

WISCONSIN ADMINISTRATIVE CODE



Division of Early Care and Education

DCF 250

**LICENSING RULES FOR FAMILY
CHILD CARE CENTERS
With Commentary**

*effective January 1, 2009, and including updates from 2015
WI Act 132 effective February 6, 2016, CR 16-014 effective
July 1, 2016, and CR 14-028 effective August 1, 2016.*

PREFACE

DCF 250 LICENSING RULES FOR FAMILY CHILD CARE CENTERS With Commentary

Effective January 1, 2009, and including updates from 2015 WI Act 132 effective February 6, 2016, and CR 16-014 effective July 1, 2016.

Section 48.65, Wisconsin Statutes, requires that persons operating child care centers, that provide care and supervision for 4 or more children under 7 years of age for less than 24 hours a day, be licensed. The statute also requires the Department of Children and Families to establish rules which must be met in order to qualify for a license and which protect and promote the health, safety and welfare of the children in a child care center.

Chapter DCF 250 is the administrative code governing Family Child Care Centers that provide care and supervision for 4-8 children for less than 24 hours a day.

The purpose of the DCF 250 Family Child Care Rule with Commentary is to help users of DCF 250 understand the intent and application of the rule. An attempt has been made to offer commentary for those rules where experience indicates clarification would be helpful. However, a commentary cannot be written to cover every situation encountered.

The portion of this publication that is numbered and in regular print is the administrative code DCF 250. The portion of the publication that is within boxes and in *italicized print* is commentary that was prepared by staff of the Bureau of Early Care Regulation.

There is a header on each page that contains the rule cite for the portion of the rule beginning on that page. A table of contents and an index are also included as are appendices that contain key statutes related to child care rules, a copy of DCF 12 (administrative rules governing caregiver background checks) and other appendices referenced in the rule.

The DCF 250 Family Child Care Rule with Commentary was prepared primarily as a tool for licensing specialists. However, it may also be a useful resource for family child care providers. Providers who require additional information should contact their regional licensing specialist.

This publication may be duplicated. It is also available from the Department's website:
<http://dcf.wisconsin.gov/childcare/licensed/Rules.HTM>.

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DCF 250.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to carry out licensing requirements under s. 48.65, Stats., for family child care centers. The purpose of the chapter is to protect the health, safety and welfare of children being cared for in family child care centers.

DCF 250.02 Applicability.

(1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all family child care centers, but does not include any of the following:

Note: Section 48.65(2), Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for a license. As specified under s. 49.155(4), Stats., or s. DCF 201.04(1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy.

- (a) Care and supervision of children in a program that operates no more than 4 hours a week.
- (b) Group lessons to develop a talent or skill, such as dance or music, social group meetings and activities and group athletic activities.
- (c) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities.
- (d) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible school and holiday child care programs.
- (e) Care and supervision in emergency situations.
- (f) Care and supervision while the parent is employed on the premises if the parent's child receives care and supervision for no more than 3 hours a day.
- (g) Care and supervision provided at the site to the child of a recipient of temporary assistance to needy families, or Wisconsin works, who is involved in orientation, enrollment or initial assessment prior to the development of an employability plan or the child care is provided where parents are provided training or counseling.

This program is also known as W-2

(2) EXCEPTION TO THE REQUIREMENT. The department may grant an exception to a requirement of this chapter when a family child care center demonstrates to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of any child served by the center. A request for an exception shall be in writing, shall be sent to the department and shall include justification for the requested action and a description of any alternative provision planned to meet the intent of the pertinent provision in this chapter.

The Request for Exception form is the preferred format for the request. A request in the form of correspondence will be accepted as an alternative. The exception request must include the rule number for which the exception is being requested; a signature of the licensee or the person previously delegated in writing by the licensee to have the authority to sign official documents or correspondence; and the alternative provisions planned to meet the intent of the rule.

Action on implementation of the exception request may not be taken by the licensee until an affirmative response is received from the Department.

Failure to comply with the conditions of the exception could result in withdrawal of the exception and/or initiation of other enforcement actions such as forfeiture or revocation of the license.

Note: A request for an exception to a requirement of this chapter should be sent to the regional licensing representative of the Department's Division of Early Care and Education. See Appendix A for addresses of the regional offices.

DCF 250.03 Definitions. In this chapter:

(1) “Care” means providing for the safety and the developmental needs of a child in a family child care center.

(2) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. DCF 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the center.

See the Department’s publication Caregiver Background Checks – Requirements for Child Care Centers. Instructions for obtaining that document can be found on Appendix J Resources List.

(3) “Center-provided transportation” means transportation in a vehicle owned by or contracted for the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

(4) “Complaint” means an allegation of violation of this chapter or ch. 48, Stats.

(4m) “Crib” means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

(5) “Department” means the Wisconsin department of children and families.

(6) “Emergency” means situations 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 family situation such as a medical emergency, illness or other circumstance requiring immediate attention.

(7) “Emergency back-up provider” means a designated adult available within 5 minutes of the premises who can provide assistance in the event an emergency occurs that requires a provider to leave the premises occasionally for a short period of time.

(8) “Employee” means any adult who is compensated to provide care and supervision of children enrolled in a family child care center, including a helper or assistant to a child care provider.

(9) “Family child care center” or “center” means a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 children who are not related to the provider.

See Wis. Stats. 48.65.

Centers may be licensed for 24-hour care with one provider providing care for 12 hours or less in a 24-hour period. See DCF.250.05 (3) (c) – PROVIDER HOURS OF CARE. and DCF 250.05 (3)(d) – CHILD HOURS OF CARE.

(10) “Field trip” means any experience a child has away from the premises of the center while in the care of center staff, whether a child walks or is transported.

(11) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. DCF 12.

(c) Exercise of unsound judgment.

(d) A history of civil or criminal offenses or any other action that demonstrates an inability to manage the activities of a center.

(12) “Foster care” means care and maintenance provided to a child in a foster home pursuant to a court order or voluntary placement agreement.

(13) “Foster home” means any facility operated by a person licensed under s. 48.62(1), Stats.

(13m) “Hazard” means a potential source of harm that can jeopardize the health, safety or well-being of a child in care.

(14) “HealthCheck provider” means a provider of health assessment and evaluation services eligible to be certified under s. DHS 105.37(1)(a).

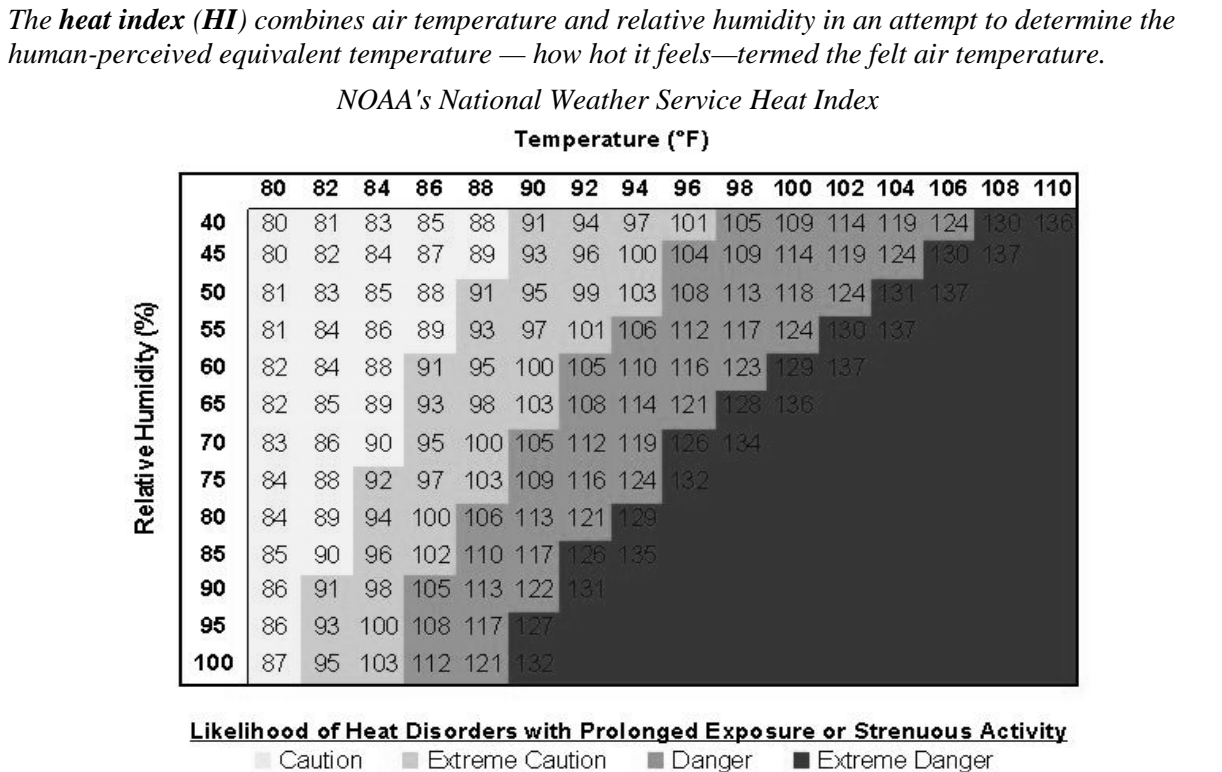
DHS 105.37 Certification of early and periodic screening, diagnosis and treatment (EPSDT) providers. (1) EPSDT Health Assessment and Evaluation Services. (a) Eligible providers. The following providers are eligible for certification as providers of EPSDT health assessment and evaluation services:

- Physicians
- Outpatient hospital facilities
- Health maintenance organizations
- Visiting nurse associations
- Clinics operated under a physician’s supervision
- Local public health agencies
- Home health agencies
- Rural health clinics
- Indian health agencies
- Neighborhood health centers
- Doctor of osteopathy, M.D., D.O., P.A.

(14m) “Household member” means any person who resides, or is expected to reside, at the family child care center and who has or may have direct contact with a child in the care of the center, whether or not related to the licensee.

(15) “Inclement weather” means stormy or severe weather such as any of the following:



- (a) Heavy rain.
- (b) Temperatures above 90 degrees Fahrenheit.



(c) Wind chills of 0 degrees Fahrenheit or below for children age 2 and above.

250.03(15)(d)

(d) Wind chills of 20 degrees Fahrenheit or below for children under age 2.

		 <h1 style="display: inline;">NWS Windchill Chart</h1> 																		
		Temperature (°F)																		
Wind (mph)		Calm	40	35	30	25	20	15	10	5	0	-5	-10	-15	-20	-25	-30	-35	-40	-45
5		36	31	25	19	13	7	1	-5	-11	-16	-22	-28	-34	-40	-46	-52	-57	-63	
10		34	27	21	15	9	3	-4	-10	-16	-22	-28	-35	-41	-47	-53	-59	-66	-72	
15		32	25	19	13	6	0	-7	-13	-19	-26	-32	-39	-45	-51	-58	-64	-71	-77	
20		30	24	17	11	4	-2	-9	-15	-22	-29	-35	-42	-48	-55	-61	-68	-74	-81	
25		29	23	16	9	3	-4	-11	-17	-24	-31	-37	-44	-51	-58	-64	-71	-78	-84	
30		28	22	15	8	1	-5	-12	-19	-26	-33	-39	-46	-53	-60	-67	-73	-80	-87	
35		28	21	14	7	0	-7	-14	-21	-27	-34	-41	-48	-55	-62	-69	-76	-82	-89	
40		27	20	13	6	-1	-8	-15	-22	-29	-36	-43	-50	-57	-64	-71	-78	-84	-91	
45		26	19	12	5	-2	-9	-16	-23	-30	-37	-44	-51	-58	-65	-72	-79	-86	-93	
50		26	19	12	4	-3	-10	-17	-24	-31	-38	-45	-52	-60	-67	-74	-81	-88	-95	
55		25	18	11	4	-3	-11	-18	-25	-32	-39	-46	-54	-61	-68	-75	-82	-89	-97	
60		25	17	10	3	-4	-11	-19	-26	-33	-40	-48	-55	-62	-69	-76	-84	-91	-98	

Frostbite Times 30 minutes 10 minutes 5 minutes

Wind Chill (°F) = 35.74 + 0.6215T - 35.75(V^{0.16}) + 0.4275T(V^{0.16})
 Where, T= Air Temperature (°F) V= Wind Speed (mph) Effective 11/01/01

(16) “Infant” means a child under one year of age.

(17) “In care” means enrolled in the center, with the center providing supervision, either on or off the premises, for the safety and the developmental needs of the child or children.

(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.

(19) “Licensing representative” means a department employee responsible for licensing family child care centers.

(20) “Mildly ill” means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. DHS 145.

(21) “Night care” means any care that is offered by a licensed family child care center between 9:00 PM and 5:00 AM.

(22) “Parent” means either “parent” as defined in s. 48.02(13), Stats., or “guardian” as defined in s. 48.02(8), Stats.

(23) “Physical restraint” means the use of physical force to restrict the free movement of all or a portion of a child’s body.

(24) “Physician” has the meaning given in s. 448.01(5), Stats.

(25) “Physician assistant” has the meaning given in s. 448.01(6), Stats.

Physician means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the licensing board and holding a license granted by the board. A chiropractor or physician assistant does not meet the definition of a physician.

- (26) “Premises” means the tract of land on which the center is located, including all buildings and structures on that land.
- (27) “Provider” means an adult who has met the requirements specified in s. DCF 250.05(1) in a family child care center and who provides care and supervision of the children in the care of the center.
- (28) “Provider’s own children” means a provider’s natural or adopted children, foster children, stepchildren, or other children who reside in the family child care center.
- (29) “Representative of the department” means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.
- (30) “School-age child” means a child 5 years of age or older who is enrolled in a public or private school.
- (30m) “Shaken baby syndrome” or “SBS” means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.
- (31) “Sleeping bag” means a padded fabric bag that is closed or capable of being closed on 3 sides.
- (32) “Substitute” means a provider who replaces another provider on a pre-arranged basis.
- (33) “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.
- (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) and 250.07(7)(e).
- (35) “Toddler” means a child at least one year of age but less than 2 years of age.
- (36) “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 (OSHA) 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 web site at <http://www.osha.gov>. Information is also available from the Child Care Information Center, 1-800-362-7353.
- (37) “Volunteer” means a person who is not paid, but who agrees to give time, with or without reimbursement for expenses, to transport children attending a family child care center or to work in a family child care center.
- (38) “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.

DCF 250.04 Operational requirements.**(1) TERMS OF LICENSE.**

(a) The number of children in the care of a family child care center at any time may not exceed the number for which the center is licensed.

Licensed capacity may not be exceeded at any time. If a center over-enrolls on the basis of an absentee rate or has an occasional drop-in, the center must be sure that over-enrollment will not result in the center being over capacity.

(b) The age of children served by a center may not be younger or older than the age range specified in the license issued.

A license may be granted for the care of children through age 17. If a provider wishes to care for a child above or below the specified age on the license, an exception should be requested. For example, a provider who is licensed up to age 12 and wishes to care for one child age 14. The exception must be granted prior to caring for a child above or below the ages specified on the license.

If a provider wishes to be licensed to care for children aged 2 and above, and has his/her own child under age 2, an exception to the age range of the license may be granted with the condition that all the licensing rules for children under age 2 apply except for the requirement for I/T training. See commentary under DCF 250.05(1)(b)6. Provider Training Within 6 Months Caring For Infants & Toddlers.

(c) The hours, days and months of a center's operation may not exceed those specified in the license.

A provider may care for 3 or fewer unrelated children under age 7 outside of licensed hours. Children receiving subsidy must be cared for during regulated hours.

(2) ADMINISTRATION. A licensee shall do all of the following:

(a) Comply with all laws governing the facility and its operation.

ZONING: S. 66.34, Wis. Stats., defines a family child care home as a "dwelling licensed as a child care center by the department of health and family services under s. 48.65 where care is provided for not more than 8 children." The statute then states in pertinent part that "No municipality may prevent a family child care home from being located in a zoned district in which a single family home is a permitted use. No municipality may establish standards or requirements for family child care homes different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located." This law gives a municipality the power to prevent a family child care center that is not used as a residence from being located in a district zoned for residential use unless the licensee is granted a conditional use permit. Some municipalities may also require that any home-based business have a conditional use permit to operate. This is also permitted under the law. It is recommended that you contact your local municipality prior to applying for licensure.

(b) Comply with all requirements in this chapter.

(c) Ensure that all information provided to the department is current and accurate.

(d) Prior to receiving or continuing a license, complete all application forms and pay all fees and forfeitures due to the department.

Note: The Department will provide an application after a Department representative completes the provision of pre-licensing technical assistance.

(e) Develop, submit to the department for compliance review, implement and provide to the parents written policies and procedures related to all of the following:

Policy Sample – Family Child Care Centers is available from the department's website <https://dcf.wisconsin.gov/cclicensing/ccformspubs>. A completed Policy Checklist - Family Child Care Centers, shall be submitted with the copy of the current policy. It is the licensee's responsibility to ensure the department has the most current copy of the center's policies that reflect current practices.

Current written policies and procedures that reflect current practices must be provided to the parents of enrolled children. It is recommended that policy revisions be dated and that providers obtain dates and signatures from the parents as documentation that they have received the policy revisions.

Contracts are recommended but not required. If contracts are used, submit a copy with the written policies and procedures.

1. Enrollment and discharge of enrolled children.
2. Fee payment and refunds.
3. Child and provider absences, including a procedure to contact a parent if a child is absent from the center without prior notification from the child's parent.
4. Children's and staff's health care, including those policies and procedures pertaining to SIDS risk reduction, if the center is licensed to care for children under one year of age.
5. Nutrition.
6. Daily activities of the children.
7. Child guidance, including appropriate ways to manage crying, fussing or distraught children.

For information on suggested ways to manage crying, fussing or distraught children, see Appendix J Resources List.

8. Transportation of children for any purpose including field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.
9. Religious instruction or practices, if any.
10. Information related to the numbers, types and location of pets or other animals located on the premises of the center and the type of access the children will have to the pets.

Note: Under the state public accommodation law, s. 106.04, 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, 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)(a) and (b).

Note: See s. DCF 250.05(2)(a) and (b) regarding providing an orientation to employees, substitutes and emergency back-up providers.

(g) Provide written information to parents on whether a licensee has insurance coverage on the premises and on the child care business. Liability insurance on the child care business is required if cats or dogs are allowed in areas accessible to children during the hours of operation as specified in s. DCF 250.07(7)(h).

Note: The information provided could be included as a rider on a homeowner policy or a separate insurance policy on the child care business. A certificate of insurance or other documentation from an insurance company that indicates the number of children covered, dates of coverage and types of pets covered is acceptable.

Amounts of coverage need not be included.

Other types of acceptable documentation include a letter from the insurance agent that includes all the required information. If dogs and cats are not accessible to children, insurance is not required. See DCF 250.07(7)(h) PETS & ANIMALS – LIABILITY INSURANCE.

Licensees should be advised that homeowner's insurance may not provide liability coverage for child care children unless specifically mentioned as a rider to the policy. Some riders provide coverage for up to 6 children only. These riders are not acceptable under 250.07(7)(h) unless the coverage is the same as the licensed capacity. The insurance coverage must state that the number of children for whom coverage is provided is at least the maximum licensed capacity of the center. (For example, if a rider indicates coverage is provided for 6 children, the center must either reduce their licensed capacity to 6 children or obtain insurance that specifies coverage for 8 children.) However, if a provider has 2 of her own children under the age of 7, an exception could be granted to continue to be licensed for 8 children with an expiration date being the date that the child turns 7. At that time the license capacity would be reduced to 7, etc. Questions about insurance should be referred to qualified insurance professionals.

250.04(2)(h)

(h) Post the child care license in a location where parents can see it during the hours of operation.

(i) Post next to the child care license the results of the most recent licensing inspection, including any rule violations cited by the department, any notice of enforcement action, including revocation or denial, and any stipulations, conditions, exceptions or exemptions that affect the license. Items posted shall be visible to parents.

The Non-Compliances Statement & Correction Plan must remain posted until the next Non-Compliances Statement and Correction Plan or Compliance Statement is issued.

(j) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

(k) Meet, upon request of the department, with a licensing representative on matters pertaining to the license.

(L) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when a person aged 10 and above becomes a household member.

(m) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current household member who turns age 10.

Note: For more information about caregiver background checks refer to the administrative rule under ch. DCF 12. Information on how to obtain a copy of the Background information Disclosure form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(3) REPORTS. The licensee shall report to the department all of the following. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail and letter are acceptable ways of filing a written report:

The licensing rules spell out what must be reported to the department and the time frames for making those reports. The licensing specialist will review any report made and may conduct a follow-up investigation to determine whether licensing violations have occurred or a situation exists that has the potential to cause harm to a child. Follow-up investigation may involve a site visit, a review of additional documentation submitted by the licensee, a review of police reports or county investigations or interviews with staff members or parents.

(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, within 48 hours of the licensee becoming aware of the medical treatment.

Note: The licensee may use either the department's form, Accident Report — Child Care Centers, available from any regional licensing office in Appendix A, the department's web site, <http://dcf.wisconsin.gov> or the licensee's own form to report incidents, accidents and deaths.

"Professional medical treatment" means being seen for evaluation or treatment by a health care professional such a physician, physician assistant, dentist, nurse, etc.

It is recommended that a center include information on the details of what happened to cause the injury when making the written report. Examples of details that should be included in this report are: date and time, detailed description of what caused the injury, any witnesses, what action was taken by the provider at the time of the incident or accident.

(b) Any damage to the premises that may affect compliance with this chapter, within 24 hours after the occurrence.

Damage to the premises which might require a report includes fires that require the services of the fire department and other disasters such as boiler explosion, car driving through and into buildings, flooding, tornadoes, roof collapse, etc.

(c) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be provided in writing before the construction or remodeling begins.

250.04(3)(c)Note:

Note: See s. DCF 250.11(6)(a) for items that affect a condition of the license.

Note: It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

(d) If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

Note: The licensing representative will notify the licensee whether a plan of correction will be required and will provide the plan of correction format with the notification.

(e) Any known convictions, pending charges or other offenses of the licensee, a provider, household member or other person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department's next business day.

See the department's publication Caregiver Background Checks – Requirements for Child Care Centers. Instructions for obtaining that document can be found on Appendix J Resources List.

(f) Any incident related to a child who leaves the premises of the center without the knowledge of a provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the incident.

(g) Any incident involving law enforcement within 24 hours after the occurrence that:

1. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center.

2. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center.

(h) Any change in room usage, such as using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(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.

Note: See also s. DCF 250.07(2) for information on guiding children's behavior and sub. (6)(c) regarding recording injuries in a center medical log.

(j) A change in transportation services at least 5 calendar days prior to the change. A change in transportation services shall be approved by the department.

(k) Statistical data required by the department on forms provided by the department.

