificate from The Registry indicating the person was on Registry Level 12 or above.

b. Notwithstanding subd. 4. d., a person is not required to complete preservice training specified in Table 251.05B if the person was employed as the director of a center licensed to serve 51 or more children prior to September 30, 2019, and met the preservice training requirement with a certificate from The Registry indicating the person was on Registry Level 14 or above.

Comment (2): The first line of the proposed Table 251.05B allows a person to be a director of a center that is licensed to care for 51 or more children if the person has completed 4 courses for credit in early childhood education. The current DCF 251.05 (1) (e) 5. ii. allows 2 of the 4 courses for credit to be in the series of courses required to obtain the Wisconsin Child Care Administrator Credential. This credential includes business classes. Some currently qualified directors would no longer be qualified.

Department response: **The department agrees** to retain this qualification from the current rule.

Rule change: First line of Table 251.05B Four courses for credit in early childhood education from an institution of higher education. Up to 2 courses in the Wisconsin Child Care Administrator Credential series may be used to meet the early childhood education requirement if taken prior to beginning to work as a center director.

Fifth line of Table 251.05B A combination of 4 courses for credit and non-credit department-approved courses in early childhood education. Up to 2 courses in the series of courses required for the Wisconsin Child Care Administrator Credential series may be used to meet the early childhood education requirement if taken prior to beginning to work as a center director.

Comment (2, 5): Please include the other accepted experiences for school age directors in this section, either in the rule or in a footnote that states additional qualifications for school age staff are in DCF 251.095.

Department response: **The department agrees** to add a note with the cross-reference.

Rule change: DCF 251.05 (3) (e) Note: Additional qualifications for school-age only directors are in s. DCF 251.095.

DCF 251.05 (3) (e) and (f) Qualifications; reduction of qualifications for director and teacher

Comment (10): For center director and child care teacher, the proposed rule requires at least 320 hours (40 days) experience as a teacher or assistant teacher in a group child care center or other approved setting. This reduces by half the required amount of prior experience, already a minimal requirement.

Department response: The hours of required experience for directors and teachers has not been reduced. The proposed rule is incorporating the department's long-standing interpretation

that 4 hours is a full-day in child care. This interpretation is currently in the commentary of the department's annotated rules.

DCF 251.05 (3) (f) Qualifications; child care teachers; credit/non-credit; teaching license; school age

Comment (2): Can an individual do a combination of credit and non-credit course work?

Department response: Yes. **The department agrees** to clarify the rule.

Rule change: DCF 251.05 (3) (f) bm. One course for credit in early childhood education and one non-credit department-approved course in early childhood education.

Comment (2): Out of state, middle school, and secondary teaching licenses will no longer qualify an individual.

Department response: This is not the department's intent.

Comment (2): Does a teacher's license include an emergency license or substitute license?

Department response: No.

Rule change: Tables 251.05A and 251.05B and DCF 251.05 (3) (f) 3. k. A license issued by the Wisconsin department of public instruction or the appropriate authority in another state to be a pre-kindergarten, kindergarten, or early childhood regular or special education teacher. The license may not be a one-year license with stipulations (formerly known as an emergency license); a 3-year, short-term substitute license; or a 5-year long-term substitute license, as defined by the Wisconsin department of public instruction.

Comment (5): Can the recognized experiences for school age staff be included in this section, or at the very least, be included in a footnote referencing DCF 251.095?

Department response: **The department agrees** to add a note with a cross-reference to the school age section of the rule.

Rule change: Note: Additional qualifications for school-age only directors are in DCF 251.095.

Comment (5): Can the word "early" be eliminated to allow for the approval of additional childhood settings specific to school-age programs?

Department response: The department is not considering this rule revision at this time.

DCF 251.05 (3) (g) Qualifications; assistant child care teacher

Comment (2): Students in high school completing the DPI Assistant Child Care Teacher and Child Care Teacher courses would not qualify as an assistant teacher until they are 18.

Department response: The department disagrees. The content of the assistant child care teacher qualification rules has not changed from the previous rules. The proposed DCF 251.05 (3) (g) 2. c. allows for an individual to take the DPI Assistant Child Care Teacher course regardless of the individual's age.