Note: The Department periodically requests statistical data from licensees. An example of the type of data collected relates to the immunization status of children in care. When the Department requests statistical data, the Department will supply the appropriate form.

(L) Seasonal closings at least 5 calendar days before the closing.

An example of "seasonal closing" is a program that decides to close for the summer.

(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 hours.

Communicable disease information about any named child is confidential and shall not be available to other parents.

The Division of Public Health communicable disease chart lists communicable diseases that are transmitted through normal contact and must be reported to the local public health Department. The department and parents of children exposed to any communicable diseases appearing on this chart must be notified of the exposure. Instructions for obtaining the Communicable Disease Chart can be found on Appendix J Resources List.

Examples of those diseases not transmitted through normal contact are HIV Aids, Hepatitis B and C and sexually transmitted diseases.

Contact your local health department for further information.

Note: See s. DCF 250.07(6)(e)1. for other requirements relating to communicable disease reporting.

250.04(4)**(4) PARENTS.**

(a) The center shall permit parents to visit and observe the center's operations at any time during the center's hours of operation unless parental access is prohibited or restricted by court order.

The provider may lock the door for security.

When access is prohibited or restricted by court order, permission to call for the child is also affected. To prohibit or restrict access, it is recommended that the center have a copy of the court order on file at the center. It is recommended that the policies should include notification to parents that they are permitted to visit and observe during hours of operation. Refer also to DCF 250.04(7)(b)2. ACCESS TO RECORDS & REPORTS – PARENTS. Further information about parental rights to children's records may be obtained from www.legalexplorer.com.

(b) The licensee shall give parents of each enrolled child a summary of this chapter.

Note: Copies of a summary of this chapter may be obtained from the Child Care Information Center by calling 1-800-362-7353.

(c) The licensee shall notify a parent of a child in care of all of the following circumstances:

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).

Communicable disease information about any named child is confidential and shall not be available to other parents.

The Division of Public Health communicable disease chart lists communicable diseases that are transmitted through normal contact and must be reported to the local public health Department. The department and parents of children exposed to any communicable diseases appearing on this chart must be notified of the exposure. Instructions for obtaining the Communicable Disease Chart can be found on Appendix J Resources List.

Examples of those diseases not transmitted through normal contact are HIV Aids, Hepatitis B and C and sexually transmitted diseases.

Contact your local health department for further information.

Note: The Wisconsin 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 800-362-7353.

2. The child becomes ill or is injured seriously enough to require professional medical treatment. Notification shall be made immediately.

3. The child has sustained a minor injury that does not appear to require professional medical treatment. Notification may be made when the child is picked up at the center or delivered to the parent or other authorized person.

4. The date, time and destination of any field trip as specified in sub. (6)(a)2.

(5) STAFF RECORDS. The licensee shall maintain a file for each provider, employee, or substitute and make the file available for review by the licensing representative. The file shall contain all of the following:

(a) A completed staff record form provided by the department.

If the licensee is a provider, a file is required.

Note: The department's form, Staff Record — Child Care Centers, is used for recording staff information. 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.

(b) A completed background information disclosure form provided by the department that does not reveal any information that may preclude the person's contact with children under s. 48.685, Stats., or ch. DCF 12 prior to the first day of work and every 4 years thereafter.

Note: The department's form, Background Information Disclosure, is used for reporting employee background information. 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.

(c) The results of the complete caregiver background check including any report of any investigation required under ch. DCF 12 within 60 days after hire and every 4 years thereafter.

Note: If the licensee is a provider, the department is responsible for collecting the completed Background Information Disclosure form and conducting the necessary caregiver background check on the licensee.

Refer to Appendix G DCF 12 Caregiver Background Checks, and the department's publication Caregiver Background Checks – Requirements for Child Care Centers. Instructions for this document can be found on Appendix J Resources List.

A complete caregiver background check (CBC) consists of:

- *Background Information Disclosure (BID) form.*
- *Report from the Department of Justice (DOJ)*
- *A report on letterhead from the Department of Health Services (IBIS letter) that contain information collected from various databases on offenses (other than criminal offenses) that might affect a person's eligibility to operate or to be employed by a licensed child care center including nurse aide directory; caregiver findings of abuse or neglect of an adult client or misappropriation of a client's property; denials or revocations of operating licenses for child programs; rehabilitation review findings; DRL status of professional credentials, licenses or certificates.*
- *Any subsequent investigation such as police reports, court reports, final disposition.*
- *Employment decision in writing if crimes are involved.*

In addition to the CBC it is recommended to check circuit court access at www.wcca.wicourts.gov.

(d) Documentation of the actual hours a provider, substitute, employee or volunteer has worked and whose time is used to meet the applicable staff to child ratio under Table DCF 250.05.

(e) Except as provided under par. (f), a physical examination report on a form provided by the department that was completed within 12 months prior to or 30 days after the person became licensed or began working with children. The report shall be dated and signed by a licensed physician, physician's assistant or HealthCheck provider. The report shall indicate all of the following:

1. That the person is free from illness detrimental to children, including tuberculosis.
2. That the person is physically able to work with young children.

Physical examinations may be signed by medical (M.D.), osteopathic (D.O.) or HealthCheck Providers as listed below. Chiropractors are prohibited by statute from giving physical examinations unless they are an M.D. or D.O.

An initial physical exam and TB test is required. Subsequent physical exams and TB tests are not required.

Per Division of Health, there are 2 different types of TB testing that will meet this requirement. The Mantoux Skin test or the Quantiferon Gold Blood Assay test. If either test indicates previous exposure to tuberculosis, an evaluation by a physician should be done rather than a chest x-ray. This evaluation must conclude that the person does not have active TB in order for the person to continue to provide care to children.

See DCF 250.02(14) for definition of HealthCheck Provider.

Note: The department's form, Staff Health Report — Child Care Centers, is used for recording physical examination information. 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.

(f) The health examination requirement under par. (e) does not apply to a provider who requests an exemption from par. (e) 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.

According to the "Christian Science Committee on Publications for Wisconsin" the Christian Science faith is the only religion that qualifies under this exemption. Evidence of exemption is presented through a Christian Science form entitled "Application for Exemption from Physical Examinations and Immunization."

250.04(5)(g)

(g) Documentation of the entry level training requirements under s. DCF 250.05(1)(b).

Documentation of training could a Registry certificate that specifies the person is qualified as a family child care provider; copies of completion postcards issued by the Registry for non-credit department-approved courses called Introduction to the Child Care Profession, Fundamentals of Family Child Care and, if the center is licensed to care for children under age 2, Fundamentals of Infant and Toddler Care or copies of transcripts issued by an institution of higher education. See DCF 250.04 (5) (k) – REQUIREMENT FOR REGISTRY CERTIFICATE.

If an employee or volunteer is not counted in the staff-to-child ratio, the staff file does not need to contain entry-level training documentation.

(h) Documentation of the training required under s. DCF 250.05(1)(b)7. in shaken baby syndrome prevention.

(i) For persons who transport children, a copy of the person's driver's license and driving record that is obtained by the licensee under s. DCF 250.08(3)(b).

See DCF 250.04 (3) – DEFINITION OF CENTER-PROVIDED TRANSPORTATION and DCF 250.04(3)(b) – ANNUAL REQUIREMENT FOR A DRIVING RECORD.

Parent volunteers used to transport children are not required to have a driving record on file. 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/online.htm>.

(j) Documentation of the continuing education required under s. DCF 250.05(1)(b) 4. and 5.

The Department forms, Staff Continuing Education Record - Child Care Centers or Continuing Education Record - Independent Reading / Video Viewing may be used to document compliance with continuing education requirements. See Appendix I for instructions on obtaining department forms.

(k) For persons licensed or beginning work with children on or after January 1, 2009, a certificate from The Registry. Substitutes are not required to have a Registry certificate until they have worked for 240 hours.

A person has 6 months after becoming licensed or beginning to work with children to obtain a Registry Certificate. Information about obtaining a Registry certificate can be found on The Registry's website: <http://www.the-registry.org/>

A Registry certificate issued before January 1, 2009 that indicates the person is qualified as a family child care provider is acceptable.

(6) CHILDREN'S RECORDS.

(a) The licensee shall maintain a current written record at the center on each child enrolled, including the provider's own children under age 7, and shall make the record available to the licensing representative on request. Each record shall include all of the following:

Administrative rules do not relate to the office management or record keeping techniques of a center. Required records must be maintained for the length of time the child is enrolled, be on the premises for children in care and be available to the licensing specialist for review.

It is recommended that the date of discharge be added to the child's record and that the center retain records for 3 years after a child is discharged.

1. Enrollment information and health history on forms provided by the department. The enrollment information and health history shall be on file prior to the child's first day of attendance.

Note: The department's forms, Child Care Enrollment and the Health History and Emergency Care Plan, are used for recording enrollment and health history information. Information on how to obtain department forms is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A. See s. DCF 250.07(6)(L)5. for information on sharing information related to a child's special health care needs.

Enrollment information should include both parents if applicable. If parental access is denied, it is recommended that a current copy of the court order be on file at the center.

250.04(6)(a)2.

2. Parental authorization for the child to participate in and be transported for field trips and other activities if these are part of the program.

Note: The department's form, Child Care Enrollment, includes a blanket authorization to take children on field trips. The department's form, Field Trip or Other Activity Notification, or another type of notification such as a note to a parent may be used to provide specific information about a field trip. Information on how to obtain department forms is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

3. A written agreement, signed by the parent, outlining the plan for a child to come to the center from school, home or other activities and to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or the child is transported by the center.

The provider should plan for situations when a child fails to arrive as scheduled from school or another activity. A parent may authorize other persons to drop-off or pick-up a child through a note or on the Child Enrollment form. If a child is transported by a school bus, taxi or transportation company that may have various individuals providing the transportation, then the written agreement should specify the transportation agency as the authorized pick-up or drop-off "person."

Note: The licensee may use either the department's form, Alternate Arrival/Release Agreement — Child Care, or the licensee's own form for securing the parent's signed agreement. 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.

4. Documentation of each child's immunization history and, except for a school-aged child, the most recent physical examination.

Note: See DCF 250.07(6)(L)1. and 2. for information on frequency of health exams. The department's form, Child Health Report — Child Care Centers, is used to document a child's health exam. Information on how to obtain the department form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

The Department of Health Services form, Day Care Immunization Record, may be used to record immunizations. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record form.

Under s. 252.04, Stats., and ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child's attendance.

Evidence of a health exam may include a form or a printout from a child's medical record that includes the date of the exam, the child's name and the name of the health professional who conducted the exam. No exception is required for the use of a form that is not the department's form Child Health Report or for an electronic health examination record.

5. Written permission from the parents under s. DCF 250.07(6)(k) for medical attention to be sought for the child if the child is injured.

6. For an infant or toddler, a current statement from the parent on a form provided by the department about the infant or toddler's habits of eating, sleeping, toileting and communication, and specific techniques that appear to comfort the child.

Note: The department's form, Intake for Child Under 2 Years, is used for recording the infant's or toddler's habits. 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.

See 250.09(1)(c)1. Infant & Toddler – Individualized Care

(b) The licensee shall maintain a current, accurate written record of the daily attendance on a form prescribed by the department that includes the actual time of arrival and departure for each child for the length of time the child is enrolled in the program.

Note: The department's form, Daily Attendance Record — Child Care, is used for recording a child's daily attendance. 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 Daily Attendance Record must be up-to-date and must include each time a child (including the provider's own child under age 7) is checked in to and out of care at the facility throughout the day (e.g., preschool, swim lesson, etc.). It is acceptable to use a child's first name and last initial may be used on the attendance record instead of first and last name.

250.04(6)(b)Note: continued

When transportation is provided by the center, a child is considered to be in the care of the center when the child is placed in the vehicle at the pick-up location and is released from care when the child is dropped off at his/her final location at the end of the child care day. Daily attendance records must include the actual time of pick-up and drop-off.

(c) The licensee shall maintain a medical log book with pages that are lined and numbered and a stitched binding. A provider shall record in ink any injuries received by a child, evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care or medication dispensed to a child in the medical log and sign or initial each entry. Pages may not be removed or lines skipped.

Not every injury will be apparent immediately. A good rule of thumb is to record every accident / incident. For example, a child bumps his/her head and no mark or bump is readily apparent but there is the potential for a mark, bump or bruise to develop. This accident should be recorded.

Any head injury is considered an "emergency," and parents should be notified as soon as possible.

Entries regarding a specific child made in a medical log book must be available to that child's parent in accordance with DCF 250.04 (7) (b). To protect a child's confidentiality, centers are strongly encouraged to have separate entries for each child involved in an incident such as biting. When parents ask to review the medical log book, the center should have a procedure for ensuring that a parent reviewing the record for his/her own child does not see information about another child in care.

In addition to providing accountability to the parents and the department, bound books and recording as specified may be admissible in court as evidence in case of civil suit.

The log should be kept as long as the center is in operation.

For directions on maintaining a medical log, see Medical Log – Directions for Use. Instructions on how to obtain this document can be found on Appendix J Resources List.

Reference DCF 250.07(6) (k) 1.

Note: Licensees may obtain information about maintaining a medical log book by contacting the Child Care Information Center at phone number 800-362-7353.

Note: See sub. (8) of this section for requirements related to reporting suspected child abuse or neglect, and s. DCF 250.07(6)(b)2. for information on recording in the medical log book.

(7) CONFIDENTIALITY.

(a) The licensee is responsible for compliance by the center with s. 48.78, Stats., and this subsection.

(b) The licensee shall ensure that all of the following occur:

1. 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 subdivision does not apply to any of the following:

a. The parent or person authorized in writing by the parent to receive the information.

b. Any agency assisting in planning for the child when informed written parental consent has been given.

c. Agencies authorized under s. 48.78, Stats.

A licensed child care facility may give access to confidential information regarding an individual in care to a public school, social welfare or law enforcement agency or the Department of Children and Families. A social welfare agency is a county department of social or human services, an Indian tribal social service agency or agent or a licensed child welfare agency under contract with the county department. A law enforcement agency is a sheriff or police department.

2. A parent, upon request, has access to all records and reports maintained on his or her child.

Every parent has a right to their child's school, medical and dental records. The only exceptions to this rule are if a court specifically orders that a parent does not have access to the child. It is recommended that a copy of such an order be on file at the center.

3. All records required by the department under this chapter for licensing purposes are available to the licensing representative.

(8) REPORTING CHILD ABUSE.

(a) A licensee or provider who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ss. 48.02(1) and 48.981(1), Stats., shall immediately contact the county department of social services or human services or local law enforcement agency in compliance with s. 48.981, Stats.

Licensees, employees and volunteers are mandated reporters under the law.

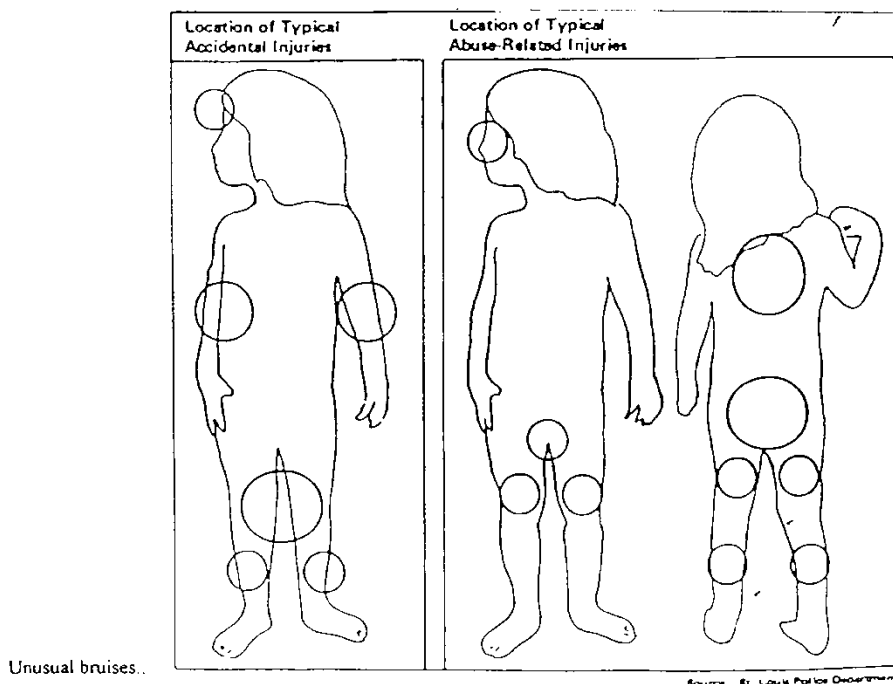
- *A mandated reporter who witnesses or who has reasonable knowledge to suspect that a child has been abused or neglected is required to contact the proper authority (county department of social or health and human services or law enforcement.) immediately.*
- *The witness or the person who has reasonable knowledge to suspect that a child has been abused or neglected should be the person to make the report.*

See Wisconsin Statute 48.981

(b) The licensee shall document that each provider and substitute has received training at least every 2 years in all of the following:

1. Child abuse and neglect laws.
2. How to identify children who have been abused or neglected.
3. The procedure for ensuring that all known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

*Review of the brochure *It Shouldn't Hurt To Be a Child* is sufficient to meet the requirements for training in child abuse or neglect identification and reporting procedures (initial and date brochure upon completion) or use Continuing Education Record – Independent Reading/Video Viewing form to document compliance. Training may also involve local child protective services, law enforcement or other agencies that provide continuing education experiences. See Appendix I for instructions on obtaining department forms. Training may be counted as continuing education.*



Any bruise or markings not in areas that could be determined as made by a child during normal child activities that could be injury causing

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 may be obtained from the Child Care Information Center by calling 1-800-362-7353.

Note: See sub. (6)(c) of this section 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.

DCF 250.05 Staffing.**(1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.**

(a) *Minimum age and competence.* A family child care provider shall be physically, mentally and emotionally able to provide responsible care to all children, including children with disabilities, and shall be at least 18 years of age.

(b) *Training.*

An employee or volunteer who assists in the child care center but is not counted in the staff-to-child ratio is not considered a "provider" and is not required to meet the training requirements in this section.

See DCF 250.04 (6) (a) – STAFF FILES.

1.a. A provider shall have satisfactorily completed 3 credits of broad-based early childhood training or a non-credit course in caring for children approved by the department before receiving a license or working with children.

Note: The non-credit course called *Introduction To The Child Care Profession* is the non-credit course in caring for children that has been approved by the department. Acceptable broad-based early childhood education courses taken for credit include child development, child psychology or introduction to early childhood education. Information on agencies offering department-approved courses is available on the department's website at <http://dcf.wisconsin.gov>.

b. A person licensed or beginning to work with children after January 1, 2009, shall have satisfactorily completed a non-credit course in operating a child care business approved by the department or its equivalent before becoming licensed or working with children.

Note: The non-credit course entitled *Fundamentals of Family Child Care* is the non-credit course in operating a child care business that has been approved by the department. Information on agencies offering the department-approved course is available on the department's website at <http://dcf.wisconsin.gov>.

Equivalent courses could include a credit-based business training course, a course in the WI Child Care Administrator Credential or a course in center administration taken as part of an associates or bachelor's degree in early childhood education.

If a person was qualified as a child care provider before January 1, 2009, the person remains qualified after January 1, 2009 without an exception. A Registry certificate issued before January 1, 2009, indicating the person is qualified as a family child care provider is acceptable documentation that the person has met the requirement for courses in early childhood education and the business of operating a family child care center.

2. If more than one provider is required to meet the staff-to-child ratios, each additional provider shall meet the training requirements as specified under this paragraph.

Second providers have 6 months after beginning work to complete the required training.

3. A substitute or volunteer used to meet staff-to-child ratios need not meet the training requirements specified in this section until the substitute or volunteer has worked in the center for 240 hours, except that the substitute or volunteer used to meet staff-to-child ratios shall complete department-approved training in shaken baby syndrome prevention before providing care and supervision to children under age 5.

The 240 hours is cumulative, not each year. Training must be complete at the time the individual reaches 240 hours. Documentation of the hours worked must be kept on file at the center.

4. A provider shall receive and document having received 15 hours of continuing education each year in child growth and development, early childhood education, caring for children with disabilities, or first aid as approved by the department. This training may include attendance at training events, workshops, conferences, consultation with community resource people or observation of child care programs. Up to 5 hours of independent reading or watching educational materials may be used to meet continuing education requirements.

The calendar year January to December is considered a continuing education year.

Fifteen hours of continuing education each year may be documented by class card, certificate, transcript, or Registry bar code. The form, Staff Continuing Education Record, may be used to document continuing education hours.

The requirement for 15 hours of continuing education each year does not become effective until the regular license is issued. However, continuing education taken during the probationary period may be counted towards the first year's requirement. Attendance at meetings such as support group meetings may be counted as continuing education if the meeting is related to training on a topic related to caring for children or operating a business. Only that portion of the meeting devoted to the training topic may be counted.

The required 10 hour Infant/Toddler, child abuse training and CPR course may be counted toward the continuing education requirement of 15 hours.

Continuing education hours or credit courses may be used to meet the continuing education requirement during the year in which the hours are earned and for the 2 years following that year. Hours spent in observation in another program which results in college credits (such as in the mentor/protégé program) may not be counted, but the college credit will count. Credits should be converted to hours—for instructions on how to obtain Credit to Hour Conversion – Technical Colleges and Universities, see Appendix J Resources List.

The department does not approve agencies or trainers for continuing education.

The Continuing Education Record – Independent Reading / Video Viewing form available on the department's website may be used to document each child care-related book, magazine, article, DVD or video tape that is read/viewed as part of an employee's continuing education effort. This may include time spent in study to develop a program and curriculum. It does not include time spent in the preparation of activities or instruction with children.

Time spent doing research in the child development associate credential (CDA) process can be counted as a part of the 5 allowed hours. Time spent assembling the portfolio in the CDA process does not count toward continuing education.

The topic addressed by the continuing education experience must be one that would prepare a person to function better in their role as family child care provider and small business person.

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. 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.

5. A provider shall obtain within 6 months of licensure or date of hire and maintain a current certificate of completion for a department-approved course in infant and child cardiopulmonary resuscitation including training in the use of an automated external defibrillator. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

The Department of Health Services, Bureau of Emergency Medical Services (BEMS) approves agencies to offer the CPR with Automated External Defibrillator (AED) training as required by the statutes. A list of currently approved agencies is available on the BEMS website http://dhs.wisconsin.gov/ems/License_certification/CPR.htm. The 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. If the center does not serve infants, the CPR training could be child/adult CPR.

Substitutes will need to have CPR training after they have worked in a center for 240 hours. Emergency back-up providers are not required to have CPR training.

6. Within 6 months of becoming licensed or working in a center licensed to care for children under age 2, a provider shall have completed at least 10 hours of department-approved training in the care of infants and toddlers.

Fundamentals of Infant and Toddler Care is the non-credit, department-approved training. Credit-based training in the care of children under age 2 is also acceptable.