DCF 250.05 (3) (cm) and 251.05 (3) (j) Qualifications; volunteer; staff ratios

Comment (4): Clarify that a volunteer used to meet staff-to-child ratios must be at least 18 years of age.

Department response: **The department agrees.**

Rule change: DCF 250.05 (3) (cm) A volunteer that is used to meet the required staff-to-child ratios under s. DCF 250.055 shall be at least 18 years of age.

DCF 251.05 (3) (j) 5. A volunteer used to meet the required staff-to-child ratios under s. DCF 251.055 shall be at least 18 years of age.

DCF 252.42 (3) (b) Qualifications; day camps; pre-camp training

Comment (4): I recommend increasing the requirement for pre-camp training be increased to a minimum of 40 hours so the day camp licensees allow sufficient time to adequately cover all the existing topics and the new requirements in the federal regulations.

Department response: The department will not be considering this major rule revision at this time.

DCF 251.05 (4) (a) Qualifications; orientation required for a regularly-scheduled volunteer

Comment (3): Please clarify what it means for a volunteer to be “regularly scheduled.” I have a volunteer who usually comes on Tuesday and Thursday, not because the center has scheduled her but because that is generally what works for her. She does not always show up on her usual days, and I do not always know if she is coming or not.

Department response: **The department agrees** to modify the rule to say regular volunteers. An individual who is regularly in the center needs an orientation that provides a baseline knowledge of the most important information on the care and supervision of children. This is especially important for individuals who may not have any formal training in this area.

Rule change: DCF 251.05 (4) (a) *Orientation.* Except as provided under subd. 12., each center shall develop and implement a written orientation program that all new employees, substitutes, and regular volunteers shall complete and document within their first week at the center. The orientation program shall cover all of the following:

DCF 250.05 (3) and 251.05 (4) Qualifications; continuing education

Comment (4): The amount of continuing education required for a licensed child care provider should be increased by 5 hours annually for the specific purpose of incorporating the additional topics required under the new federal regulations. The new continuing education requirement for full-time family providers should be 20 hours and the new continuing education requirement for full-time group providers should be 30 hours.

Department response: The department will not be considering this major change at this time.

DCF 251.05 Qualifications; staff definitions; afterschool programs

Comment (5): The rule should include definitions of group leader and assistant group leader. The term “teacher” does not accurately reflect the afterschool field. “Group leader” has the responsibilities that include supervision and guidance of a group of children in the program under the direction of a Site supervisor/Coordinator/Director/Administrator. “Group leader” will assist in daily planning and implementing of activities, communication with families, and relations with the community.

An “assistant group leader” in a school-age program works under the supervision of a group leader or site supervisor/director and meets the position qualification of S. DCF 251.05 (1) (g) or as noted in DCF 251.095.

Department response: The department is not considering this revision at this time. Child care centers often use a variety of terminology that differs from licensing language to describe their staff members. Although the terms are different, the content of the department’s definition of a teacher is very similar to the suggested definition for a group leader.

DCF 250.055 Supervision; maximum number of children in family child care center

Comment (7): I would like to propose two more categories to the home child care ratios, similar to Iowa’s regulation standards.

Department response: The department will not be considering this major rule revision at this time.

DCF 251.055 (1) (c) Supervision; maximum number of children; school age

Comment (5): In a school age only session, can this time be prorated to allow afterschool programs to utilize assistants for a shortened amount of time at the beginning or end of the program day?

Department response: The department will not be considering this rule revision at this time.

DCF 251.055 (1) (d) Supervision; increase in maximum hours staff may provide care; different maximum for staff and children

Comment (10): We recognize the current staffing crises that centers across the state (and country) are facing in finding and retaining qualified teaching staff, and the impact on quality care. However, early care and education is a physically, emotionally, and mentally demanding profession for those simply working a typical 8-hour day. We are concerned about the impact of expanding allowable work hours from 10 to 12 hours in a 24-hour period when child care workers are already at high risk for illness, injury, compassion fatigue, and burnout. We are particularly concerned about the physical and emotional care and safety of the children in their care.