250.05(1)(b)6. continued

If the only child under age 2 is the provider's own child, and the center is not licensed to care for children under age 2, the training is not required. An exception to the age range on the license to care for his/her own child under age 2 should be in place. If a license is amended to include care of children under age 2, the training must be completed within 6 months of the license amendment date.

7. Before becoming licensed or providing care and supervision to children under age 5, a provider, substitute, volunteer, emergency back-up or any other person providing care and supervision to children in a family child care center shall have completed department-approved training in shaken baby syndrome prevention unless the person has documentation of completion of one of the non-credit, department-approved, entry-level courses that contain the required materials taken after July 1, 2005.

Note: *Introduction to the Child Care Profession* and *Fundamentals of Infant and Toddler Care* are the names of the non-credit, department-approved, entry-level courses that contain the required shaken baby syndrome prevention materials. Information on agencies offering the department-approved courses is available on the department's website at <http://dcf.wisconsin.gov>.

(c) Volunteers. No person may offer child care training as specified in this section unless the person and the course have been approved by the department.

Note: Information on the approval process for non-credit courses is available on the department's website, <http://dcf.wisconsin.gov>.

(2) STAFF DEVELOPMENT.

(a) *Orientation of employees, volunteers and substitutes.* Each employee, volunteer, or substitute shall receive an orientation before beginning work. The orientation shall be documented on a form provided by the department and kept in the employee file. The orientation shall cover all of the following:

Note: See s. DCF 250.04(2)(f) relating to a written plan for orientation.

1. Names and ages of all the children in care.
2. Current arrival and departure information for each child enrolled including 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 children's special health care needs including medications, disabilities or special health conditions.
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.
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.
8. The procedure for reporting suspected abuse and neglect of a child.
9. The plan for evacuating sleeping children, if the center is licensed to care for children between the hours of 9 PM and 5 AM.
10. The procedure to contact a parent if a child is absent from the center without prior notification of the absence from the parent.
11. Review of center policies required under s. DCF 250.04(2)(e).
12. Review of this chapter.
13. Review of s. DCF 12.07(1) which requires a provider to notify the licensee as soon as possible but no later than the provider's next working day when any of the following occurs:
 - a. The provider has been convicted of a crime.
 - b. The provider has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
 - c. The provider has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.
 - d. A professional license held by a provider has been denied, revoked, restricted or otherwise limited.

Note: The department's form, Staff Orientation Checklist — Family Child Care Centers, is used to document completion of employee orientation. 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.

An orientation plan for employees, volunteers and substitutes is not required if the licensee is the only person providing child care.

250.05(2)(b)

(b) *Orientation of emergency back-up providers.* Each time an emergency situation occurs, each emergency back-up provider shall receive an orientation immediately before being left alone with the children. The orientation shall cover all of the following:

Note: See s. DCF 250.04(2)(f) relating to a written plan for orientation.

1. 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. Location of children's files including emergency contact information, consent for emergency medical treatment and any special health care needs.
4. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

(3) SUPERVISION.

(a)1. A provider may not be engaged in any other activity or occupation during the hours of operation of the center, except for daily maintenance of the home.

Daily maintenance of the home does not include time-consuming tasks which would prevent the provider from supervising and interacting with children. Acceptable tasks include dusting, floor sweeping, meal preparation and clean up and laundry.

Home-based occupations may not be practiced during hours of operation (such as, but not limited to, Mary Kay cosmetics, Avon, Tupperware).

HOME SCHOOLING or CHILDREN ATTENDING a VIRTUAL (ON-LINE) SCHOOL: Home schooling is defined as a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. A virtual school or cyber school describes an institution that teaches courses entirely or primarily through online methods. The program must provide 875 hours of instruction in a sequentially-progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health each school year. Licensed family child care in a home where the provider's own children are receiving home-based education or virtual schooling may be permitted if the following conditions are met:

- *The department is notified in writing that home-schooling or attendance through a virtual school is occurring.*
- *The provider does not provide any home-based instruction during the hours of center operation.*

2. 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.

Care of adult family members will be reviewed on a case-by-case basis.

(b) A provider shall be awake whenever children are in care.

(c) No individual provider may take care of children for more than 12 hours in any 24-hour period.

A license may be granted for more than 12 hours in a 24-hour period if a second qualified provider cares for and supervises children after 12 hours.

See DCF 250.04(5)(d) – STAFF FILE – DAYS, HOURS WORKED.

(d) No child may be in care for more than 12 hours in any 24-hour period.

An exception may be granted to a child care center for a child or children to be in care for more than 12 hours in a 24-hour period if a local business or corporation operates a 12-hour work shift for their employees or if the department determines that granting an exception would support the circumstances and the family. The exception does not need to be individual to each child if the exception is granted in relation to employees of a specific business. A written parental request for care in excess of 12 hours must be on file at the center.

(e) Except when a substitute is providing care, at least one provider who has completed the training required under s. DCF 250.05(1)(b)1. shall supervise children at all times. Substitutes shall have completed the training in shaken baby syndrome prevention required under s. DCF 250.05(1)(b)7. before working as a substitute.

250.05(3)(f)

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a plan approved by the department for ensuring supervision of the children in an emergency or during a provider's absence.

See 250.04(2)(e)3. POLICY SUBMITTED AND IMPLEMENTED – ABSENCES; 250.05(2)(b) EMERGENCY BACK-UP PROVIDER – ORIENTATION and 250.03(7) for the definition of emergency back-up provider.

(h) A provider and any other adult in contact with children may not consume beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats., or be under the influence of any alcohol or a non-prescribed controlled substance, during the hours of the center's operation.

(i) Each child shall be closely supervised by a provider to guide the child's behavior and activities, prevent harm and assure safety.

Electronic listening devices may be used for supervising sleeping children. Consideration should be given to the quality of the device, proximity and accessibility of provider and noise levels that may interfere with the provider's ability to hear.

See DCF 250.03(33) – SUDDEN INFANT DEATH SYNDROME DEFINITION; DCF 250.05(3) (j) – OUTDOOR SUPERVISION and DCF 250.07(7) (e) – PETS AND ANIMALS – SUPERVISORIN.

(j) 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, as specified under s. DCF 250.06(11)(b).

The provider may supervise school-age children in or outside of the enclosed area from within the house if the provider is within sight or sound and the children have been informed of the boundaries. The provider must be able to guide the behavior and activities of the children as specified in the definition of supervision under DCF 250.03(34).

It is expected that children will play inside any enclosed area on the premises. If children are riding tricycles or other riding toys on a driveway or sidewalk or using sidewalk play items such as sidewalk chalk, they may play outside the enclosed area on an occasional basis.

(k) A child may not be released to any person who has not been previously authorized by the parent to receive the child.

Centers may accept a fax or phone call from the parent with proper ID presented at time of pick up. The Department recommends documentation of the telephone call and that identification of the person picking up a child was checked.

(L) The licensee shall implement 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 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).

(4) STAFFING AND GROUPING.

(a) At no time may more than 8 children be in the care of the center. This total includes:

1. All children under 7 years of age, including a provider's own children.

All licensing rules apply to the provider's own children under age 7 including 250.07(2)(a) GUIDING CHILDREN'S BEHAVIOR; 250.08(5) and (6) regarding transportation of children; 250.09 regarding care of infants and toddlers. See 250.03(28) for the definition of provider's own children.

2. All children 7 years of age or older who are not a provider's own children.

See DCF 250.03(9) for the definition of family child care center.

Overlap periods in which more than 8 children are in care is a violation of the rule. Providing care for more than 8 children is in conflict with Commercial Building Codes, local zoning ordinances and staff-to-child ratios.

250.05(4)(a)2. continued

VISITING CHILDREN: There may be times when neighborhood or school playmates age 7 or older are on the premises to visit the provider's own children. There is no rule violation in these circumstances.

Children age 7 or older who visit the child care center to play with children in care (not the provider's own children), or to act as a "helper" for the provider, are considered to be in the care of the provider. When children under age 7 are present to visit the provider's own children without an accompanying adult to supervise them, the licensing specialist may ask for the name and telephone number of parents or caregivers for these children to help determine whether the children are actually in the care of the licensed provider.

There may be occasions when a non-resident adult will visit the child care center bringing along his/her own children under the age of 7. Children must be properly supervised when a provider is visiting with another adult. Appropriate consideration must be given to the children's activities during these visits.

Individual situations will be evaluated on a case-by-case basis.

JOINT ACTIVITIES WITH MORE THAN ONE LICENSED/CERTIFIED PROVIDER: Licensing rules do not permit family child care centers to combine at one licensed premises for joint activities if the number of children present will exceed 8 because the building codes for a family child care center were designed for no more than 8 children in care at one time. Having more than 8 children present requires that the Wisconsin Commercial Building Codes for 9 or more children in care be followed.

As an alternative to meeting at a family child care center, we suggest that providers planning activities for multiple groups of children use a location off the premises of a licensed family child care center, e.g., the public library or local park. These types of activities, off the premises of a licensed facility, would be considered a field trip and the building code requirements would not apply.

(b) The maximum number of children that one provider may care for is specified in Table 250.05.

A child who is enrolled in a 4 year old kindergarten (4K) program may be considered a school-age child once the child turns age 5, even if this occurs during the 4K school year.

An exception may never be granted to exceed the licensed capacity of 8 children.

(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.

See DCF 250.05(1)(b)2. PROVIDER TRAINING – ADDITIONAL REQUIRED PROVIDER; DCF 250.04(5) STAFF FILE – MAINTENANCE & AVAILABILITY.

The qualified second provider may be a person under the age of 18 who has successfully completed the DPI approved Assistant Child Care Teacher course, documented by a certificate from DPI. This person may not be left in sole charge of children.

(d) Each provider may care for no more than 2 children under age 2 when care is provided on a level that is more than 6 feet above or below the ground level. A center may care for 3 or 4 children under age 2 when care is provided on a level that is more than 6 feet above or below the ground level only if there is more than one qualified provider.

Note: Section DCF 250.06(4)(e) requires an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

Table DCF 250.05

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
0	8	0	8
1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6

DCF 250.06 Physical plant and equipment.**(1) BUILDING.**

(a) *Conformance with building codes.* Family child care centers located in a building that is not a one or 2-family dwelling shall conform to the applicable Wisconsin commercial building codes. A copy of a building inspection report evidencing compliance with the applicable building codes shall be submitted to the department prior to the department's issuance of a license.

Note: The building inspection report should be sent to the appropriate regional office listed in Appendix A.

The Building Inspection Report – Child Care Centers form may be used to document compliance with the applicable Wisconsin Commercial Building Codes.

Individual communities may determine what a one- or two-family dwelling is. In some municipalities, a one- or two-family dwelling is defined as a building that was built as a home regardless of whether someone lives in that building. In other communities, a one- or two-family dwelling is defined as a building currently used as a residence. It is recommended that a licensee check with and obtain documentation from the local municipality specifying how a one- or two-family dwelling is defined to determine whether or not the commercial building codes apply.

(b) Space and temperature.

1. A center shall have at least 35 square feet of usable floor space per child. This space shall be exclusive of passageways, bathrooms, lockers, storage areas, the furnace room, that part of the kitchen occupied by stationary equipment, and space occupied by furniture that is not intended for children's use.

2. The inside temperature of the center may not be less than 67 degrees Fahrenheit.

A minimum temperature of 67 degrees Fahrenheit is determined by a thermostat reading. In rooms without thermostats, 67 degrees Fahrenheit is to be determined as follows:

- *Temperature is to be measured at 24 inches above the floor level.*
- *Infant and Toddler Rooms: Measure 6 inches above the floor.*
- *Room without windows: Temperature taken in center of a room.*
- *Room with windows: Temperature taken one foot away from windows and at the center of room and then averaged.*
- *Series of rooms with only one thermostat: The coldest room must comply with the 67 degrees Fahrenheit minimum.*

3. If the inside temperature exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with fans or other means if the center is not air conditioned.

Caution should be exercised regarding placement and condition of fans. Opening windows is not sufficient to circulate the air.

(2) PROTECTIVE MEASURES.

(a) Furnaces, water heaters, steam radiators, fireplaces, wood burning stoves, electric fans, electric outlets, electric heating units and hot surfaces such as pipes shall be protected by screens or guards so that children cannot touch them.

High-energy/efficiency furnaces are cool to the touch and, unless there are other features of the furnace that pose a hazard, they do not need to be protected.

(b) Firearms, ammunition or other potentially dangerous items located on the premises shall be kept in locked storage and may not be accessible to children.

Trigger locks alone do not constitute locked storage. Separate storage for ammunition and firearms is recommended. Examples of acceptable locked storage are: locked gun cabinets, locks on gun cases, locked rooms/closets. Attics and / or rafters may be approved by exception.

250.06(2)(c)

(c) 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.

Any personal care items labeled “keep out of reach of children” should be placed out the sight of children and out of their reach. This includes personal care items typically kept in the bath/shower area. It is recommended that only shampoos, conditioners, hand soaps and toothpaste that are not labeled “keep out of reach of children” be kept in any bathroom used by child care children.

Alcoholic beverages and any items labeled “poisonous” or “keep out of reach of children” and items in spray cans are considered harmful to children and may not be accessible to children.

Safety latches are an acceptable method to make items “inaccessible.”

For instructions on obtaining Common Plants – What’s Poisonous, see Appendix J Resources List. The UW Hospital Poison Control Center’s 24-hour emergency phone number is 1-800-222-1222.

(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.

If a center is located in a community with 911 service, the only phone numbers required to be posted are 911 and poison control. It is recommended that the street address for the center and the phone number for the local child protective services agency be listed near the phone as well.

A working telephone is defined as a phone that is capable of making and receiving phone calls. Cell phones and cordless phones may be used as the only phone in a center if the phone is fully charged and there are no dead spots in the center that would prohibit calls from being received or made. If a cell phone or cordless phone is used as the only working phone in a center, the emergency numbers need to be conspicuously posted in an area readily visible to the provider and on the phone back. Cell phones or cordless phones must remain at the center when children are present. When all the children are on a field trip, the phone may be carried by the provider.

Centers are not required to answer phone calls received during child care hours, but they must specify the procedure for receiving information from parents if they use an answering machine or voice mail service.

The statewide toll-free information number for poison control is 1(800)-222-1222.

(e) The center’s indoor and outdoor child care space shall be free of 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.state.wi.gov/Pages/Publications/KeepYourKidsSafeNewsletter.aspx> or by contacting the United States Consumer Products Safety Commission (US CPSC) at 1-800-638-2772.

See 250.03(13m) for the definition of hazard. Licensing staff will not conduct a detailed review of equipment and materials to determine whether items in the center have been recalled. It is the licensee’s responsibility to ensure that they are aware of any recalled products and to remove them from the areas occupied by children.

ASBESTOS: *If there is suspicion of asbestos hazard, inspection and testing should be required and appropriate containment and abatement practices should be employed. The DNR has an asbestos abatement specialist who can provide additional direction and information on Div. 2-Asbestos Abatement Section 02080 in relation to air monitoring exposure levels and clean up procedures. For a list of DNR offices, see <http://dnr.wi.gov/contact/ssbyregion.html>.*

OUTDOOR PLAY AREAS: *See 250.06(11)(b)3. – OUTDOOR PLAY SPACE – POTENTIAL SOURCE OF HARM*

Radon testing is recommended, but not required.

(f) A motor vehicle shall be immediately available at the center at all times in case of an emergency if an ambulance or first response unit cannot arrive within 10 minutes of a phone call.

250.06(2)(g)

(g) Differences of elevation, including open sides of stairways, elevated platforms, walks, balconies and mezzanines 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.

Railings are required when the differences in levels exceed 18 inches. Differences in elevation can occur inside or outside.

If it is a commercially manufactured piece that meets ASTM (American Society for Testing Materials) standards, as proven by documentation regarding height requirement we would accept with out exception. If it does not meet the ASTM standards then you must meet rule requirements.

Differences in elevation on outside decks and porches must meet this requirement only if children play on them. For example, a front porch that is only used by children and their parents to enter and exit the center need not have railings. However, railings are recommended.

(h) Smoking is prohibited anywhere on the premises of a center when children are present.

Note: Section DCF 250.03(25) defines a “premise” as a building and the tract of land on which the building is located.

(i) A hot tub located in a room or area accessible to children shall have a visible, locked, rigid cover or be enclosed by a locked fence at least 4 feet tall. The lock shall be installed so that the lock is inaccessible to children.

(j) If a hot tub is located in a room or area that is not intended for use by children, access to the room or area shall be controlled through the use of a visibly locked door. The lock shall be installed so that the lock is inaccessible to children.

A lock that cannot be opened by children will be considered “inaccessible to children.”

(k) The premises shall have no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children. Lead-based paint or other toxic finishing material may not be used on any surface on the premises.

LEAD PAINT: Homes which were built prior to 1980 may contain lead-based paint. The licensee should check with the local city or county health department for the proper procedure to eliminate lead.

When painted surfaces (built-ins, walls, ceilings, floors, stairs) are torn out or old paint is sanded, it is strongly recommended that abatement practices be initiated. When painted surfaces are peeling or deteriorating, samples of paint chips may be analyzed by the Laboratory of Hygiene in Madison or another certified laboratory.

For more information on asbestos or lead regulations, training, certification, work practices, inspections, or other asbestos or lead related questions, please use the following contact information: Division of Public Health, Bureau of Environmental & Occupational Health, Asbestos And Lead Unit, P.O. BOX 2659, MADISON WI 53701-2659, Phone: (608) 261-6876, Fax: (608) 266-9711, E-Mail: plicasbestoslead@dhsf.state.wi.us

(3) EMERGENCIES. Each center shall have a written plan for taking appropriate action in the event of a fire or tornado, missing child or other emergency. The center shall practice the fire evacuation plan monthly and the tornado plan monthly from April through October with the children and document when the plans were practiced.

Note: The licensee may use either the department’s form, Fire Safety and Emergency Response Documentation — Family Child Care Centers, or the licensee’s own form to document when the fire and tornado emergency plans were practiced. 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 written plan should address exiting on all levels used by children in care. The plan should also address providing for the evacuation of children with special needs who may require additional assistance during an evacuation and an off-site evacuation and relocation site including a plan for family notification and reunification of children with their parents. Additionally, the plan should identify items that are recommended to be with the provider such as attendance list, emergency cards, flash light, battery operated radio or cell phone.

The recommended exit time during a fire drill is 2 minutes maximum. The tornado shelter area should be accessible and free of hazards during tornado season.

Fire departments do not do routine inspections for family child care centers.

See 250.03(6) for the definition of emergency and 250.10 Night Care (care provided between the hours of 9 pm and 5 am).

(4) FIRE PROTECTION.

(a) Smoke detectors shall be installed and maintained in operating condition on each level of the center and in all areas used for nap or rest periods. All smoke detectors shall be tested monthly and a record kept of the time, date and results of the test.

Note: The licensee may use either the department's form, Fire Safety and Emergency Response Documentation — Family Child Care Centers, or the licensee's own form to record the results of smoke detector tests. 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.

Smoke detectors should be installed according to manufacturer's directions.

For questions regarding the appropriate placement of smoke detectors, contact your local fire department. Fire departments do not do inspections of family child care centers.

An attached garage does not require a smoke detector unless it is identified as usable child care center space. If an attic is used only for storage, a smoke detector is not required.

If a second floor or other level of a house is rented to another occupant, statutes require each residence to have a smoke detector. DCF 250 requires a smoke detector on each level of the "center." If the center and the other occupant of the building have different addresses, DCF 250 does not apply to the 2nd address.

A door serving as a smoke barrier is not required between the basement and first floor. See 250.06(4)(e) SMOKE DETECTION SYSTEM – CARE PROVIDED ABOVE OR BELOW GROUND LEVEL.

AREAS USED FOR NAP OR REST: If bedroom doors are kept open, neither a battery-operated nor an interconnected smoke detector is required in the sleeping room. However, one is required in the immediate area. If bedroom doors are closed, one battery-operated smoke detector or the interconnected smoke detector must be in the room used for sleeping even if there is an interconnected system outside the room.

(b) An operable fire extinguisher with a minimum rating of 2A-10BC shall be provided for the kitchen and cooking area and inspected annually, and a provider shall know how to use it. Inspection tags are not required, but documentation of the inspection must be kept on file at the center.

Note: Licensees or a commercial fire extinguisher inspector may inspect fire extinguishers.

The provider may perform the annual inspection of the extinguisher by reading the gauge. It is recommended that the extinguisher be rotated slowly before checking the gauge. Professional inspection of the extinguisher is recommended. It is recommended that fire extinguishers be recharged or replaced every 5 years. It is recommended that the fire extinguisher be easily accessible in or near the kitchen.

Compliance with annual inspection requirements may be demonstrated by recording the inspection date on the tag of the extinguisher or on the Fire Safety and Emergency Response Documentation – Family Child Care Centers form. See Appendix I for instructions on obtaining department forms.

A larger extinguisher may be used without an exception.

(c) Unvented gas, oil or kerosene space heaters are prohibited.

Vented gas, oil or kerosene space heaters may be used if they are installed according to the manufacturer's recommendation. It is recommended that written documentation that the vented space heater was properly installed be obtained from the installer, insurance agent, local fire department or building inspector.

Electric space heaters should have an automatic shut off.

Flammable materials should be kept away from space heaters.

See 250.06(2)(a) ELECTRICAL OR HOT SURFACE PROTECTION.

250.06(4)(d)

(d) A woodburning stove may be used only if it meets standards specified under s. SPS 323.045.

It is recommended that written approval of the wood burning stove installation be obtained from the installer, insurance agent, local fire department or building inspector. External wood burning furnaces do not need written approval. Treated or painted wood should not be burned because of the chemical fumes. Treated wood is green, yellow or brown.

Stoves that burn pellets, corn or other organic material should be installed according to the manufacturer's requirements.

Stoves located in areas of the center accessible to children that are hot to the touch when used should be guarded as specified in 250.06(2)(a) ELECTRICAL OR HOT SURFACE PROTECTION. Wood burning stoves are regulated in the Uniform Dwelling Code Comm 21.29-21.32

(e) The center shall be equipped with an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

MEASUREMENTS TO DETERMINE WHETHER A LEVEL IS MORE THAN 6 FEET ABOVE OR BELOW THE GROUND LEVEL:

WINDOW EXITING (below ground level): If the window exits into a window well you must first measure from the floor of the child care space to the bottom of the exit window. Then on the outside of the building you measure from the floor of the window well to the ground outside the window well. It is also important to determine if the window well itself is more than 46 inches deep. This determination is made by measuring from the bottom of the window well to the top edge of the window well casing. If this depth measurement is more than 46 inches, the window well must be equipped with an attached ladder or steps to assist the children in exiting the window well.

STAIR EXITING (above or below ground level): In cases where stairs are used for exiting you measure the riser height of one stair and multiply by the number of steps to get the total height (ex: each riser is 6" X 13 steps = 78". 78" divided by 12" = 6 ½ feet which is more than 6 feet and therefore an interconnected smoke detector would be required.)

If any of these measurements totals less than 6 ft then the center may care for any number of children under two per staff/child ratios without interconnected smoke detectors.

See 250.06(7)(a)7.a. CARE PROVIDED IN BASEMENT – PRIMARY EXIT; 250.06(7)(a)7.b. CARE PROVIDED IN BASEMENT – SECONDARY EXIT; 250.05(4)(d) STAFF-TO-CHILD RATIO – CARE PROVIDED ABOVE OR BELOW GROUND LEVEL and 250.06(1)(a) COMMERCIAL BUILDING CODE.

In this section, an interconnected smoke detection system means a system where smoke detectors located on each level of the building are connected so that all connected detectors sound an alarm when one detector is activated. The system does not necessarily need to be connected to the electrical system of the house or apartment (e.g., radio-controlled or battery-operated). An interconnected smoke detector is not required in the attic portion of a house. Additional battery-operated, stand-alone detectors may be used in addition to an interconnected system.

An exception is not required if a provider's own child under age 2 sleeps in his/her own bed on the second floor of the child care center and the center is not equipped with interconnected smoke detectors. The licensee should have a plan in the event that an emergency evacuation is necessary.

(5) SANITATION. The premises, furnishings and equipment shall be free from litter and vermin and maintained in a sanitary condition and in good repair.

Vermin is defined as any of various insects, bugs, or disease carrying animals such as mice, rats, weasels, flies or roaches.

An integrated pest management program is recommended to reduce unnecessary exposure to pesticides. See www.datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/school-imp.jsp for more information.

The exterior of the building should be free of openings around cables and utilities, under doors or broken windows. The garbage storage area should be free of litter, rubbish piles, burrow holes and animal droppings and should be rodent proof. Metal containers are recommended.

"In good repair" means that there are no situations such as, but not limited to, broken windows, doors, door latches, steps and railings, torn linoleum or missing tiles, flaking or deteriorating paint, leaking roofs or flooding or leaking basements in areas used for child care or emergency shelter.

(6) WATER.

(a) If the center gets its 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. The laboratory report shall be available to the department upon request.

(b) If the center is licensed to care for infants under 6 months of age, the center shall have nitrate levels in the water tested annually by a laboratory certified under ch. ATCP 77. Bottled water shall be used for infants under 6 months of age if the water tests above the maximum allowable levels of nitrates.

Note: Section NR 809.11 sets the maximum allowable level of nitrate-nitrogen in public drinking water at 10 milligrams per liter (10 parts per million).

This section applies to centers that utilize private well water. Centers that use city or municipal water are not required to test their water supply.

(c) If water test 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 until the water is determined to be safe.

Water samples may be tested at private laboratories or the State Lab of Hygiene, 465 Henry Mall, Madison, WI 53706; (608) 262-1293. Refer to www.dnr.state.wi.us for list of certified labs.

If the test indicates that the water is bacteriologically unsafe, the licensee shall contact the local public health department or the DNR to come up with a suitable plan of correction. Use of bottled water is a temporary solution to a well that tests bacteriologically unsafe. Wells must be treated and re-tested until they are determined to be safe.

(7) EXITS, DOORS AND WINDOWS.**(a) Exits.**

1. All exits shall be clear of obstructions.

Exits, including window wells that are accepted as exits, may not be blocked with snow or other obstructions.

Plastic sheeting covering a window is not permitted for windows being used as a required second exit.

2. Each floor or level occupied by children shall have at least 2 exits.
3. Exits shall be located as far apart as practical.
4. The width of every exit door shall be at least 2 feet 6 inches.
5. The primary exit shall be a door or stairway providing unobstructed travel to the outside of the building at street or ground level.
6. The secondary exit shall be one of the following:
 - a. A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
 - b. A door or stairway leading to a platform or roof with railings complying with sub. (2)(g), which has an area of at least 25 square feet, is at least 4 feet long, and is not more than 15 feet above ground level.

*If the platform area does not meet the above specifications, see to DCF 250.06(7)(a)6.c
SECONDARY EXIT – WINDOW.*

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 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. 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.

An outside platform is not required for a second-floor window.

A nominal window opening is the size of the exiting area when the window is open.

250.06(7)(a)6.c. continued

The window must be capable of being opened from the inside by an adult. This includes storms and screens. If the storm or screen cannot be opened from the inside, the storm or screen may not be installed on the window serving as a second exit.

An exception may be granted to the exact dimensions of the window under the condition that the slight variation in dimensions provides a window area equal to or larger than that specified in the rule and still permits the children in care to exit. The provider should develop a plan for exiting from the secondary exit after consulting with the local fire department, and it is recommended this be addressed in the center policies.

7. If care is provided in a basement, all of the following apply:

- a. The primary exit shall be a door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
- b. The secondary exit shall be either a door or stairway leading to the ground level or a window not more than 46 inches above the floor that is capable of being opened from the inside without the use of 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. The window shall open directly to the ground or to a window well with an area of at least 6 square feet that is not more than 46 inches below the ground.

In the case of a basement, if a window is being used as the second exit, the window must meet the requirements of DCF 250.06(7)(a)7.b. Basement – Secondary Exit. The bottom of the window may not be more than 46 inches from the floor of the basement or there must be a permanently fixed platform. If a window well depth is greater than 46 inches, there must be a fixed platform, ladder or steps.

(b) *Doors and windows.*

1. Every closet door latch shall be capable of being opened by children from inside the closet.
2. Every toilet room door lock shall be designed to permit the locked door be opened from the outside in an emergency, and the opening device shall be readily accessible to a provider.
3. Windows that are capable of being opened and located in areas of the center that are accessible to children shall have screens.

If a window is locked or sealed shut and is not capable of being opened it does not need a screen.

(8) FURNISHINGS.

- (a) Furnishings shall be durable and safe, with no sharp, rough, loose or pointed edges.
- (b) The furnishings shall include all of the following:
 1. Table space and seating for each child.

Highchairs and feeding tables for infants and toddlers are included in determining the required number of chairs.

Booster seats are recommended for smaller children using adult-sized chairs at a table.

2. Storage space for equipment, cots, if used, bedding, children's clothing and personal belongings.

Examples of storage space for play equipment are drawers, shelves, cabinets and boxes.

Cots, sleeping bags and mats may be stored in closets or stacked in a room.

Outer-garment storage may be on hooks, hangers, in a clothing cubby or on a bed that is not used by children for sleeping. Personal storage may be provided in a variety of ways including baskets, round potato chip or ice cream containers, shopping bags, diaper bags, shoe boxes, knapsacks, etc.

See DCF 250.07(4)(d) NAPS – BEDDING.

3. A safe, washable cot, bed, 2-inch thick mat or sleeping bag for each child one year of age or older who naps or sleeps.
 4. A safe, washable crib or playpen for each child under one year of age who naps or sleeps.
- Note:** See Appendix D for information related to safe cribs.

(9) KITCHENS.

(a) Equipment and utensils for preparing, serving and storing food shall be clean and equipped for the safe handling of food. Eating surfaces shall be washed before use.

(b) Reusable eating and drinking utensils shall be thoroughly cleaned with detergent and hot water and rinsed after use. Single use articles such as food containers designed to be used only once and discarded including plastic silverware, paper or styrofoam cups and plates may not be reused.

A single-use plastic container may not be used to store food if it originally contained nonfood products. A single-use plastic container used by the processor to package food may be reused for food storage if the container is smooth, easily cleanable and durable. "Cool Whip" containers and deli containers are acceptable. Single-use food storage bags are acceptable. Bags with a zip-type closure are recommended.

(c) Food shall be clean, wholesome, free from spoilage and from adulteration and misbranding, and safe for human consumption.

Meat and poultry must be processed in a facility inspected by the USDA or the state.

Home-frozen foods are acceptable.

Home-canned foods may not be used for children in care except for high-acid foods including apples, apricots, berries, cherries, grapefruit, peaches, pineapple, rhubarb and tomatoes.

Fresh produce from a farmer or the provider's garden is acceptable. Home-raised eggs are acceptable by exception with parental and food program permission.

(d) Food shall be covered and stored at temperatures that protect against spoilage. Refrigerators shall be maintained at 40 degrees Fahrenheit or lower and freezers shall be maintained at 0 degrees Fahrenheit or lower.

Thermometers are recommended for each cold storage compartment to ensure that the appropriate temperature is maintained.

Prepared food should not be allowed to sit out on counters for more than 2 hours. Frozen foods shall be thawed in the refrigerator, under cold running water or on the defrost setting in a microwave oven. No frozen potentially-hazardous food may be defrosted by leaving it at room temperature. Food should be maintained at temperatures below 40° F. or above 140° F. "Potentially-hazardous food" includes all custard-filled and cream-filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk or milk products and any other food or food product likely to spoil quickly if not kept at the proper temperature.

(e) Leftovers shall be discarded after 36 hours unless frozen for later use.

(10) WASHROOMS AND TOILET FACILITIES.

(a) There shall be at least one toilet with plumbing and one sink with hot and cold running water available for use by the children.

If the toilet and sink are located on a floor that has not been approved for use by children, the bathroom may be used by children.

The maximum hot water temperature should not exceed 120 degrees Fahrenheit and a temperature between 100 and 105 degrees Fahrenheit is recommended. Scald-prevention devices are recommended.

When the only bathroom sink is on a second floor, the use of the kitchen sink for handwashing is not recommended but is not prohibited.

(b) Soap, toilet paper and a waste paper container shall be provided in the washroom and accessible to children.

Liquid soap is recommended. See DCF 250.07(6)(g)1. – AVAILABILITY OF INDIVIDUAL HAND TOWELS.

250.06(11)**(11) OUTDOOR SPACE.**

(a) *Requirement for outdoor play space.* A center shall have outdoor play space if any child is receiving care for more than 3 hours a day.

Three hours means three consecutive hours. When a program is exempt from meeting the requirement for outdoor space by virtue of three or less hours of operation, but chooses to provide an outdoor play period, rules on outdoor space apply.

(b) *Required features of outdoor play space.* Except when an exemption is requested and approved by the department under par. (c), a center shall comply with all of the following requirements for outdoor play space:

When family child care centers are licensed to operate on both sides/levels of a duplex or in adjoining apartments in a multi-unit apartment they need to have a scheduled outdoor play time separate from the other group of children. Staff-to-child ratios must be maintained.

1. The outdoor play space shall be on the premises of the center.
2. There shall be at least 75 square feet of outdoor place space for each child using the space at a given time. A center with a licensed capacity of 8 children is required to have a minimum of 600 square feet.
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.

See DCF 250.03(13m) for the definition of hazard.

In an outdoor play area, hazards may include, but are not limited to, basement stairwells not protected by fence or gate, lawn sprinkler valve boxes recessed several inches below ground with no cover, broken glass or cans, wood piles, holes, fences and enclosures with sharp edges or points near adjacent climbing equipment, etc. "Well drained" must be related to the season and ground conditions.

It is recommended that providers keep a receipt, a label or a copy of a label which clearly indicates the product is oil based and the date the product was purchased.

Wood treated with the oil-based products creosote and pentachlorophenol (PCP) can also be toxic. These chemicals are typically found in railroad ties and utility poles. Structures made with these materials cannot be adequately sealed and will be considered a hazard. Children should not be permitted to come in contact with wood treated with either of these products.

When there are bodies of water such as a water garden, fishpond, etc. on the premises, or the body of water is within the fenced-in play area, an exception must be requested. The request for exception will need to include a detailed plan for the protection of the children. Some of the items to be considered when writing or evaluating the exception request include evaluation of the following items:

- *The ages of the children as specified in the terms of the license*
- *The location of the water garden, fish pond, etc. in relation to the usual play area of the children*
- *The location of the exits from the building and the play area in relation to the water garden, fish pond, etc.*
- *Any other circumstances which may affect the safety of the children.*
- *The compliance history of the center with respect to supervision of the children and previous enforcement actions.*

The exception request must include the condition that the provider or other adult be outdoors with the children under sight and sound supervision at all times. The exception request must be reviewed by the chief of the regional licensing office and shall be periodically reviewed by the licensing specialist and chief to ensure that the circumstances of the exception remain essentially the same. Exceptions may be granted on a case by case basis as determined by the licensing chief.

Failure to comply with the conditions of the exception could result in withdrawal of the exception and/or initiation of other enforcement actions such as forfeiture or revocation of the license.

See 250.06(12)(a) ON-PREMISE SWIMMING POOL – USE AND ENCLOSURE and 250.06(2)(i) HOT TUB – COVERED OR FENCED.

250.06(11)(b)4.

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.

5. Concrete and asphalt are prohibited under climbing equipment, swings and slides.

The Consumer Product Safety Commission has a publication entitled, "Outdoor Home Playground Safety Handbook", available on their website: www.cpsc.gov. Energy-absorbing ground cover beneath slides, climbing equipment and swings is recommended to the depth of at least 6 inches and within a fall zone of at least 4 feet.

(c) *Exemption for off-premises play space.*

An exemption for off-premises play space will not be approved if there is space available on the premises. An exemption for the use of off-premises play space will not be granted based solely on a restriction by a community (a covenant) for installing a fence. The licensee has other options beyond installing a fence to enclose outdoor play space such as the use of landscaping and plants.

1. In this paragraph, "main thoroughfare" means a heavily traveled street or road used by vehicles as a principal route of travel.

2. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under subd. 3. for the center's outdoor play space.

3. A request for an exemption under subd. 2. shall be in writing and shall be accompanied by a plan for outdoor play space that does all the following:

a. Identifies and describes the location to be used, the travel distance from the center to that location and the means of transporting the children to that location.

b. Provides for adequate supervision of the children as specified in Table 250.05.

c. Provides for daily vigorous exercise in the out-of-doors for the children.

d. Describes the arrangements to meet the toileting and diapering needs of the children.

e. Affirms the center's compliance with the requirements included in subds. 4. to 7.

Note: Send the request for an exemption, including the plan for the use of that space, to the licensing representative at the appropriate regional office of the Department's Division of Early Care and Education. See Appendix A for addresses of the regional offices.

4. The off-premises outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced swimming pools, heavily wooded areas and nearby highways and main thoroughfares.

5. There shall be at least 75 square feet of play space for each child using the space at a given time.

6. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.

7. When the off-premises outdoor play space is reached by walking, the center shall transport children under 3 years of age in wheeled vehicles, such as strollers or wagons, with a seating capacity equal to the number of children under 3 years of age to be transported.

8. A center's plan for use of an off-premises outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements under par. (b), the department shall either approve the plan and grant the exemption or not approve the plan and deny the request for exemption. The department shall notify the center in writing of its decision and if it does not grant an exemption, shall state its reasons for not granting the exemption.

9. If any circumstance described in an approved plan for use of off-premises outdoor play space changes or if any condition for plan approval is not met, the department may withdraw its approval of the plan and cancel the exemption. A center with an approved plan shall immediately report to the department's licensing representative any significant change in any circumstance described in the plan.

(12) SWIMMING AREAS.

(a) Swimming pools on the premises of the center may not be used by children in care.

Swimming pools on the premises shall be surrounded by a permanent enclosure as specified under sub. (11)(b)4. In addition, the all of the following restrictions apply:

Swimming pools on the premises may be used by the provider's own children over the age of 7 years during the hours of operation. The licensee must continue to maintain compliance with supervision and pool rules listed in this section when their own children are in the pool.

250.06(12)(a)1.

1. If access to the pool is through a gate, the gate shall be closed and locked during the center's hours of operation.

2. If access to the pool is through a door, the door shall be closed, visibly locked and equipped with an alarm at the door that signals when someone has entered the pool area. The door may not be used as an exit.

3. Locks shall be located so that the locks cannot be opened by the children.

4. The free-standing wall of an above ground pool may not serve as an enclosure unless it is at least 4 feet in height and not climbable. If a ladder is present, the ladder shall be removed or raised up so that it is inaccessible to children.

5. The area around the pool enclosure shall be free of toys or equipment that would allow a child to climb or otherwise gain access to the pool.

(b) A wading pool on the premises may be used if the water is changed daily and the pool is disinfected daily. Supervision requirements and staff-to-child ratios under s. DCF 250.05(3) and (4) shall be met.

The American Academy of Pediatrics, in the book Caring for Our Children – National Health and Safety Performance Standards for Out of Home Care, states that the use of wading pools for children is not recommended. Instead, sprinklers, hoses or water tables may be used as an alternative for water play. Standing water, in addition to posing a risk of drowning, is a breeding ground for bacteria and disease-carrying insects.

(c) A pool, wading pool, water attraction, or beach that is not located on center premises may be used by children if all of the following conditions are met:

DHS 172.03 (53) "Water attraction" means a public facility with design and operational features that provide patron recreational activity other than conventional swimming and involves partial or total immersion of the body. Types of water attractions include activity pools, interactive play attractions, leisure rivers, plunge pools, vortex pools, vanishing edge pools, waterslides, run-out slides, drop slides, pool slides, wave pools, zero-depth entry pools, and any public pool with play features except wading pools. This does not include splash pads.

1. The construction and operation of the pool meet the requirements of chs. SPS 390 and ATCP 76 for public swimming pools and the beach complies with any applicable local ordinance.

2. Certified lifesaving personnel are on duty.

Lifeguards are required when children are in the water. Lifeguards may not be counted in the staff-to-child ratio.

3. While children are in the water of a pool, wading pool, water attraction, or beach, the following staff-to-child ratios for providers who can swim shall be met:

See Appendix I Instructions for Obtaining Department Forms for information on how to obtain a swimming staff-to-child ratio worksheet.

Swimming staff-to-child ratios do not apply to organized swim lessons, but regular staff-to-child ratios should be maintained in or near the pool area.

- a. For children under 2 years of age: 1:1.
- b. For children 2 and 3 years of age: 1:3.
- c. For children 4 and 5 years of age: 1:6.
- d. For children 6 years of age and older: 1:8.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on to the number of children in the water and each child's age.

Note: A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department upon request. Requests may be made to the licensing representative or regional office in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

Swimming ability may be determined by the parents or the center.

250.06(12)(c)6.

6. If some of the children are in the water and others are not, there shall be at least 2 providers supervising the children. One provider shall supervise the children who are in the water, and the other provider shall supervise the children who are not in the water.

DCF 250.07 Program.**(1) PROGRAM PLANNING AND SCHEDULING.**

(a) A provider shall plan activities so that each child may be or do all of the following:

1. Be successful and feel good about himself or herself.
2. Use and develop language.
3. Use large and small muscles.
4. Use materials and take part in activities that encourage creativity.
5. Learn new ideas and skills.
6. Participate in imaginative play.
7. Be exposed to a variety of cultures.
8. Develop literacy skills.

Note: The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at <http://www.collaboratingpartners.com/> or through the Child Care Information Center at 1-800-362-7353.

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 a parent has concerns about a child's growth or development a referral to a Birth-to-Three agency or the local public school 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) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

(b) A provider shall plan daily activities according to the age and developmental level of each child in care and shall include a flexible balance of all of the following:

A daily activities plan would include a schedule, a summary of the kinds of activities which will be planned such as outdoor play, group and individual activities, field trips, stories and other language development activities, music, art and time for child-selected free play.

If children under two years of age are in care, the plan should also include time for one-on-one interaction between the provider and the infants and toddlers.

The licensing specialist may monitor for compliance by talking with the provider or observation if a written activity plan is not available.

1. Daily indoor and outdoor activities when a child is in care for more than 3 hours except that outdoor activities are not required during inclement weather or when not advisable for health reasons.

There is no definite set of guideline that would prevent a child from going outside for health reasons. Center policies should reflect what would prohibit a child from going outside for health reasons: i.e. a written request by a parent or a written statement by a medical professional.

Children are to have time to play outdoors each day unless the weather is inclement. Consideration must be given to other conditions on the playground and include available shade, drinking water, protection from wind, etc.

See 250.03(15) for definition of "inclement weather." In the written health policy, the center determines the temperatures when children will go outside with no more than a 5 to 10 degree variation of the temperatures included in the definition. No exception is necessary as long as the variation is no more than 5 to 10 degrees.

Center provided and maintained selection of warm outer garments is recommended for children whose parents do not provide appropriate clothing for out-of-doors.

2. Active and quiet play.
3. Protection from excess fatigue and over stimulation.

4. Individual and group activities.

If used, television programs should complement the daily activities/curriculum. Soap operas, game shows, situation comedies, talk shows, etc. are not appropriate when children are present. Children's videotapes and DVDs may be used, but they may not constitute a major portion of the program for children. Media should be rated to the age and developmental level of the child. See 250.07(1)(b) above.

(c) Television, including videotapes and DVDs, may be used only to supplement the daily plan for children. No child may be required to watch television.

(2) CHILD GUIDANCE.

(a) Each family child care center shall provide positive guidance and redirection for the children and shall set clearly specified limits for the children. A provider shall help each child develop self-control, self-esteem and respect for the rights of others.

(b) If a provider uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes or be used for children under age 3. Time-out procedures shall be included in the center's written child guidance policy.

See Early Years Are Learning Years – Time Out for “Time-Out”. For information on how to obtain this document, see Appendix J Resources List.

(c) Actions that may be psychologically, emotionally or physically painful, discomfoting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include all of the following:

1. Spanking, hitting, pinching, shaking, slapping, twisting, throwing, or inflicting any other form of corporal punishment on the child.
2. Verbal abuse, threats or derogatory remarks about the child or the child's family.

"Verbal abuse" includes, but is not limited to, profane, insulting or coarse language sometimes but not always delivered in a loud or threatening manner or language which is ego deflating, causing loss of self-esteem.

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

See 250.03(23) for definition of “physical restraint.”

“Physical restraint” does not include:

- Briefly holding a child in order to calm or comfort the child
- Holding a child's hand or arm to escort the child from one area to another
- Moving a disruptive child who is putting him/herself/others in danger and is unwilling to leave the area when other methods such as talking to the child have been unsuccessful.
- Intervening or breaking up a fight.

If a child has an outburst that puts him/herself or another person in danger of harm, the center has the responsibility to protect the child and others from danger. Once a child has an outburst, we recommend that the center work with the parents to develop a plan to help manage the child's behavior in a way that does not include the use of a physical restraint. Children may not be confined in high chairs, cribs and/or pack and plays to restrict the child's movement.

4. Withholding or forcing meals, snacks or naps.

Children can be encouraged but not forced to try all of their food or finish one food prior to receiving seconds of a required food.

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

Aversive actions could include imposing an unpleasant event each time the child exhibits inappropriate behavior.

(d) A child may not be punished for lapses in toilet training.

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 a child be reported to the Department within 24 hours after the occurrence.

250.07(3)**(3) EQUIPMENT.**

(a) Safe indoor and outdoor play equipment shall be provided and shall be all of the following:

Equipment must be available for the children to play with.