Department response: The department understands the concern but will not be making a revision to this proposed rule at this time. The current group rules allow providers to care for children for 10 hours a day. To address staffing shortage concerns and to offset the increase in the number of hours that children may be in care, the department has increased the hours that a provider may care for children.

Comment (3): This rule allows children to be in care for 14 hours, but the corresponding staff rule only allows child care workers to care for children for 12 hours. This inconsistency makes it difficult to have a regular child care worker assigned to children.

Department response: The department defines a regularly assigned child care worker as 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. The difference in the amount of time a child care worker may provide care and the amount of time a child may be in care will not affect the ability for children to have a regularly assigned child care worker.

DCF 250.055 (1) (d) and DCF 251.055 (1) (e) Supervision; increase in maximum hours children may be in care

Comment (10): Children whose care is subsidized by Wisconsin Shares will be most impacted by extending the hours a child may be in care from 12 to 14 hours in a 24-hour period. These children are already at greatest risk of suspension and expulsion. Research has shown the harmful effects of extended time in child care negatively impacts children's mental health, especially for infants and toddlers. Children's stress increases and so do challenging behaviors.

Department response: The proposed rule change is accommodating families who need more than 12 hours of child care per day, such as parents who work 12-hour shifts.

DCF 251.055 (2) (i) Supervision; grouping of children; school age

Comment (5): Does DCF 251.055 (2) (i) mean that it would not be possible to have a single-staffed site even within the staff-to-child ratios in a school-age only program?

Department response: The rule requires any program, including a school-age only program, with 9 or more children present to have at least two adults available at the program, with at least one of those adults being a child care worker directly involved in the supervision and care of children.

DCF 251.06 (1) Physical plant; building inspection report

Comment (11): DCF 251.06 (1) creates a requirement of a building inspection report that designates areas of the center that are approved for children 30 month or less. Are existing centers that have not made any modifications exempt from this requirement?

Department response: **The department agrees** that the rule needs to be clarified.

Rule change: DCF 251.06 (1) (b) If a group child care center cares for children 30 months of age or less, an applicant or licensee shall obtain a building inspection report that designates areas of the center that are approved for children 30 month of age or less when a center is inspected after September 29, 2019, due to any of the following:

1. Remodeling or modifications at an existing center that requires an inspection under Wisconsin commercial building codes or local ordinances.
2. An inspection done under par. (a) to obtain an initial license.

DCF 250.06 (11), 251.06 (11), 251.07 (3), and 252.44 (3) Physical plant; equipment and furnishings

Comment (11): DCF 251.07 (3) (a) 5. requires that furnishings and equipment be only "used in accordance with manufacturer's instructions, recommendations, and intended use." Under this rule, a sheet over a table used as a tent would not be allowed. Can language be added regarding use of equipment in a safe manner?

Department response: **The department agrees** that the rule needs to be clarified.

Rule change: DCF 250.06 (11), 251.06 (11) (bm) 1., 251.07 (3) (a) 5. and 252.44 (3) (b) 4. Used in accordance with all manufacturer's instructions and any manufacturer's recommendations that may affect the safety of children in care.

DCF 250.07 (4) and 251.07 (4) Program; rest periods

Comment (4): In the current rule, a 2-inch thick mat was an acceptable sleep surface. In the proposed rule, there is no definition of what constitutes a padded mat leaving the term open to interpretation. I suggest either adding a definition of a padded mat or using a more descriptive term that identifies the approved sleep surface.

Department response: The rule allows a number of different types of sleep surfaces for children. The department will not be revising the proposed rule at this time.

DCF 251.07 (5) (a) 4m. Program; food; additional servings

Comment (6): The meal section should be eliminated or re-written to be more financially practical and to promote consumption of fresh foods. Providing seconds on all the items listed in the rule results in a large amount of food waste. I suggest we provide seconds on some items but not others. Suggested edit: Additional portions of the meal will be available for children that need more to sustain them.

Department response: The department disagrees that this rule will result in a large amount of food waste and will not be making any revisions to the proposed rule at this time.