Examples of unsafe play equipment include:

- *Metal toys with sharp edges.*
- *Play housekeeping equipment which is coming apart.*
- *Hard plastic toys which have broken, sharp edges.*
- *Slides or rocking boats with protruding screws.*
- *Swing sets with chains which are rusting through.*
- *Permanently installed outdoor equipment which is not safely anchored.*

Any object that can slide through a tube that is no larger than the size of a cardboard toilet paper roll is considered a choking hazard. It is recommended that providers check small pieces of toys or equipment by using a choke tube.

Certain pull toys may have a cord or string the length of which may present a strangling hazard to a child. Strings on cribs and pull toys should not be longer than 12 inches so that cords cannot be wrapped around necks.

1. Scaled to the size and developmental level of the children.
2. Of sturdy construction with no sharp, rough, loose, or pointed edges, in good operating condition, and anchored when necessary.
3. Placed so as to avoid danger of accident or collision and to permit freedom of action.

(b) Various types of play equipment shall be provided to allow for large and small muscle activity, dramatic play, creative expression and intellectual stimulation.

(c) Indoor play equipment shall be provided to allow each child a choice of at least 3 activities involving equipment when all children are involved in using equipment.

(d) Outdoor play equipment shall be provided to allow each child at least one activity when all children are using equipment at the same time.

Outdoor equipment may be permanently installed or equipment may be taken outdoors from the inside or a combination of both.

(e) Trampolines and inflatable bounce surfaces on the premises shall not be in areas accessible to children and may not be used by the children in care.

Bouncy chairs or inflatable items not intended for bouncing such as inflatable slides may be used. Care should be taken to ensure that children are properly supervised and the item is being used according to the manufacturer's recommendation.

Trampolines not located in areas accessible to children in care may be used by the provider's own children over the age of 7 during the hours of center operation.

Note: Lists suggesting kinds and numbers of equipment for centers are available from the Child Care Information Center by calling 1-800-362-7353.

(4) REST PERIODS.

(a) Children under 5 years of age in care for more than 4 consecutive hours shall have a nap or rest period.

If children who are five years of age and older sleep at the parent's request, the rules on rest periods apply. It is recommended that the parent's request for a nap period for children age 5 and above be written and kept in the child's file.

(b) A provider shall permit children who do not sleep after 30 minutes and children who wake up early to get up and shall help them to have a quiet time through the use of equipment or activities which do not disturb other children.

Children will be allowed to get up off of their sleeping surface and play in a room which must be reasonably lighted.

250.07(4)(c)

(c) Each child who has a nap or rest period shall be provided with a bed, cot, mat at least 2 inches thick, sleeping bag, crib or playpen which is placed at least 2 feet from the next sleeping child.

Cribs and cots may be placed end to end if a solid partition separates the children.

Mats may be stacked to reach the required 2 inch thickness.

Sofas may be used provided the child has a sheet/blanket or sleeping bag so that the child does not sleep directly on the sofa.

All children under 1 year of age must be placed to sleep on his or her back in a crib. If a child falls asleep in a swing or car seat, the child must be removed from the swing or car seat and placed to sleep on his or her back in a crib. Only the child's physician may authorize a sleep position other than the back in a crib or playpen for a child under 1 year of age. Once a child is able to roll over unassisted, the child may assume the sleep position most comfortable to him/her. See DCF 250.09(1)(c) for information about infant and toddler sleep position.

See DCF 250.03(4m) and (31) for the definitions of "crib" and "sleeping bag". See Appendix D for information on safe cribs.

(d) Each child 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.

Each mat, cot or crib mattress shall be covered with the child's individual sheet for exclusive use by that child. No child shall sleep on a bare, uncovered surface. Seasonally appropriate coverings such as sheets or blankets that are sufficient to maintain adequate warmth shall be available and shall be used by each child.

Cots, sleeping bags and 2-inch thick mats shall be long enough so the child's head or feet do not rest off the cot, sleeping bag or mat.

See 250.03(31) for definition of "sleeping bag."

A large adult-size blanket may be used as both sheet and blanket on a bed, cot, mat or sofa used as a bed if it is placed under and over the child.

If family beds are used, the sheet and blanket or sleeping bag should be placed over the family bedding.

(e) Infants shall sleep alone in cribs or playpens. Two related children may share a double bed. No more than one child may occupy a single size bed, cot, mat or sleeping bag.

Note: See also s. DCF 250.06(8)(b)3. and 4. which require that the cot, bed, mat, sleeping bag, crib or playpen be safe and washable.

(5) MEALS AND SNACKS.

(a) Food shall be provided based on the amount of time children are present, as specified in Table 250.07.

TABLE 250.07
Meals and Snacks to be Served to Children
in Family Child Care Centers

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

(b) Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

The 3-hour time frame begins when the meal is served, e.g., snack at 9:00 a.m., lunch at noon, afternoon snack at 3:00.

250.07(5)(c)

(c) Each meal and snack shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements.

Only beverages that are 100% fruit or vegetable juice may be served to meet USDA requirements for a fruit or vegetable serving. Other beverages may be served (such as water) in addition to the required components.

Note: See Appendices B and C for United States Department of Agriculture child and adult care food program minimum meal requirements. You may also contact the Department of Public Instruction Community Nutrition Services for information on the United States Department of Agriculture child and adult care food program at 608-267-9123.

(d) 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 must be kept for 3 months.

Documentation could be attained through food program records, written menus or a calendar listing meals and snacks served. Menus are not required to be posted. The USDA master plan is acceptable as long as it reflects meals actually served. The record must contain the meal number and the center must have a list of the meal numbers available for review by parents and the licensing staff. If the provider changes items on the plan, those changes must be documented on the meal record. If children bring their own lunch, no documentation is required.

(e) Enough food shall be prepared for each meal so second portions of vegetables, fruit, bread and milk are available to children.

USDA food program regulations specify that the USDA amounts are guides for food preparation and are not "helpings." USDA recommends that small helpings of all items be dished up and that seconds be available.

(f) 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.

Centers may provide parents with a copy of Appendix B. This information may be included in the center's policies.

(g) 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.

(h) 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.

(i) A special diet based on a food allergy may be served upon the written request of the parent.

(6) HEALTH.

(a) *Contact with others who are ill.*

1. A licensee, provider, household member, employee, volunteer, visitor or parent who has symptoms of illness or of a communicable disease that may be transmitted through normal contact may not be in contact with the children in care.

2.a. A licensee, provider, household member, employee, volunteer, visitor or parent whose behavior with respect to any child, adult, animal or property, on or off the center's premises, raises reasonable concern for the safety of the children, may not be in contact with the children in care.

b. The department may require a licensee, provider, household member or other adult 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 s. DCF 250.11(2)(e) which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical and mental health of a person may endanger children in care.

250.07(6)(a)3.

3. 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 medical tests that the person is not a carrier of the disease.

Typhoid is a communicable disease caused by bacteria and is marked by fever, diarrhea, headache and intestinal inflammation. Paratyphoid is salmonella that resembles typhoid fever and occurs as a food poisoning. Dysentery is severe diarrhea with blood and is caused by infection.

(b) *Observation of children.*

1. Each child upon arrival at the center shall be observed for symptoms of illness. For a child who appears to be ill, the licensee shall follow the procedure under par. (c).

The daily health check should include individually greeting the child, with some exchange of information about the child's health and behavior between the provider and child's parent if possible. If the child appears to be ill, the child should not be admitted for care unless the center has been authorized to provide care for mildly ill children. See DCF 250.07(6)(d).

For information on how to obtain Exclusion Guidelines for Ill Children in Child Care, see Appendix J Resources List.

It is recommended that the provider's definition of illness be included in the center's written information to parents as well as the center's expectations for when children can return after illness. See DCF 250.03(20) for the definition of mildly ill.

2. A provider shall note in a medical log book any injury or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of the center and any incidents requiring the services of medical personnel.

For information on how to obtain the Medical Log – Directions for Use, see Appendix J Resources List.

Note: See s. DCF 250.04(6)(c) for information on maintaining a medical log book.

(c) *Ill child.* Unless a center has been previously authorized to care for mildly ill children under par. (d), 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 sleeping bag. The licensee shall notify the parent or emergency contact and arrange to remove the child from the center as soon as possible.

Children must have a sheet and a blanket or a sleeping bag if the child is placed on a bed, cot or crib—or the center may have the child use just a sleeping bag.

(d) *Care of a mildly ill child.* A child who is mildly ill may be cared for at the center when all of the following conditions are met:

Children with a communicable disease may not be admitted for care unless the child has passed the period of time for communicability as specified in the Exclusion Guidelines for Ill Children in Child Care. For instructions on how to obtain this document, see Appendix J Resources List. See 250.03(20) for the definition of mildly ill.

1. The space for the care of a mildly ill child is a self-contained room that is separate from children who are well.
2. The parent consents in writing.
3. The written health policy of the center allows a mildly ill child to remain at the center.
4. The center follows and implements procedures in a written plan for the provision of care to mildly ill children that has been approved and signed by a licensed physician, a family nurse practitioner or a pediatric nurse practitioner, and which covers all of the following:
 - a. Admissions and exclusions.
 - b. Staffing.
 - c. Staff training.
 - d. Monitoring and evaluation.
 - e. Programming.
 - f. Infectious disease control.
 - g. Emergency procedures.

250.07(6)(d)5.

5. Medical consultation is available from a physician or local health department in establishing policy for the management of mildly ill children.

(e) *Communicable disease.*

1. When it is determined that a person in contact with children or a child attending the center has a reportable communicable disease under ch. DHS 145, such as German measles, infectious hepatitis, measles, mumps, or meningitis, the local public health officer, the department and parents of all the enrolled children shall be notified.

For instructions on how to obtain the Communicable Disease Chart and the Exclusion Guidelines for Ill Children in Child Care, see Appendix J Resources List.

2. A licensee, provider, household member, employee, volunteer, visitor or parent or a child in care may be readmitted to the family child care center if there is 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 as specified by the department in 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. 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 800-362-7353.

(f) *Medications.*

1. A provider may give prescription or non-prescription medications such as pain relievers, teething gels or cough syrup to a child only under the following conditions:

These rules allow prescription and non-prescription medication to be administered by the center under controlled circumstances as specified. The center health policy may be more stringent than the rule—allowing no medication or only prescription medication. This policy should be included in the written health policy that is shared with parents upon admission. A written authorization from the parent is required for each medication and is time limited. The center shall ensure that all requirements of the Americans with Disabilities Act are met. See www.ada.gov for more information.

An anti-itch preparation may be applied to children upon authorization from the parent. The parent should supply the preparation. The preparation should be labeled with the child's name. The authorization should include the name of the product and the instructions for administration. The application information does not need to be recorded in the center medical log.

a. A completed written authorization on a form provided by the department, dated and signed by the parent is on file. Authorizations that exceed the period of time specified on the label are prohibited.

Medication used to treat chronic illnesses or conditions such as asthma or diabetes may be authorized by a physician for an unspecified length of time. No separate doctor's authorization for a chronic condition or illness, other than the prescription label, is required. Over-the-counter medications used to treat an on-going condition such as seasonal allergies need to be prescribed by the child's physician or authorized in writing by the child's physician. The written authorization must be in the child's file. The authorization from the parent should be reviewed and re-signed when there are any changes. The parent should include information on the specific triggers that may signify the necessity for the authorized medication on the child's health history form.

Blanket authorizations are not allowed for non-prescription pain relievers, cough and cold remedies, etc. and may not be pre-signed by parents. The medication authorization must be time specific and follow the guidelines given on the medication container.

Note: The department's form, Authorization to Administer Medication — Child Care Centers, is used to obtain the parent's authorization to provide medications. 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.

250.07(6)(f)1.b.

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

The directions on the medication should be followed according to the age group specifications. Center policies may limit administering medication exceeding age group specifications. The rule requires that the dosage instructions must be included on the medication label. For some types of over the counter medications, such as Tylenol or cold syrup, the label instructions indicate that a physician should be consulted for children under a certain age (typically under age 2).

The American Academy of Pediatrics recommends that over-the-counter multi-symptom cold products not to be used for children under the age of 6.

The Authorization to Administer Medication form has been revised to include a statement to be initialed by the child's parent indicating the child's physician has been consulted and the dosage instructions are consistent with the physician's recommendation. A parent's authorization may not exceed the time specified on the label of the medication (usually 7 – 10 days).

c. A written record, including the name of the child, type of medication given, dosage, time, date and the initials or signature of the person administering the medication shall be made in the medical log on the same day that the medication is administered.

Note: See s. DCF 250.04(6)(c) about maintaining a medical log book.

2.a. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the brand and ingredient strength of the sunscreen or insect repellent. If parents provide the sunscreen or insect repellent, the sunscreen or repellent shall be labeled with the child's name. Authorizations shall be reviewed periodically and updated as necessary. The recording of the application of sunscreen or insect repellent is not required.

Parents can supply sunscreen or insect repellent or the facility may provide it to all the children. The authorization for the application needs to include the brand name and the ingredient strength. If a new brand or strength is used, a new authorization is required.

The center health policy should address at what age children will be allowed to self-apply these items and the procedure for ensuring that the application is completed in a way that will protect children.

It is recommended that sunscreen be applied according to application instructions to ensure that children are adequately protected from sunburn.

Sunscreen and insect repellent authorizations should be reviewed at least every 6 months.

- b. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.
- 3. Medications shall be stored so that they are not accessible to children.
- 4. Medications requiring refrigeration shall be kept in the refrigerator in a separate, covered container clearly labeled "medications."

Medications should be stored at temperatures in accordance with label instructions.

5. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

6. Medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.

If a medication authorization from the parent is in disagreement with the label instructions, the label instructions take precedence unless there is written authorization from the physician indicating a different dose or time frame.

250.07(6)(g)*(g) Personal cleanliness.*

1.a. A child's hands shall be washed with soap and warm running water before meals or snacks and after toileting or diapering. A child's hands and face shall be washed after meals. Persons working with children shall wash their hands with soap and warm running water before handling food and after assisting with toileting. Towels and washcloths shall be individual to each person and used only once.

Washing in a common bucket or pan is allowed after certain activities, such as finger painting, if this preliminary washing to eliminate excess paint is immediately followed up by individual hand washing under running water with soap.

See 250.09(4)(f) INFANT & TODDLER - PROVIDER HANDWASHING WHEN DIAPERING & TOILETING and 250.09(4)(i) INFANT & TODDLER - CHILD HANDWASHING AFTER DIAPERING.

For children under one year of age, hands and face may be washed with a fabric wash cloth individual to the child and to that use or with a disposable single-use wash cloth or towel. Use of running water is not required for children under one year of age.

Liquid soap is recommended.

b. 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.

Soap and water based wet wipes are alcohol free; this will be indicated on the product label.

c. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.

2. Bodily secretions from a child shall be wiped with a disposable tissue. Whoever does the wiping shall wash his or her hands immediately.

Examples of bodily secretions are vomit, blood, nasal discharge, etc.

3. All providers shall use universal precautions when exposed to blood or bodily fluids or discharges containing blood.

4. 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.

5. Single use disposable gloves shall be worn if there is contact with blood-containing body fluids or tissue discharges. Hands shall be washed with soap and warm water after removal of gloves. Gloves shall be discarded in plastic bags.

"Single use disposable gloves" means non-porous gloves without obvious seams made out of latex, natural rubber or plastic in various forms.

(h) *Disinfecting surfaces.* Surfaces containing bodily secretions shall be washed with soap and water and disinfected with a solution of one tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia-based disinfectant prepared according to the label instructions, or a commercially prepared disinfectant containing bleach or a quaternary ammonia product. Hands shall be washed immediately.

(i) *Prohibition against sharing utensils.* Cups, eating utensils, or toothbrushes may not be shared.

Toothbrushes are not required. However, if a center chooses to have children brush their teeth, toothbrushes must be labeled and/or stored so that they do not touch each other, and each child must use his/her own brush each time.

(j) *Clothing and diaper changing.*

1. Wet or soiled clothing or diapers shall be changed promptly from an available supply of clean clothing or diapers.

Changes of clothing may be provided by the parent or may be supplied by the center providing it is clean, gender appropriate and in a variety of sizes. If parents do not supply the clothing, the center is responsible for providing an emergency supply of clothing.

2. Section DCF 250.09(4) shall apply when a child 2 years of age or older needs attention for diapering or toileting.

(k) *Injuries.*

1. Written permission from the parent to call the child's physician or refer the child for medical care in case of injury shall be on file at the center. A provider shall contact a parent of the injured child as soon as possible after an emergency has occurred or, if the injury is minor, when the child is picked up.

Any head injury is considered an "emergency" and parents should be notified as soon as possible.

Note: See DCF 250.04(3)(a) regarding reporting injuries that require medical attention to the Department within 48 hours after the occurrence.

Note: The department's form, Child Care Enrollment, includes authorization for the center to obtain emergency medical care for a child. 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. Superficial wounds shall be cleaned with soap and water only and protected with a bandaid or bandage.

The administration of non-prescription medication must be at the specific direction of the parent. No medication may be given or applied to the child by the center for injuries (e.g. salves and creams) unless the parent supplies and authorizes the medication.

3. Suspected poisoning shall be treated only after consultation with a poison control center.

The statewide poison control number is (800) 222-1222. Calling 911 does not automatically connect the caller with poison control. See Common Plants – What's Poisonous for a list of poisonous plants. Instructions on how to obtain this document can be found on Appendix J Resources List.

Activated charcoal or any other vomit-inducing substance may only be used with authorization from the poison control center.

4. The licensee shall designate a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility and shall advise parents about that designation.

This should be included in the policies and procedures required under 250.04(2)(e) SUBMIT, IMPLEMENT AND PROVIDE POLICIES TO PARENTS.

5. A daily record of injuries including the child's name, date and time of injury and a brief description of the facts surrounding the injury shall be kept in the center medical log book.

See commentary under 250.04(6)(c) MEDICAL LOG BOOK – MAINTENANCE and the document, Medical Log – Directions for Use. For information on how to obtain this document, see Appendix J Resources List.

Note: See s. DCF 250.04(6)(c) about maintaining a medical log book.

(L) *Health examination and history.*

1. Each child under 2 years of age, including each provider's child 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.

2. Each child 2 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. School-age children are not required to have a health exam.

Children transferring to a new center are required to have an examination on file dated within the last two years. Children 5 years old and not enrolled in public or private school must have a physical examination on file at the center. Home schooled children would require a physical exam.

3. The health examination report shall be made on an electronic printout from a licensed physician, physician assistant, or HealthCheck provider or on a form provided by the department that is signed and dated by a licensed physician, physician assistant, or HealthCheck provider.

Evidence of a health exam may include a form (such as a HealthCheck provider form or the department's form, Child Health Report) or a printout from a child's medical record that includes the date of the exam, the child's name and the name of the health professional who conducted the exam. No exception is required for the use of a form or report that is not the department's form, Child Health Report.

Doctors of Osteopathy may perform physical examinations. Chiropractors are prohibited by statute from performing physical examinations.

250.07(6)(L)3.Note:

Note: The department's form, Child Health Report — Child Care Centers, or an electronic printout from a medical professional may be used to document a health examination. 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.

4. The health examination requirement under subd. 2. does not apply if the parents of a child request in writing that the department grant an exemption based upon the parents' adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect or denomination.

5. A health history for each child, including school age children and a provider's own children, completed by the parent shall be on file at the center by the child's first day of attendance. Information relating to a child's special health care needs shall be shared with any person caring for children including emergency back-up providers and substitutes. The health history shall be recorded on a form provided by the department.

Note: The department's form, Health History and Emergency Care Plan, is used to record each child's health history. 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.

(m) *Immunization.* The center shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. DHS 144.

Note: The department of health services form, Day Care Immunization Record, is used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health provider may be used in place of DPH-4192 or DPH-4192S. 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.

Under s. 252.04, Wis. Stats., and ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child's attendance.

If children are attending a public, parochial or private school and are enrolled in a school-age child care program at the school of attendance, the immunization record will not be required to be on file at the child care center. Immunization records are required to be on file for school-age children unless the child care center is operated on school premises and the child care center has approved access to the school's vaccination records.

The Student Immunization Law s. 252.04(2), Stats., sets minimum requirements for children attending child care centers. The immunization history must indicate that the child has received at least the first dose of each required vaccine or that the immunization requirement is waived for that child.

If a religious or personal conviction exemption is claimed, the form must indicate the exemption with a parent signature. Immunization requirements may also be waived upon signature of a physician that the child should not be immunized for health reasons. Providers may wish to use the department of health services form, Day Care Immunization Record, for children who have an immunization waiver.

Children who have not received subsequent doses of vaccine appropriate to their age must receive the required subsequent doses within one year of the first day of attendance and must notify the child care center in writing as each dose is received.

When children are "in the process" of being immunized (i.e., the child has received some DPT and Polio doses but not all that are required for the child's age), the center will request a note from the child's health care provider that the child is "on schedule" for immunizations and the date for the next scheduled dose. This note will be attached to the child's child care center immunization record. Follow up on scheduled immunizations will be completed using the center's health bookkeeping system.

For children whose immunization record is not submitted within 30 school days of admission; whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; or who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date), there are two courses of action for the center:

- *As required by Wisconsin law and administrative rule, the center will notify the district attorney that a child has failed to comply with immunization requirements.*

OR

- *The child who fails to comply with immunization requirements will be discharged (excluded) from the center until such time as immunization requirements are met.*

(7) PETS AND ANIMALS.

(a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

Dogs and cats must be vaccinated against rabies as documented by a current vaccination certificate. Other immunizations frequently given to dogs and cats are to prevent disease which is not communicable to children. Initial rabies immunization should be administered by five months of age and within one year after the initial immunization. Subsequent immunizations are to be administered at intervals stated on the certificate of vaccination. If no date is specified, the dog shall be vaccinated within three years of the previous vaccination, as specified in s. 95.21 (2) Wis. Stats. Wisconsin law does not allow persons to vaccinate their own animals for rabies.

Pets suspected of being ill or infested with external lice, fleas and ticks or internal worms shall be removed from the center.

Cats, dogs and ferrets are required to have rabies vaccinations. Barn cats which do not come in contact with child care children are not required to be vaccinated.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

Examples of aggressive behaviors are: showing teeth, growling, hissing, excessive barking, hair standing up on the animals back or tail between legs.

(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center.

Documentation may be a signature sheet on the policies or other form developed by the provider. The sheet should contain the name and breed of the animal and what kind of access the animal will have with the children. The licensee may keep this information with the pet records.

Visits to petting zoos are OK. Having pets or animals brought into the center for the purpose of exposing the children to animals must be handled carefully to ensure that the children and animals are protected.

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

"Not accessible" means the animal may not have any physical contact with the children, including the children reaching over or through a barrier to touch the animal.

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.

(e) All contact between pets or animals and children shall be under the sight and sound supervision of a provider who is close enough to remove the child immediately if the pet or animal shows signs of distress or aggression or the child shows signs of treating the animal inappropriately.

In the event that an animal bites a child, the parent shall be notified and a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children shall be followed. Parents shall be notified of any action taken by the veterinarian, as well as the name, address and telephone number of the veterinarian who was consulted.

(f) Pets are prohibited in any food preparation or serving area when food is being prepared or served unless the pet is confined in a cage or kennel. Litter boxes are prohibited in any food preparation, storage or serving areas. Litter boxes and animal feeding dishes, excluding water dishes, may not be placed in areas accessible to children.

Bottle feeding an infant is considered "food service" which would prohibit the animal from being unconfined in the room during feeding.

Fish in an aquarium may be located in a kitchen or food service area without an exception.

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

All areas accessible to children during hours of operation, including entrance/exit areas, must be free of pet and animal excrement.

(h) Proof of liability insurance on the child care business indicating the number of children covered and the dates of coverage from an insurance carrier specifically covering the presence of dogs and cats shall be on file with the pertinent regional licensing office in appendix A if dogs or cats are allowed in areas of the center accessible to children.

A declaration page, endorsement page, certificate of insurance or a renewal sheet will all be considered "proof of insurance". This can be an e-mail or written correspondence from the insurance agent, but it must show effective dates of insurance.

Some homeowners or rental insurance policies will not cover a business operation such as child care or will not cover the presence of cats or dogs in a child care setting. Other policies limit coverage to 6 or fewer children. The policy must specify that the coverage includes the number of children in the licensed capacity. A copy of the "exclusions" to coverage may be necessary to document that pets are not excluded from coverage.

Note: Documentation could be included as a rider on a homeowner policy or a separate insurance policy on the child care business. A certificate of insurance or other documentation from the insurance company that indicates the number of children covered, dates of coverage and types of pets covered is acceptable. Service animals used to assist persons with disabilities are not considered pets when functioning as a service animal.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets and animals.

DCF 250.08 Transportation.

(1) APPLICABILITY. This subsection applies to all center-provided transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation.

When transportation is provided by the center, a child is considered to be in the care of the center from the time the child is placed in the vehicle at the pick-up location until the child is dropped off at his/her final location at the end of the child care day. Daily attendance records must include the actual time of pick-up and drop-off. See 250.04(6)(b) CURRENT, ACCURATE DAILY ATTENDANCE RECORD.

See 250.03(3) for the definition of center-provided transportation.

Note: The department's form, Transportation Permission — Child Care Centers, may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child's residence or other location is provided. Information on how to obtain a copy of the department form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(2) EMERGENCY INFORMATION. All of the following emergency information shall be carried in the vehicle for each child transported:

- (a) An address and telephone number where a parent or other adult can be reached in an emergency.
- (b) The name, address and telephone number of the child's health care provider.
- (c) Written consent from the child's parent for emergency medical treatment.

Note: The licensee must 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 the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(3) 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 Wisconsin operator's license for the type of vehicle driven.

Valid driver's license from the state of residence is acceptable.

S. 121.55, Wis. Stats., prohibits anyone under age 18 from driving children. No exceptions will be granted.

(b) The licensee shall obtain a copy of the driving record for each driver annually 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.

See 250.04 (3) – DEFINITION OF CENTER PROVIDED TRANSPORTATION. Parents and volunteers who transport children are not required to have a driving record on file.

(c) A driver whose driving record 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/points/abstract2.htm>.

(4) VEHICLE.

(a) The licensee shall ensure that each vehicle, including a licensed contract motor carrier vehicle, such as a hired school bus, that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation.
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.

Vehicles appropriately licensed in another state may be used to transport children without an exception.

The National Highway Traffic Safety Administration (NHTSA) interpretation of federal law applies to agencies transporting children to and from schools and limits the number of children transported in passenger vans designed to carry more than 10 people. Centers may be cited for violating this law under 250.04(2)(a) Compliance With Laws which requires that centers comply with all applicable laws and rules. See the department's publication Transportation of Children in 10+ Passenger Vans To and From School. For information on how to obtain this document, see Appendix J Resources List.

250.08(4)(b)

(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.

The Vehicle Safety Inspection form is to be signed by the owner/employee of a bona fide repair business such as a garage, auto repair shop or service station. The name of the repair business should appear on the form in addition to the signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If the inspection report indicates needed repairs, the vehicle must be repaired, and the inspection form must note the necessary repair or replacement has been completed.

New and used vehicles purchased from an authorized dealer with inspection report will be accepted for one year.

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 a copy of the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(c) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

(5) SEAT BELTS.

(a) Each child who is less than 1 year of age or who weighs less than 20 pounds being transported in a vehicle shall be properly seated and restrained in a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

(b) Each child who is at least one year old but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

INFANT / TODDLER RESTRAINTS: A child crash-tested restraint is a restraint that has been determined to perform satisfactorily in dynamic tests (simulated crash tests). Satisfactory performance is defined as meeting or exceeding the critical elements of the NHTSA's 1974 proposed revision to Federal Motor Vehicle Safety Standard 213.

(c) Each child who is at least 4 years old but less than 8 years of age, who weighs less than 80 pounds or who is 4 feet 9 inches tall or less shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48, Stats.

(d) Each child who is not required to be in an individual child car safety seat or booster seat required under par. (a), (b) or (c) when being transported shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

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

Seat belts are not required in some vehicles even though these vehicles have a capacity of 15 or fewer people. This includes taxicabs, mopeds, motorcycles, snowmobiles and vehicles designed for 2 persons if there are 2 persons 4 years of age or older in the vehicle.

If a center owns, leases or contracts for a school bus, seat belts or car safety seats are not required because these vehicles were constructed to carry children without such devices.

If seat belts are present in a vehicle, seat belts must be used to restrain children being transported.

LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety, 1007 Ellis St., Stevens Point, WI 54481 or from the web site www.childsafety.org.

INTEGRATED SAFETY SEATS: Many new vehicles are equipped with integrated child safety seats that are designed for children who weigh at least 20 lb. and are at least 1 year of age. All infants younger than 1 year of age or who weigh less than 20 lb. should be positioned rear facing in separate child safety seats in the back seat.

For additional information, contact the NGTSA Auto Safety Hotline at (800) 424-9393.

250.08(6)**(6) VEHICLE CAPACITY AND SUPERVISION.**

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

(b) Children under age 13 years who are in the care of the center may not ride in the front seat of a vehicle.

The provider's own children who are 7 years of age or older may ride in the front seat of a vehicle. They are not considered to be "in care." Children in care between the ages of 13 – 17 may ride in the front seat.

(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 handicap which limits their ability to respond to an emergency.

When evaluating the need to have an adult supervisor (in addition to the driver) present on the vehicle the center needs to consider the ability of the child with a disability to evacuate the vehicle with limited additional help from the driver, the number and ages of other children being transported and whether any children being transported have a behavioral history that would might be disruptive during transportation.

(d) After transporting a child to his or her destination, an adult shall ensure the child is in the custody of a provider, a parent, or other adult designated by the parent. 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. Information on how to obtain a copy of this form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(e) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(7) SMOKING. Smoking is prohibited in the vehicle while children are being transported.

(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>.

250.09**DCF 250.09 Additional requirements for infant and toddler care.****(1) APPLICABILITY, QUALIFICATIONS AND GENERAL REQUIREMENTS.**

(a) Family child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(c) General requirements.

1. A provider shall use information obtained on a department-provided form for children under 2 years of age to individualize the program of care for each child. The information shall be at the center before the child is left for care on the child's first day of attendance. A provider and the child's parents shall periodically discuss the child's development and routines.

*Written evidence of the periodic discussions is **not** required, but updating the intake form is recommended every 3 months for infants and every 6 months for toddlers.*

Special emphasis is given to changes in sleeping/nap patterns, dietary needs, i.e., new foods, cup, utensils or self-feeding skills introduced, and introduction of toilet training when age appropriate.

Note: The department's form, Intake for Children under 2 Years, 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 a 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.

2. Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Waterbeds may not be used by children under age 2.

3. Sheets or blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

*Swaddling of infants is permitted, if requested by the parent. **Swaddling** is an age-old practice of wrapping [infants](#) snugly in swaddling cloths, blankets or similar cloth so that movement of the [limbs](#) is tightly restricted. Swaddling is only effective for the first few weeks after birth. Swaddling an infant is not recommended after one month of age.*

If the child pulls the blanket out during nap time, the provider must ensure that that blanket is kept away from the child's mouth and nose.

4. Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

5. Safety gates shall be used at open stairways when children are awake.

Safety gates shall be installed at the bottom and/or top of stairs, depending on where children are. Gates may be installed a maximum of 18" from the bottom step, or about 3 steps up, taking into consideration the landing surface.

(2) DAILY PROGRAM.

(a) Child care providers shall respond promptly to a crying child's needs.

(b) Each infant and toddler shall be allowed to form and follow his or her own patterns of sleeping and waking.

Meals should be served related to the child's sleeping schedule rather than the schedule of the center. There shall be no specifically scheduled nap time for all infants as a group. As children begin to mature, a child's schedule will slowly be changed to eliminate the a.m. nap and to slowly begin to integrate the child into the center schedule. Priority will continue to be given to the individual eating and sleep needs of the child.

250.09(2)(c)

(c) Each child under one year of age shall be placed to sleep on his or her back in a crib unless otherwise specified in writing by the child's physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

If a child falls asleep in a swing, bouncy seat or car seat or on the floor, the child must be removed from that area and be placed to sleep on his or her back in the crib assigned to him/her.

(d) Emphasis in activities shall be given to play as a learning and growth experience.

(e) Throughout the day, each infant and toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

(f) Routines related to activities such as taking a nap, eating, diapering and toileting shall be used as occasions for language development and other learning experiences.

(g) When a non-mobile child is awake, a provider shall change the child's body position and location in the room periodically. Non-mobile awake children shall be placed on their stomach occasionally throughout the day.

(h) Each non-walking child who can creep or crawl shall be given opportunities each day to move freely in a safe, clean, open, warm and uncluttered area.

(i) A provider shall encourage infants and toddlers to play with a wide variety of safe toys and objects.

Family child care centers are to be equipped with play equipment according to the developmental level of the children in care. Since children under 2 years of age are not always able to select their own playthings from shelves, play equipment should be made available to them. Play equipment may be commercially made or homemade.

See 250.07(1)(b) DAILY ACTIVITIES – PLAN FOR AGE & DEVELOPMENT LEVELS.

(j) Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when this is not advisable for health reasons.

There is no definite set of guidelines that would prevent a child from going outside for health reasons. Center policies should reflect the center's definition of what would prohibit a child from going outside for health reasons: e.g., a written request by a parent or a written statement by a medical professional.

Children are to have time to play outdoors each day unless the weather is inclement. Consideration must be given to other conditions on the playground and include available shade, drinking water, protection from wind, etc.

See 250.03(15) for definition of "inclement weather." In the written health policy, the center determines the temperatures when children will go outside with no more than a 5 to 10 degree variation of the temperatures included in the definition. No exception is necessary as long as the variation is no more than 5 to 10 degrees.

Center-provided and maintained selection of warm outer garments is recommended for children whose parents do not provide appropriate clothing for out-of-doors.

See 250.07(1)(b) DAILY ACTIVITIES – PLAN FOR AGE & DEVELOPMENT LEVELS.

(3) FEEDING. A provider shall do all of the following:

(a) Feed each infant and toddler on the child's own feeding schedule.

(b) Ensure that food and formula brought from home is 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 directions.

A formula container will usually indicate a "use by" date. To ensure that the formula remains in good condition, it is recommended that unused formula be discarded and not used after the date on the container.

Multiple bottles pre-made at the center should be dated to ensure they are used according to manufacturer's directions.

- (d) Provide formula or breast milk to all children under 12 months of age.
- (e) Provide another type of milk or milk substitute only on the written direction of the child's physician.
- (f) Discard leftover milk or formula after each feeding, and rinse bottles after use.

It is recommended that once a feeding has been initiated, a bottle be consumed within 2 hours or the contents discarded.

- (g) Refrain from heating breast milk in a microwave oven.
- (h) Offer drinking water to infants over 6 months of age and toddlers several times daily.
- (i) Hold a child unable to hold a bottle whenever a bottle is given. Bottles may not be propped.
- (j) Hold or place a child too young to sit in a highchair or feeding table in an infant seat during feeding. Wide-based highchairs with safety straps or feeding tables with safety straps shall be provided for children who are not developmentally able to sit at tables and chairs.

This requirement for a safety strap is intended to prevent the child from standing up in the high chair and falling out and to prevent a child from slipping down and under the tray. At a minimum the safety strap should be a "T" shape for all seats.

Children may not be confined in high chairs to restrict the child's movement. The child is only to use the chair for meal/snack time or planned activity.

- (k) Ensure that eating utensils and cups are scaled to the size and developmental level of the children.

Single service paper cups are not recommended for use with this age group.

(4) DIAPERING AND TOILETING. A provider shall do all of the following:

- (a) Change wet or soiled diapers and clothing promptly.
- (b) Change the child on an easily cleanable surface which 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.

An easily cleanable surface may be a changing table, a plastic covered mat, a plastic covered mattress or any other surface that is impervious to water and capable of being disinfected with a bleach solution.

See 250.06(5) - SANITARY PREMISES, FURNISHINGS, EQUIPMENT.

Disinfectants that are used in hospitals and nursing homes may also be used. The center must have a letter from the above health facilities indicating the health facility is using the product as a disinfectant.

All products must be used in a two-step procedure. First soap and water to rid the surface of any organic material and then the disinfectant is to be used.

Products containing both a cleaner and a bleach or quaternary ammonia are acceptable, but they must be applied using the two-step process.

When visible blood or other potentially infectious material is present, universal precautions should be followed.

See the Approved Sanitizer List from the Division of Public Health for sanitize/disinfect explanations and the Fact Sheet on Universal Precautions and Standard Precautions for Child Care Centers. For information on how to obtain these documents, see Appendix J Resources List.

Note: A quaternary ammonia product is any of a group of compounds in which a central nitrogen atom is joined to four organic radicals and one acid radical, used as antiseptics and disinfectants. Benzalkonium chloride, dimethyl benzyl ammonium chloride, and dodecyl dimethyl ammonium chloride are the names of some common ammonium compounds that might identify a product as a quaternary ammonium product. The chemical name for bleach is sodium hypochlorite.

- (c) If the diapering surface is above floor level, provide a strap, restraint or other structural barrier to prevent falling. A child may not be left unattended on the diapering surface.

A person may not be considered a structural barrier.

250.09(4)(b) continued

(d) Place soiled cloth diapers in a plastic bag labeled with the name of the child and send them home daily.

The Center for Disease Control and the American Academy of Pediatrics recommend that soiled cloth diapers and training pants never be rinsed. The fecal contents may be placed in the toilet, but diapers and training pants should not be dipped into the toilet water. The provider should place bags of soiled clothing out of the reach of children.

Diaper wraps used in place of rubber pants with cloth diapers do not need to be changed after every use unless they are soiled. It is recommended that the label of the diaper wrap be reviewed for the recommended changing frequency.

(e) Place soiled disposable diapers in a plastic-lined, covered container and dispose of them daily.

A hands-free, covered container is recommended, but it is not required. It is recommended that the container be kept close to the diapering area.

(f) Wash his or her hands with soap and warm running water before and after each diapering or assistance with toileting routines.

Frequent handwashing is recommended to prevent the spread of diarrhea and respiratory illness in children. Handwashing is the mechanical action of washing in running water with soap. Attention should be given to the whole hand including the area under the fingernails, the wrist and the back of hands.

Liquid soaps are recommended.

When the only bathroom sink is on a second floor, the use of the kitchen sink for handwashing is not recommended but is not prohibited. Use of water buckets or other containers is prohibited.

(g) Apply lotions, powders or salves to the child during diapering only at the specific direction of a parent or the child's physician.

(h) Wash the child during diapering with a disposable towel used only once.

(i) Wash the child's hands with soap and warm running water after diapering. The hands of children under one year of age may be washed with soap and a wet fabric or paper washcloth, used once and discarded.

Soap and water based wet wipes may be used.

DCF 250.095 Additional requirements when the licensee is not providing care to children at least 50% of the licensed hours of center operation. A licensee who does not provide care and supervision to children at least 50% of the hours of a center's operation shall comply with the following requirements:

(1) The licensee shall complete at least one course from the Wisconsin Professional Credential for Child Care Administrators program within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center's operation.

A course in program administration taken as part of an associate's or bachelor's degree in early childhood education is acceptable in lieu of a course in the Wisconsin Child Care Administrator Credential. For instructions on how to obtain information on the Wisconsin Child Care Administrator Credential, see Appendix J Resources List.

(2) The licensee shall be responsible for the following:

- (a) Management, finance, physical plant, and day-to-day operations of the center.
- (b) Supervision of the planning and implementation of the center's program for children.
- (c) Supervision of center staff, including the following duties:
 - 1. Implement and maintain a written job description for each staff position.
 - 2. Implement and maintain a written personnel policy that addresses hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures, and the disciplinary process. The personnel policy shall contain a procedure that requires staff to notify the licensee and the licensee to notify the department as soon as possible, but no later than the next business day, when any of the following occurs:
 - a. The employee has been convicted of a crime.
 - b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
 - c. The employee has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.
 - d. A professional license held by the employee has been denied, revoked, restricted, or otherwise limited.
 - 3. Ensure that each employee is familiar with the employee's job description, personnel policies, and applicable licensing rules.
 - 4. Conduct staff meetings at least 9 times in a calendar year and document that the meetings have been held.
 - 5. Ensure staff compliance with continuing education requirements.

(3) The licensee shall be at the center for at least 30 hours per month for the exclusive purpose of carrying out licensee responsibilities in sub. (2).

The licensee may be counted in the staff-to-child ratio during the time s/he is present at the center. Documentation of the hours the licensee is present at the center could be kept of the Daily Attendance Record form or on a calendar or other record.

DCF 250.10 Additional requirements for night care.

(1) **APPLICABILITY.** Family child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the requirements of this section.

(2) **GENERAL REQUIREMENTS.**

(a) When the same premises are 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.

(b) Minimum staff-child ratios and group sizes as specified in Table DCF 250.05 shall be maintained during night care.

(c) The parent or center shall provide each child in night care with an individually labeled sleeping garment and a toothbrush.

This rule does not apply if the center is not licensed past 10:00 p.m.

(3) **PROGRAM.**

(a) Child care staff shall ascertain from a child's parent a child's typical family activities during the period the child is at the center for night care and strive to replicate those activities with the child.

Written documentation is not required. It is recommended that the provider address this in the center's policies. See DCF 250.09(2)(b) and (3)(a).

(b) A center offering night care shall provide a self-contained room away from sleeping children where an awake child may engage in activities.

(c) An evening and morning schedule of program activities shall be planned for the hours that children in night care are awake.

It is recommended the provider address this in the center's daily activity policy.

(d) School-age children shall have an opportunity to read or do school work.

(4) **PREVENTIVE MEASURES.**

(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 orientation under s. DCF 250.05(2).

(b) Centers operating during hours of darkness shall have emergency lighting, such as an operable flashlight, readily available to a provider.

(c) Providers shall be awake, available, within call and able to respond to the needs of the children whenever children are in care.

(5) **FEEDING.**

(a) Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.

(b) A nighttime snack shall be available to all children in care.

(c) A child present at the time the evening meal is served shall be served the evening meal.

(6) **SLEEP.**

(a) Children who attend the center for the evening hours but not the whole night shall have an opportunity to sleep, as needed.

(b) Sleep routines for individual children shall be based on information provided by the parents.

(c) A bed, crib or cot with sheets and blankets individual to each child shall be provided for children spending the night.

(d) The center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.

(e) Children under 2 years of age in night care shall sleep in cribs.

See 250.03(4m) for definition of crib. Center must follow the manufacturer's height and weight specifications.

DCF 250.11 Licensing administration.

(1) LICENSING REQUIREMENT. If a person provides care on a regular basis to 4 or more children under the age of 7 years, that person shall be deemed to be providing care for compensation and shall be licensed.

(2) GENERAL CONDITIONS FOR APPROVAL OF LICENSE.

(a) Prior to receiving or continuing a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures that are due to the department.

(b) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures.

(c) Persons licensed to operate a family child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the family child care center. A determination that a person is unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not the abuse or neglect results in a criminal charge or conviction.

A disability such as blindness, hearing impairment or other physically disabling condition that affects the licensee/provider may not be the sole basis of the denial of a license. The ability of the person to provide care to the children and to comply with the licensing rules must be evaluated based on the disability.

(d) The department shall issue a family child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

Note: See DCF 250.03(11) for the definition of “fit and qualified.”

(e) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center may endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that certifies the condition of the individual and the possible effect of that condition on the family child care center or the children in care.

(f) The department may deny or revoke the license if the examination specified under par. (e) gives the department reasonable concern for the care of children.

(g) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years prior to the date of the application. An applicant is deemed ineligible to submit an application for a license and a person may not hire an employee within 2 years from the date an applicant or employee had a child care license or certification revoked or denied.

(h) The department shall consider a licensee who fails to submit any of the materials described in sub. (4) or (5) by the expiration or continuation date of a license to have surrendered the license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(3) INITIAL APPLICATION FOR A PROBATIONARY LICENSE.

(a) An applicant for a license shall have obtained pre-licensing technical assistance that results in a completed initial licensing study checklist from a representative of the department prior to submitting an application for a license.

Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate regional office in Appendix A. The Department will provide the application form to an applicant upon completion of the pre-licensing technical assistance.

Note: 2. An initial licensing study checklist includes a list of those rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or the appropriate regional office in Appendix A.

250.11(3)(b)

(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

(c) An applicant for an initial license shall include all the following with the application form:

1. The license fee required under s. 48.65(3)(a), Stats.
2. A completed background information disclosure 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.

See Appendix H Chapter DCF 12 Caregiver Background Checks and the department's publication Caregiver Background Checks – Requirements for Child Care Centers. For information on how to obtain this document, see Appendix J Resources List.

3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.

4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.

5. Results of a water test if the center has a private well.

6. Results of a vehicle safety inspection if the center will transport children.

7. Documentation of liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children.

8. A copy of all center policies as specified under s. DCF 250.04(2)(e).

9. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6 month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(4) OBTAINING A REGULAR LICENSE.

(a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license application.
2. Any completed Background Information Disclosure forms including any applicable fees required under s. 48.685(6)(a), Stats., and s. DCF 250.04(2)(L) and (m).
3. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeitures due and owing under s. 48.715(3), Stats., or penalties under s. 48.76, Stats.
4. Any changes to center policies, if not previously submitted.
5. Results of a water test if the center has a private well.
6. Results of a vehicle safety inspection if the center will transport children.
7. Documentation of liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children.
8. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any applicable 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.

(5) CONTINUING A REGULAR LICENSE.