DCF 251.07 (5) (a) 5m. Program; food; daily menu cannot be repeated within one week

Comment (6): The meal section hinders practicality of using fresh and in-season foods and promotes large amounts of food waste by limiting a menu to being offered once a week. As it reads now, the rule encourages serving processed foods. I think we need to encourage healthy, locally sourced foods, which may result in duplicative food items each week.

Suggested edit: A weekly menu will serve a variety of foods both seasonally oriented and child friendly.

Department response: The rule states daily menus may not be repeated within one week, but individual food items within each meal component may be repeated.

DCF 250.07 (5) and 251.07 (5) Program; food; religious dietary restrictions

Comment (5): There needs to be an allowance for religious dietary restrictions, which would not have a physician's written instruction.

Department response: The current rules allow for child care programs to serve a variety of different food items within each required meal component, which may be modified due to religious or dietary preferences, as long as it meets the Child and Adult Care Food Program nutrition standards and meal patterns.

DCF 250.08 (4), 251.08 (4), and 252.09 (4) Transportation; driver orientation.

Comment (4): It is unclear in the transportation section whether a driver is required to have both the general orientation for all staff and the driver orientation, or just the driver orientation.

Department response: **The department agrees** and will clarify the language in all licensing rules.

Rule changes: DCF 250.08 (4) (b) (intro.) Before a driver who is not the licensee first transports children and annually thereafter, the licensee shall provide the driver with a training. The licensee shall document the training. The training shall include all of the following:

DCF 251.08 (4) (b) (intro.) and 252.09 (4) (b) (intro.) 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 training as necessary with each driver annually. The training shall include all of the following:

DCF 250.08 (7) (e) Transportation; limit on children’s time in vehicle

Comment (8): While I do not believe it is good for children to be in vehicles for more than an hour every day, setting a limit like this will be detrimental to children’s opportunities to learn and grow in a hands-on environment, especially for those children in rural areas. Some field trips could be offered that are longer than one hour from the child care center, but allow for 3-4 hours of movement once there.

Department response: The department believes that in general, setting a limit of time in a vehicle to 60 minutes is reasonable to protect the health and safety of children. Licensees may request an exception to the rule for a specific field trip and the department will determine if an exception is appropriate.

DCF 251.09 (1) (d) Infant and toddler care; regularly assigned worker

Comment (10): Elimination of the restriction on transferring care of infants and toddlers to a child care worker who is not their regularly assigned caregiver, excepting during the first and last 2 hours of the day is a step back in supporting the mental health needs of infants and toddlers. Key in this support is care for each child by a regularly assigned, well-trained staff person, with whom the child can develop reciprocal attachment. Research continues to mount about the impact of time in child care and the critical role of adult-child attachment in the formation of trust, self-identity, independence, and relationships throughout the child’s life.

Department response: This rule, as revised, continues to require that infants and toddlers be cared for by a regularly assigned child care worker. The rule revision now allows infants and toddlers to be moved to other rooms of the child care center to meet ratios, while still receiving care from a regularly assigned child care worker.

DCF 250.09 (1) (c) Infant and toddler care; blanket

Comment (12): It would be very hard to lay a baby down without a blanket. The baby would be cold and would want to snuggle with something. Please keep the old rule.

Department response: Extra sheets and blankets increase the risk of suffocation or can overheat a baby. If parents or providers are concerned about a baby being cold while sleeping, the baby can be dressed in a wearable blanket. Licensing rules also require a minimum room temperature of not less than 67 degrees.

DCF 251.095 (4) (b) School-age staff; additional ways to become qualified

Comment (5): It is a welcome change to have the expanded list of approved courses and degrees for school-age staff. Would it be possible to acknowledge and add the two department-approved, non-credit school-age courses, *Introduction to the School-Age Care Profession* and *Skills and Strategies for the School Age Care Teacher*?

Department response: **The department agrees.**

Rule change: DCF 251.095 (4) (b) 2. Note: *Introduction to the School Age Care Profession* and *Skills and Strategies for the School Age Care Teacher* are additional non-credit courses approved by the department to meet this requirement.