(a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.
2. Any completed Background Information Disclosure forms including any applicable fees required under s. 48.685(6)(a), Stats., and s. DCF 250.04(2)(L) and (m).
3. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeiture due and owing under s. 48.715(3), Stats., or penalty under s. 48.76, Stats.
4. Any changes to center policies, if not previously submitted.
5. Results of a water test if the center has a private well.
6. Results of a vehicle safety inspection if the center will transport children.
7. Documentation of the liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children.
8. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(6) AMENDING A LICENSE.

(a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the number of children served.
2. The age range of the children.
3. The hours of the center's operation.
4. The days of the week the center is in operation.
5. The months of the year the center is in operation.
6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license identified under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

Note: The Department's form CFS-0067, Family Day Care License Application, is used to apply for a new license. The Department will provide an application prior to the continuation date for a new license.

(7) ADDITIONAL LICENSE. A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of any existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(8) LICENSE DENIAL OR REVOCATION.

(a) The department may deny, revoke or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee, a proposed or current employee, a volunteer, a household member or any other person having regular contact with the children is, has or has been any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.
2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center.
3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.

250.11(8)(a)4.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. DHS 129.10.

5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Had a child care license or certification revoked or denied within the last 5 years.

7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Made false statements or withheld information.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (2).

Note: See s. DCF 250.0(11) for the definition of "fit and qualified." Examples of charges, actions or offenses the Department will consider when making a determination under this paragraph that an act substantially relates to the care of children include but are not limited to the following: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. This list is illustrative. Other types of offenses may be considered.

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5), Stats., and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301(5), Stats., and not as provided in s. 48.72, Stats.

(9) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE.

(a)1. If the department decides under sub. (8) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the department notice in subd. 1., based on the criteria under s. 48.715(4m)(a) and (b), Stats., unless the decision is appealed under sub. (11).

(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 as of the date of receipt of the notice without the written approval of the department.

(10) SUMMARY SUSPENSION OF A LICENSE.

(a) Under the authority of s. 227.51(3), Stats., the department shall summarily suspend a license and close a family child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense which substantially relates to the care of children or activities of the center or has a pending charge which substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a family child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under subs. (8) or (9) to revoke the license. A preliminary hearing shall be conducted by the department of administration's division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(11) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE.

(a) Any person aggrieved by the department's decision to deny an initial license or the renewal of a license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be sent to the division of hearings and appeals within 10 days after the date of the notice under sub. (9). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transmission report that accompanies the document.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, WI. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate Division of Early Care and Education regional office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.
2. The petitioner withdraws the request in writing.
3. The petitioner agrees in writing to accept an informal resolution of the appeal.
4. The petitioner abandons the hearing request. The division of hearings and appeals shall

determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:

1. Shall consider and apply all standards and requirements of this chapter.
2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.

3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b) 4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision's issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.

DCF 250.12 Complaints, inspections and enforcement actions.**(1) COMPLAINTS.**

(a) Anyone having a complaint about a licensed or illegally operating family child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

Note: A complaint should be sent, phoned or delivered to the appropriate Division of Early Care and Education regional office listed in Appendix A.

(b) The licensee may not discharge an employee because the employee has reported violations of this chapter to the licensing representative.

(2) INSPECTION.

(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 served and staff and child records and any other materials or other individuals having information on the family child care center's compliance with this chapter.

(b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 250.08(8)(a) to determine whether the child safety alarm is in good working order.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

Chapter DCF 250

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 counties.

REGIONS

Northeastern Regional Office

200 North Jefferson, Suite 411
 Green Bay, WI 54301
 Gen: (920) 448-5312
 Fax: (920) 448-5306

Northern Regional Office

2187 North Stevens Street, Suite C
 Rhinelander, WI 54501
 Gen: (715) 365-2500
 Fax: (715) 365-2517

Southeastern Regional Office

141 NW Barstow, Room 104
 Waukesha, WI 53188-3789
 Gen: (262) 521-5100
 Fax: (262) 521-5314

Southern Regional Office

1 West Wilson Street, Room 655
 P.O. Box 8947
 Madison, WI 53708-8947
 Gen: (608) 266-2900
 Fax: (608) 261-7824

Western Regional Office

610 Gibson Street, Suite 2
 Eau Claire, WI 54701-3696
 Gen: (715) 836-2185
 Fax: (715) 836-2516

COUNTIES

Brown, Calumet, Door, Fond du Lac, Green Lake,
 Kewaunee, Manitowoc, Marinette, Marquette,
 Menominee, Oconto, Outagamie, Ozaukee,
 Shawano, Sheboygan, Washington, Waupaca,
 Waushara, Winnebago

Ashland, Bayfield, Florence, Forest, Iron,
 Langlade, Lincoln, Marathon, Oneida, Portage,
 Price, Sawyer, Taylor, Vilas, Wood

Kenosha, Milwaukee, Racine, Waukesha

Adams, Columbia, Crawford, Dane, Dodge, Grant,
 Green, Iowa, Jefferson, Juneau, Lafayette,
 Richland, Rock, Sauk, Walworth

Barron, Buffalo, Burnett, Chippewa, Clark,
 Douglas, Dunn, Eau Claire, Jackson, LaCrosse,
 Monroe, Pepin, Pierce, Polk, Rusk, St. Croix,
 Trempealeau, Vernon, Washburn

APPENDIX B
CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

Chapter DCF 250

APPENDIX B

CACFP MEAL PATTERN REQUIREMENTS – AGES 1 to 12			
	Age 1 & 2	Age 3, 4 & 5	Age 6 up to 12
BREAKFAST			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Juice ^a or fruit or vegetable or Fruit(s) or vegetable(s)	1/4 cup	1/2 cup	1/2 cup
3. Grains/Breads: ^b	1/4 cup	1/2 cup	1/2 cup
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc. ^b	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz. ^c	1/3 cup or 1/2 oz. ^c	3/4 cup or 1 oz. ^c
Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
1. Milk	1/2 cup	3/4 cup	1 cup
2. Meat or meat alternate:			
Meat, poultry, fish, cheese	1 oz.	1+1/2 oz.	2 oz.
Alternate protein products ^g	1 oz.	1+1/2 oz.	2 oz.
Yogurt, plain or flavored, unsweetened or sweetened	4 oz. or 1/2 cup	6 oz. or 3/4 cup	8 oz. or 1 cup
Egg	1/2 egg	3/4 egg	1 egg
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
Peanut butter or other nut or seed butter	2 Tbsp.	3 Tbsp.	4 Tbsp.
Peanuts or soy nuts or tree nuts or seeds	1/2 oz. = 50% ^d	3/4 oz. = 50% ^d	1 oz. = 50% ^d
3. Vegetable and/or fruit ^e (at least two)	1/4 cup total	1/2 cup total	3/4 cup total
4. Grains/Breads: ^b			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc. ^b	1/2 serving	1/2 serving	1 serving
Cereal, Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cereal, Cold dry	1/4 cup or 1/3 oz. ^c	1/3 cup or 1/2 oz. ^c	3/4 cup or 1 oz. ^c
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup

CACFP MEAL PATTERN REQUIREMENTS – AGES 1 to 12

SUPPLEMENT

Select two of the following four components:

1. Milk	1/2 cup	1/2 cup	1 cup
2. Juice ^{a,f} or fruit or vegetable or Fruit(s) or vegetable(s)	1/2 cup 1/2 cup	1/2 cup 1/2 cup	3/4 cup 3/4 cup
3. Grains/Breads ^b			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc. ^b	1/2 serving	1/2 serving	1 serving
Cereal: Cold dry	1/4 cup or 1/3 oz. ^c	1/3 cup or 1/2 oz. ^c	3/4 cup or 1 oz. ^c
Hot cooked	1/4 cup	1/4 cup	1/2 cup
4. Meat or meat alternate:			
Meat, poultry, fish, cheese	1/2 oz.	1/2 oz.	1 oz.
Alternate protein products ^g	1/2 oz.	1/2 oz.	1 oz.
Egg, Large ^h	1/2 egg	1/2 egg	1/2 egg
Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup
Peanut butter or other nut or seed butter	1 Tbsp.	1 Tbsp	2 Tbsp
Peanuts or soynuts or tree nuts or seeds	1/2 oz.	1/2 oz.	1 oz.
Yogurt, plain or flavored, unsweetened or sweetened	2 oz. or 1/4 cup	2 oz. or 1/4 cup	4 oz. or 1/2 cup

^a Must be full strength fruit or vegetable juice.

^b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

^c Either volume (cup) or weight (oz.), whichever is less.

^d No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

^e Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

^f Juice may not be served when milk is the only other component.

^g Alternate protein products may be used as acceptable meat alternates.

^h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

APPENDIX C
CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS

Chapter DCF 250

APPENDIX C

CACFP MEAL PATTERN REQUIREMENTS – BIRTH THROUGH 11 MONTHS

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant's eating habits.

Birth Through 3 Months	4 Through 7 Months	8 Through 11 Months
BREAKFAST		
4– 6 fl. oz. formula ¹ or breast milk ^{5,6}	4–8 fl. oz. formula ¹ or breast milk ^{5,6} 0–3 T. infant cereal ² (optional)	6–8 fl. oz. formula ¹ , breast milk ^{5,6} 2–4 T. infant cereal ² 1–4 T. fruit and/or vegetable
LUNCH OR SUPPER		
4– 6 fl. oz. formula ¹ or breast milk ^{5,6}	4–8 fl. oz. formula ¹ or breast milk 0–3 T. infant cereal ² (optional) 0–3 T. fruit and/or vegetable (optional)	6–8 fl. oz. formula ¹ , breast milk ^{5,6} 2–4 T. infant cereal ² and/or 1–4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or ¹ / ₂ –2 oz. cheese or 1–4 oz. cottage cheese, cheese food, or cheese spread 1–4 T. fruit and/or vegetable
SNACK		
4– 6 fl. oz. formula ¹ or breast milk ^{5,6}	4–6 fl. oz. formula ¹ or breast milk ^{5,6}	2–4 fl. oz. formula ¹ , breast milk, or fruit juice ³ 0– ¹ / ₂ bread or 0–2 crackers (optional) ⁴

¹ Shall be iron-fortified infant formula.

² Shall be iron-fortified dry infant cereal.

³ Shall be full-strength fruit juice.

⁴ Shall be from whole-grain or enriched meal or flour.

⁵ It is recommended that breast milk be served in place of formula from birth through 11 months.

⁶ For some breast-fed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

Required Guidelines for Infant Meal Pattern

Definition of Infant. Any child less than 12 months of age.

Definition of Infant Formula. Infant formula defined by USDA is “any iron-fortified infant formula intended for dietary use as a sole source for food for normal healthy infants served in liquid state at manufacturer’s recommended dilution”.

Infant Formula/Breast Milk. The decision regarding feeding infants breast milk or the type of infant formula is one for the infant’s doctor and parents/guardian to make together.

Definition of Optional. Optional foods must be served as each infant becomes developmentally ready for the specified foods.

APPENDIX D
CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Chapter DCF 250

APPENDIX D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY

CPSC Document # 5020

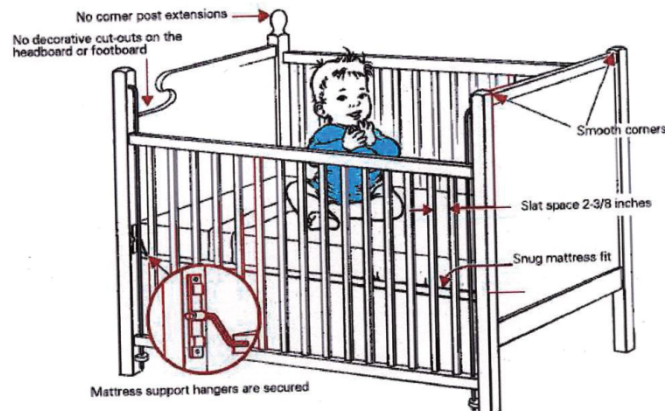
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in your child care center. To protect all children, destroy it and replace it with a safe crib.

A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby's body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or foot board so a baby's head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.



APPENDIX E
REQUIRED ITEMS FOR FAMILY CHILD CARE CENTERS

A. Items to be Submitted to Regional Office at Time of Initial Application

1. All fees and forfeitures due to the department. [250.11(2)(a)]
2. Completed form, *Initial License Application – Family Child Care Centers* and all requested supporting documentation. [250.11(3)(b)]
3. The license fee required under s. 48.65(3)(a), Stats. [250.11(3)(c)1.]
4. Supporting documentation regarding organization structure: [250.11(3)(c)9.]
 - Articles of Organization and Operating Agreement AND a list of the full name and address of each partner / member if the applicant is organized as a partnership or limited liability company.
 - Articles of Incorporation AND a list that provides the name, title, address, telephone number and dates of office of each member of the board of directors, its committees and its officers if the applicant is organized as a corporation or church.
5. Completed form, *Background Information Disclosure (BID)*, for the legally responsible individual and, if the center will be located in a residence, any household member aged 12 and above and any applicable fees. [250.11(3)(c)2.; s. 48.685(6)(b)1.] Note: An applicant who fails to submit a complete BID form, who knowingly provides false information on the BID form, or who knowingly omits information from the BID form may be subject to denial of the application for regulatory approval. [DCF 12.09(2)]
 - If your business type is Individual / Sole Proprietor or Limited Liability Company – Sole Proprietor, the legally responsible individual is the individual who is applying for the child care license.
 - If your business type is Corporation or Church, the legally responsible individual is the president of the governing board.
 - If your business type is Limited Liability Company – Corporation, Limited Liability Company – Partnership, or Partnership, all members of the LLC or Partnership are required to fulfill this requirement unless the Articles of Organization or Operating Agreement identifies a manager on whom the CBC will be run.
6. A completed and signed Substitute W-9 Taxpayer Identification Number (TIN) Verification form (DOA-6448). See the instructions on the back of the form if you have questions when filling it out. [250.11(3)(c)9.]
7. A copy of all center policies as specified under s. DCF 250.04(2)(e) along with a completed form, *Policy Checklist – Family Child Care Centers*. [250.11(3)(c)8. & 9.]
8. Completed form, *Initial Licensing Checklist – Family Child Care Centers*, that has been signed not more than 14 days prior to submitting, that details the results of any preclicensing technical assistance, and indicates the center is in compliance with all applicable rules. Include all supporting documentation listed on the last page of the checklist. [250.11(3)(a); 250.11(3)(c)3.; 250.11(3)(c)4.]
9. If the center has a private well, a copy of the results of the water test for bacteria. Include nitrate level test if you will provide care for infants under 6 months of age. [250.06(6); 250.11(3)(c)5.]
10. A diagram of the outdoor play space which indicates dimensions, enclosures, and the location of all buildings and bodies of water. [250.11(3)(c)5.]
11. A diagram of the floor plan of the total interior space which indicates all spaces that will be used by the center, the dimensions, exits and room usage. [250.11(3)(c)5.]
12. If the center has cats or dogs that are in areas accessible to children, proof of liability insurance on the child care business required under s. DCF 250.04(2)(g). [250.11(3)(c)7.]
13. If dogs, cats, or ferrets are on the premises, current rabies immunization certificates from a veterinarian. [250.07(7)(a); 250.11(3)(c)9.]
14. If transportation will be provided by the center, completed form, *Vehicle Safety Inspection*, and proof of vehicle liability insurance for each vehicle used to transport children in care. [250.11(3)(c)6.; 250.11(3)(c)9.]

An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating. [250.11(3)(b)]

The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years prior to the date of the application. [250.11(2)(g)]

The department may deny a license or a probationary license to any person who has had a license or a probationary license revoked within the previous 5 years. [250.11(7)(a)6.]

The department may refuse to issue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures. [250.11(2)(b)]

B. Items to be Submitted to Regional Office at Time of License Continuation

1. All fees and forfeitures due to the department. [250.11(2)(a)]
2. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeiture due and owing under s.48.715(3), Stats., or penalty under s. 48.76, Stats. [250.11(4)(a)3.; 250.11(5)(b)3.]
3. Completed form, *License Continuation*, and all requested supporting documentation. [250.11(4)(a)1.; 250.11(5)(b)1.]
4. Completed form, *Background Information Disclosure (BID)*, for any persons aged 12 and above who live in the center / home where care is provided but are not already listed in the Household Members section of the license continuation application form, and any applicable fees. [12.08(2)(b); 250.11(4)(a)2.; 250.11(5)(b)2.; s. 48.685(6)(b)1.]
5. If you are organized as a corporation or church, a list that provides the name, title, address, telephone number and dates of office of each member of the board of directors / governing board. [12.08(2)(a); 250.11(4)(a)8.; 251.11(5)(b)8.]
6. A current list of all program and support staff (e.g. substitutes, emergency back-up providers, cooks, maintenance personnel, etc.) that provides each person's name, title, birthdate and date of hire. [250.11(4)(a)8.; 251.11(5)(b)8.]
7. If you have made changes, but have not yet submitted them to the department, the most current copy of the center's policies that reflect current practices and a completed form, *Policy Checklist – Family Child Care Centers*. [250.11(4)(a)4.; 250.11(5)(b)4.]
8. If the center gets its water from a private well, a copy of the results of the current tests for bacteria and nitrates. Nitrate test is only required if you provide care for infants under 6 months of age. Tests are required annually [250.11(4)(a)5.; 250.11(5)(b)5.]
9. If there are pets on the premises, a current certificate from a veterinarian documenting rabies immunization for each cat, dog or ferret located on the premises of the center. [250.11(4)(a)8.; 250.07(7)(a)]
10. Documentation of the liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children. [250.11(4)(a)7.; 250.11(5)(b)7.]
11. If transportation is provided by the center, completed form, *Vehicle Safety Inspection*, and proof of vehicle liability insurance for each vehicle used to transport children. [250.07(7)(h); 250.08(4)(b); 250.11(4)(a)6.; 250.11(5)(b)6.]

An applicant for license continuation shall submit the requested materials at least 30 days before the expiration / continuation of the license. [250.11(4)(a); 250.11(5)(b)]

The department may refuse to continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures. 250.11(2)(b)

C. Items to be Kept in Children's Files

1. Completed form, *Intake for Child Under 2 Years – Child Care Centers*, for each child under age 2 years. The information shall be at the center before the child is left for care on the child's first day of attendance, and the provider and the child's parents shall periodically discuss the child's development and routines. [250.04(6)(a)6.; 250.09(1)(c)1.] Note: Although written evidence of the periodic discussions is not required, the department recommends documenting the updates on the intake form every 3 months for infants and every 6 months for toddlers.
2. Completed form, *Child Care Enrollment*. The enrollment form shall be on file prior to the child's first day of attendance. [250.04(6)(a)1.] Note: The enrollment form should include information for both parents if applicable. If parental access is denied, it is recommended that a current copy of the court order be on file at the center.
3. Parental authorization for the child to participate in and be transported for field trips and other activities if these are part of the program. [250.04(6)(a)2.] Note: If the field trip authorization is checked on the form, *Child Care Enrollment*, nothing additional is required. The form, *Field Trip or Other Activity Notification / Permission – Child Care Centers*, may also be used for this requirement.
4. Written permission from the parents under s. DCF 250.07(6)(k) for medical attention to be sought for the child if the child is injured. [250.04(6)(a)5.] Note: If the emergency medical care authorization is checked on the form, *Child Care Enrollment*, nothing additional is required.
5. Completed form, *Health History and Emergency Care Plan*. The health history form shall be on file prior to the child's first day of attendance. [250.04(6)(a)1.]

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6. A written agreement, signed by the parent, outlining the plan for a child to come to the center from school, home or other activities and to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or the child is transported by the center. [250.04(6)(a)3.] Note: The department's form, *Alternate Arrival/Release Agreement – Child Care Centers*, may be used for this requirement.
7. Documentation of each child's immunization history. [250.04(6)(a)4.] 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 care provider may be used for this requirement. Under s. 252.04, Wis. Stats., and ch. DHS 144, the immunization record must be on file no later than 30 school days (6 calendar weeks) after the first day of a child's attendance.
8. Documentation of the results of the most recent physical exam (required every 6 months for children under age 2 and every 2 years for children over age 2, except that school age children enrolled in public or private school do not need a physical exam report). [250.04(6)(a)4.; 250.07(6)(L)] Note: The form, *Child Health Report – Child Care Centers*, signed and dated by an approved health care provider or a form or printout from a child's medical record that includes the date of the exam, the child's name and the name of the health professional who conducted the exam may be used for this requirement.
9. Completed form, *Authorization to Administer Medication*, dated and signed by the parent if the center will administer prescription or non-prescription medication. A written authorization from the parent is required for each medication and is time limited. Authorizations that exceed the period of time specified on the label are prohibited. Blanket authorizations are not allowed for non-prescription pain relievers, cough and cold remedies, etc. and may not be pre-signed by parents. The medication authorization must be time specific and follow the guidelines given on the medication container. [250.07(6)(f)1.a.]
10. Written parental consent to discuss or disclose personal information regarding the children and facts learned about the children and their relatives if the center will work with an agency assisting in planning for the child. [250.04(7)(b)1.b.]
11. Written parental consent for the center to care for the child when mildly ill if the center is licensed to care for mildly ill children. [250.07(6)(d)2.]
12. Written authorization from the parent to apply sunscreen or insect repellent. Authorization shall include the brand and ingredient strength. Authorizations shall be reviewed periodically and updated as necessary. Note: The department recommends they be reviewed at least every 6 months. [250.07(6)(f)2.a.]
13. Written authorization from child's physician if a child under age 1 is to be put to sleep in a position other than on his or her back in a crib. [250.09(2)(c)]
14. Written authorization from the child's physician if an infant or toddler must be provided with another type of milk or milk substitute other than formula or breast milk. [250.09(3)(e)]
15. Written authorization from the child's physician if the child is on a special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements. [250.07(5)(h)]
16. Written request from the parent if the child is on a special diet based on a food allergy. [250.07(5)(i)]
17. Written acknowledgement from the parent that they are aware of the presence of pets and animals in the center if pets and animals are allowed to roam in areas of the center occupied by children. [250.07(7)(c)]

The licensee shall maintain a current written record at the center on each child enrolled including the provider's own children under age 7, and shall make the record available to the licensing representative on request. [250.04(6)(a)] Note: The required records must be maintained for the length of time the child is enrolled. The department recommends that the date of discharge be added to the child's record, and that the center retain records for 3 years after a child is discharged.

Recommendations:

1. If parental access is prohibited or restricted by court order, it is recommended that the center have a copy of the court order on file at the center.
2. If children who are five years of age and older sleep at the parent's request, it is recommended that the parent's request for a nap period be written and kept in the child's file.

D. Items to be Kept in Staff Files The licensee shall maintain a file for each provider, employee, or substitute and make the file available for review by the licensing representative. [250.04(5)] Note: If the licensee is a provider, a file is required.

1. Completed form, *Staff Record – Child Care Centers*. [250.04(5)(a)]
2. Caregiver background check information for employees. [s. 48.685(2)(d)]
 - Form, *Background Information Disclosure (BID)*, for employees age 18 and older; adults compensated from other sources; substitute caregivers and volunteers age 18 and older used to meet staff to child ratios (completed prior to the first day of work). [s. 48.685(6)(am); DCF 12.08(2)(b)1.]

- Results of the complete caregiver background check including any report of any investigation required under ch. DCF 12 within 60 days after hire and annually thereafter.
 - a. A criminal history search from the records maintained by the department of justice. [s. 48.685(2)(b)1.a.]
 - b. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person. [s. 48.685(2)(b)1.b.]
 - c. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable. [s. 48.685(2)(b)1.c.]
 - d. Information maintained by the department regarding any final determination under s. 48.981(3)(c)5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c)5p. that the person has abused or neglected a child. [s. 48.685(2)(b)1.d.]
 - e. Information maintained by the department of health services under this section and under ss. 48.623(6)(am)2. and (bm) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623(6) for operating an entity for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in sub. (4m)(b)1. to 5. [s. 48.685(2)(b)1.e.]
 - f. Information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime. [s. 48.685(2)(b)2.]
- 3. The Registry certificate for persons licensed or beginning work with children on or after January 1, 2009. [250.04(5)(k)] Note: If The Registry certificate is not required, then a. and b. must be in the file.
 - Documentation of the entry-level training required under DCF 250.05(1)(b). [250.04(5)(g)]
 - Documentation of the training required under 250.05(1)(b)7. in shaken baby syndrome prevention if center is licensed to care for children under age 5. [250.04(5)(h)]
- 4. Form, *Staff Health Report – Child Care Centers*, that was completed within 12 months prior to, or 30 days after, the person became licensed to, or began working with, children. [250.04(5)(e)]
- 5. Documentation of the actual hours a provider, substitute, employee or volunteer has worked and whose time is used to meet the applicable staff-to-child ratio under Table DCF 250.05. [250.04(5)(d)]
- 6. For persons who transport children, a copy of the person's driver's license and driving record that is obtained by the licensee under s. DCF 250.08(3)(b). [250.04(5)(i)]
- 7. Completed form, *Staff Orientation Checklist – Family Child Care Centers*, documenting orientation for any child care provider or substitute who is not the licensee. [250.05(2)(a)]
- 8. Documentation of continuing education required under s. DCF 250.05(1)(b)4. and 5. [250.04(5)(j)] Note: Form *Staff Continuing Education Record* can be used to help document completion of this requirement.
 - 15 hours of continuing education in child growth and development, early childhood education, caring for children with disabilities, or first aid as approved by the department. [250.05(1)(b)4]
 - Certificate of completion for infant and child cardiopulmonary resuscitation (must be obtained within 6 months of licensure or date of hire and kept current). [250.05(1)(b)5]
- 9. Documentation of completion of at least 10 hours of department-approved training in the care of infants and toddlers if the center is licensed to care for children under age 2 (must be obtained within 6 months of licensure or date of hire). [250.05(1)(b)6]
- 10. Documentation of receipt of training at least every 2 years in all of the following: 250.04(8)(b)
 - Child abuse and neglect laws.
 - How to identify children who have been abused or neglected.
 - The procedures for ensuring that all known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.
- 11. If the licensee is not providing care and supervision for at least 50% of the hours of the center's operation, documentation that the licensee has completed at least one course from the Wisconsin Profession Credential for Child Care Administrators program (must be obtained within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center's operation). [250.095(1)]

E. Items to be Provided to Parents

1. A summary of Chapter DCF 250 Family Child Care Centers. Note: Paper copies of the brochure "*Your Guide to Licensed Child Care – Your Summary of the Child Care Rules*" may be obtained from the Child Care Information Center by calling 1-800-362-7353, and the PDF print-on-demand version is available from the department's website at <http://dcf.wisconsin.gov>. [250.04(4)(b)]
2. A copy of the center policies required under DCF 250.04(2)(e).
3. Written information regarding whether you have insurance coverage on the premises and on the child care business. Liability insurance on the child care business is required if cats or dogs are allowed in areas accessible to children during the hours of operation as specified in s. DCF 250.07(7)(h). [250.04(2)(g)]
4. Information about the requirements for food groups and quantities specified by the USDA child and adult care food program minimum meal requirements when food is provided by a child's parent. [250.07(5)(f)]

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F. Items Required to be Posted in an Area of the Center Accessible to Parents

1. The Family Child Care license certificate. [250.04(2)(h)]
2. The results of the most recent licensing inspection.[250.04(2)(i)]
 - Noncompliance Statement and Correction Plan
 - Compliance Statement
3. Any notice of enforcement action. [250.04(2)(i)]
 - Order to Comply with Licensing Rules
 - Forfeiture Letter
 - Notice of Revocation
 - Notice to Deny
4. Any stipulations, conditions, exceptions, or exemptions that affect the license. [250.04(2)(i)]

G. Notifications to Parents

1. Illness / Injury:
 - If a child appears to be ill, the licensee shall notify the parent or emergency contact and arrange to remove the child from the center as soon as possible. [250.07(6)(c)]
 - If a 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). [250.04(4)(c)1.; 250.07(6)(e)]
 - If a child becomes ill or is injured seriously enough to require professional medical treatment, the parent shall be notified as soon as possible. [250.04(4)(c)2.; 250.07(6)(k)]
 - If a child has sustained a minor injury that does not appear to require professional medical treatment. [250.04(4)(c)3.]
2. If a child is absent from the center without prior notification from the parent. [250.04(2)(e)3.]
3. Of the date, time, and destination of any field trip as specified in 250.04(6)(a)2. [250.04(4)(c)4.]
4. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center. [250.07(7)(c)]

H. Other Required Items

1. Current, accurate written record of the daily attendance on form, *Daily Attendance Record – Child Care Centers*, that includes the actual time of arrival and departure for each child for the length of time the child is enrolled in the program. [250.04(6)(a)6(b)]
2. Medication and injury log book with a stitched binding and lined and numbered pages. [250.04(6)(c)]
3. If the center will be licensed to care for mildly ill children, a written plan for the provision of care to mildly ill children that has been approved and signed by an approved health care provider. [250.07(6)(d)4.]
4. A written plan that has been approved by the department for ensuring supervision of the children in an emergency or during a provider's absence. [250.05(3)(g)]
5. A written plan for taking appropriate action in the event of a fire or tornado or other emergency. [250.06(3)]
6. Completed form, *Fire and Safety and Emergency Response Documentation – Family Child Care Centers*, or the licensee's own form for documenting:
 - Documentation of the monthly smoke detector tests that includes times, dates and the results. [250.06(4)(a)]
 - Documentation of annual fire extinguisher inspection. [250.06(4)(b)]
 - Documentation of monthly practice of the fire and tornado plans. [250.06(3)]
7. Accurate records of meals and snacks served shall be available for review by parents and the licensing representative. Records must be kept for 3 months.[250.07(5)(d)]
8. At 12-month intervals, the licensee shall provide the department with a completed form, *Vehicle Safety Inspection – Child Care Centers*, for each vehicle used to transport children in care. [250.08(4)(b)]
9. Current rabies vaccination certificates from your veterinarian for all cats, dogs, and ferrets on the premises. [250.07(7)(a)]
10. Emergency telephone numbers posted near each telephone—including the local rescue squad, fire department, police department, law enforcement agency, poison control center, and emergency medical service. [250.06(2)(d)]

I. Reporting to the Department All information provided to the department shall be current and accurate. [250.04(2)(c)]

1. DCF 250.04(3) requires that certain circumstances be reported to the department. Initial reports for these items can be made by telephone, but a written report is required within 5 business days of the incident. Written reports can be made by fax, email, or letter.
 - 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 within 48 hours of the licensee becoming aware of the medical treatment. [250.04(3)(a)]

- Any damage to the premises which may affect compliance with Chapter DCF 250 within 24 hours after the occurrence. [250.04(3)(b)]
 - Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license before the construction or remodeling begins. [250.04(3)(c)]
 - If requested by the department, a plan of correction for cited violations of DCF 250 or ch. 48, Stats., in a format specified by the department. [250.04(3)(d)]
 - Any known convictions, pending charges or other offenses of the licensee, a provider, household member, or other person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department's next business day. [250.04(3)(e); 250.095(2)(c)2.] Note: See DCF 12.08 Reporting requirements.
 - Any incident related to a child who leaves the premises of the center without the knowledge of a provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the incident. [250.04(3)(f)]
 - Any incident involving law enforcement within 24 hours after the occurrence that:
 - a. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center. [250.04(3)(g)1.]
 - b. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center. [250.04(3)(g)2.]
 - Any change in room usage, such as using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change. [250.04(3)(h)]
 - 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. [250.04(3)(i)]
 - A change in transportation services at least 5 calendar days prior to the change. A change in transportation services shall be approved by the department. [250.04(3)(j)]
 - Statistical data required by the department on forms provided by the department.
 - Seasonal closings at least 5 calendar days before the closing. [250.04(3)(L)]
 - 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 hours. [250.04(3)(m)]
2. If the licensee plans to combine the care of children enrolled in the child care center with foster care of other non-related children or adults, prior written approval of both licensing agencies must be obtained. [250.05(3)(a)2.]
 3. The licensee shall report as soon as possible, but no later than the department's next business day, when a person aged 12 and older begins residing at, or is expected to reside at, the center. Notification must include a completed form, Background Information Disclosure. [12.08(2)(a)1.; 12.08(2)(b)1.; 250.04(2)(L)]
 4. The licensee shall report as soon as possible, but no later than the department's next business day, when a current household member turns 12 years of age. Notification must include a completed form, Background Information Disclosure. [12.08(2)(a)2.; 12.08(2)(b)1.; 250.04(2)(m)]
 5. The licensee shall report as soon as possible, but no later than the department's next business day, when a current household member turns 18 years of age. Notification must include a completed form, Background Information Disclosure. [12.08(2)(a)3.; 12.08(2)(b)1.]
 6. The licensee shall report as soon as possible, but no later than the department's next business day, when a corporation or limited liability company designates a new person to be subject to the caregiver background check. Notification must include a completed form, Background Information Disclosure. [12.08(2)(a)4.; 12.08(2)(b)1.]
 7. The licensee shall report as soon as possible, but no later than the department's next business day, when a caregiver under s. DCF 12.02(4)(a) or a household member changes his or her name. [12.08(2)5.]
 8. A center with an approved plan for use of off-premises outdoor play space shall immediately report to the department any significant change in any circumstance described in the plan. [250.06(11)(c)9.]
 9. A licensee may not make a change that affects a condition of the license identified under DCF 250.11(6)(a) without submitting a written request for an amendment and receiving the prior written approval of the department. [250.11(6)]
 10. A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership. [250.11(6)(c)]

APPENDIX F

KEY STATUTES RELATED TO LICENSING OF CHILD CARE CENTERS

This appendix is based upon the updated 2013-14 Wisconsin Statutes & Annotations published August 1, 2016. Updated through 2015 Wisconsin Act 392 and all Supreme Court Orders entered before August 1, 2016. Only pertinent portions of the statutes are included here and were obtained at <http://folio.legis.state.wi.us>. Action by the legislature may result in changes to these statutes. Only printed volumes are Official Text under s. 35.18(2), Wis. Stats.

48.02 Definitions. [2015]

(8) "Guardian" means the person named by the court having the duty and authority of guardianship.

(13) "Parent" means a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a biological parent, an Indian husband who has consented to the artificial insemination of his wife under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father or a person adjudicated to be the biological father, but does not include any person whose parental rights have been terminated.

(15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028(2)(am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling.

48.48 Authority of department. [2015] The department shall have authority: (10) To license child welfare agencies and child care centers as provided in s. 48.66(1)(a).

48.65 Child care centers licensed; fees. [2011]

(1) No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a child care center from the department. To obtain a license under this subsection to operate a child care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685, and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66(5).

(2) This section does not include any of the following:

(a) A parent, grandparent, greatgrandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a

child, whether by blood, marriage, or legal adoption, who provides care and supervision for the child.

(am) A guardian of a child who provides care and supervision for the child.

(b) A public or parochial school or a tribal school.

(c) A person employed to come to the home of the child's parent or guardian for less than 24 hours a day.

(d) A county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

(3)(a) Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 4 to 8 children, the child care center must pay to the department a biennial fee of \$60.50. Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 9 or more children, the child care center must pay to the department a biennial fee of \$30.25, plus a biennial fee of \$16.94 per child, based on the number of children that the child care center is licensed to serve. A child care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new child care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the child care center.

(b) A child care center that wishes to continue a license issued under par. (a) and that fails to pay the applicable fee under par. (a) by the continuation date of the license or a new child care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the child care center shall pay an additional fee of \$5 per day for every day after the deadline that the child care center fails to pay the fee.

(c) An individual who is eligible for a fee waiver under the veterans fee waiver program under s. 45.44 is not required to pay a fee under par. (a) for a license under sub. (1).

48.66 Licensing duties of the department. [2013]

(1)(a) Except as provided in s. 48.715(6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and child care centers, as required by s. 48.65. The department may license foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and child care centers and visit the premises of all foster homes in which children are placed.

(c) A license issued under par. (a) or (b), other than a license to operate a foster home or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

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(2) The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m)(a)2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are not individuals be provided.

(2m) (a) 1. Except as provided in subd. 2., the department shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center who is an individual to provide that department with the applicant's social security number, and shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center who is not an individual to provide that department with the applicant's federal employer identification number, when initially applying for or applying to continue the license.

2. If an applicant who is an individual does not have a social security number, the applicant shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department. A license issued in reliance upon a false statement submitted under this subdivision is invalid.

(b) If an applicant who is an individual fails to provide the applicant's social security number to the department or if an applicant who is not an individual fails to provide the applicant's federal employer identification number to the department, that department may not issue or continue a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center to or for the applicant unless the applicant is an individual who does not have a social security number and the applicant submits a statement made or subscribed under oath or affirmation as required under par. (a)2.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a)1. may not disclose that information to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 and to the department of workforce development for the sole purpose of requesting certifications under s. 108.227 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22(2m).

(3) The department shall prescribe the form and content of records to be kept and information to be reported by persons licensed by it.

(5) A child welfare agency, group home, child care center, or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the information that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable fees referred to in ss. 48.68(1) and 48.685(8) are paid, and any forfeiture under s. 48.715(3)(a) or penalty under s. 48.76 that is due is paid, the department

shall continue the license for an additional 2-year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715(4) and (4m)(b).

48.67 Rules governing child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. [2015] 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. The department shall consult with the department of safety and professional services, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62(8). Those rules shall include rules that require all of the following:

(1) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under one year of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome. The rules shall provide that any training in those methods that a licensee has obtained in connection with military service, as defined in s. 111.32(12g), counts toward satisfying the training requirement under this subsection if the licensee demonstrates to the satisfaction of the department that the training obtained in that connection is substantially equivalent to the training required under this subsection.

(2) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under 5 years of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, the training relating to shaken baby syndrome and impacted babies required under s. 253.15(4)(a) or (c).

(3)(a) That all child care center licensees, and all employees of a child care center, who provide care and supervision for children have current proficiency in the use of an automated external defibrillator, as defined in s. 256.15(1)(cr), achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03(38) to provide such instruction or through instruction obtained by the licensee in connection with military service, as defined in s. 111.32(12g), if the licensee demonstrates to the satisfaction of the department that the instruction obtained in that connection is substantially equivalent to the instruction provided by a person approved under s. 46.03(38).

48.68 Investigation of applicant; issuing of license. [2009]

(1) After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the

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applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615(1)(a) or (b), 48.625(2)(a), 48.65(3)(a), or 938.22(7)(b), the department shall issue a license under s. 48.66(1)(a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66(5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the monthly foster care rates and supplemental payments specified in s. 48.62(4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

48.685 Criminal history and child abuse record search. [2015]

(1) In this section:

(ag)1. "Caregiver" means any of the following:

a. A person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of the entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.

am. A person to whom delegation of the care and custody of a child under s. 48.979 has been, or is expected to be, facilitated by an entity.

b. A person who has, or is seeking, a license, certification or contract to operate an entity, who is receiving, or is seeking, payment under s. 48.623(6)(am) for operating an entity, or who is seeking payment under s. 48.623(6)(bm) for operating an entity.

2. "Caregiver" does not include a person who is certified as an emergency medical technician under s. 256.15 if the person is employed, or seeking employment, as an emergency medical technician and does not include a person who is certified as a first responder under s. 256.15 if the person is employed, or seeking employment, as a first responder.

(am) "Client" means a person who receives direct care or treatment services from an entity or from a caregiver specified in par. (ag)1.am.

(ar) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract, including a person who has staff privileges at the entity and a person to whom delegation of the care and custody of a child under s. 48.979 has been facilitated by the entity.

(av) "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.

(b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes; a foster home that is licensed under s. 48.62; an interim caretaker to whom subsidized guardianship payments are made under s. 48.623(6); a person who is proposed to be named as a successor guardian in a successor [subsidized] guardianship agreement under s. 48.623(2); a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14); a child care provider that is certified under s. 48.651; an organization that facilitates delegations of the care and custody of children under s. 48.979; or a temporary

employment agency that provides caregivers to another entity.

(bm) "Nonclient resident" means a person who resides, or is expected to reside, at an entity or with a caregiver specified in par. (ag)1.am., who is not a client of the entity or caregiver, and who has, or is expected to have, regular, direct contact with clients of the entity or caregiver.

(br) "Reservation" means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.

(c) "Serious crime" means any of the following:

1. A violation of s. 940.19(3), 1999 stats.

2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19(2), (4), (5) or (6), 940.22(2) or (3), 940.225(1), (2) or (3), 940.285(2), 940.29, 940.295, 942.09(2), 948.02(1) or (2), 948.025, 948.03(2) or (5)(a)1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11(2)(a) or (am), 948.12, 948.13, 948.21(1), 948.30, or 948.53.

3. A violation of s. 940.302(2) if s. 940.302(2)(a)1. b. applies.

3m. For purposes of licensing a person to operate a child care center under s. 48.65, certifying a child care provider under s. 48.651, or contracting with a person under s. 120.13(14) to operate a child care center, or of permitting a person to be a caregiver or nonclient resident of such a child care center or child care provider, any violation listed in subsds. 1. to 3. or sub. (5)(br) 1. to 7.

4. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1., 2., 3., or 3m. if committed in this state.

(2)(am) The department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board shall obtain all of the following with respect to a caregiver specified in sub. (1)(ag)1.b., a nonclient resident of an entity, and a person under 18 years of age, but not under 12 years of age, who is a caregiver of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651:

1. A criminal history search from the records maintained by the department of justice.

2. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.

3. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.

4. Information maintained by the department regarding any final determination under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

5. Information maintained by the department of health services under this section and under ss. 48.623(6)(am) 2. and (bm) 5., 48.651(2m), 48.75(1m), 48.979(1)(b), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623(6) for operating an entity, for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subdivision, the department, a county department, an

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agency contracted with under s. 48.651(2), a child welfare agency, or a school board need not obtain the information specified in subds. 1. to 4.

(ar) In addition to obtaining the information specified in par. (am) with respect to a person who has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13(14) to operate a child care center, a nonclient resident of such an entity, or a person under 18 years of age, but not under 12 years of age, who is a caregiver of such an entity, the department, a county department, an agency contracted with under s. 48.651(2), or a school board shall obtain information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime.

(b)1. Every entity shall obtain all of the following with respect to a caregiver specified in sub. (1)(ag)1.a. or am. of the entity and with respect to a nonclient resident of a caregiver specified in sub. (1)(ag)1.am. of the entity:

a. A criminal history search from the records maintained by the department of justice.

b. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.

c. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.

d. Information maintained by the department regarding any final determination under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

e. Information maintained by the department of health services under this section and under ss. 48.623(6)(am) 2. and (bm) 5., 48.651(2m), 48.75(1m), 48.979(1)(b), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623(6) for operating an entity, for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subd. 1. e. indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subd. 1.e., the entity need not obtain the information specified in subd. 1.a. to d.

2. In addition to obtaining the information specified in subd. 1. with respect to a caregiver specified in sub. (1)(ag)1.a. of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, the child care center or child care provider shall obtain information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime.

4. Subdivisions 1. and 2. do not apply with respect to a nonclient resident or person under 18 years of age, but not under 12 years of age, who is a caregiver of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651 and with respect to whom the department, a county department, an agency contracted with under s. 48.651(2), or a school board is required under par. (am)(intro.) to obtain the information specified in par. (am)1. to 5.

(bb) If information obtained under par. (am) or (b)1. indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If a background information form under sub. (6)(a) or (am) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) or (b)1. does not indicate such a charge or conviction, the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am) or (b)1., a background information form under sub. (6)(a) or (am), or any other information indicates a conviction of a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

(bd) Notwithstanding pars. (am) and (b)1., the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board is not required to obtain the information specified in par. (am)1. to 5., and an entity is not required to obtain the information specified in par. (b)1. a. to e., with respect to a person under 18 years of age whose background information form under sub. (6)(am) indicates that the person is not ineligible to be employed at, contracted with, or permitted to reside at an entity or permitted to reside with a caregiver specified under sub. (1)(ag)1.am. of the entity for a reason specified in sub. (4m)(b)1. to 5. and with respect to whom the department, county department, contracted agency, child welfare agency, school board, or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with, or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board from obtaining, at its discretion, the information specified in par. (am)1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

(bg) If an entity employs or contracts with a caregiver for whom, within the last year, the information required under par. (b)1. a. to c. and e. has already been obtained by another entity, the entity may obtain that information from that other entity, which shall provide the information, if possible, to the requesting entity. If an entity cannot obtain the information required under par. (b)1. a. to c. and e. from another entity or if an entity has reasonable grounds to believe that any information obtained from another entity is no longer accurate, the entity shall obtain that information from the sources specified in par. (b)1. a. to c. and e.

(bm) If the person who is the subject of the search under par. (am), (ar), or (b)1. is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, or if the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity determines that the person's employment, licensing, or

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state court records provide a reasonable basis for further investigation, the department, county department, contracted agency, child welfare agency, school board, or entity shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am)1., (ar), or (b)1. a. The department, county department, contracted agency, child welfare agency, school board, or entity may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

(br) If the person who is the subject of a search under par. (am) or (b)1. has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13(14) to operate a child care program, or is an adult nonclient resident or caregiver of such an entity, and if the entity is receiving, or wishes to receive, payment under s. 49.155 for providing child care services, the department, county department, agency contracted with under s. 48.651(2), or school board shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies, unless the person has previously been fingerprinted under this paragraph. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

(d) Every entity shall maintain, or shall contract with another person to maintain, the most recent background information obtained on a caregiver under par. (b). The information shall be made available for inspection by authorized persons, as defined by the department by rule.

(3)(a) Subject to par. (am), every 4 years or at any time within that period that the department, a county department, or a child welfare agency considers appropriate, the department, county department, or child welfare agency shall request the information specified in sub. (2)(am)1. to 5. for all caregivers specified in sub. (1)(ag)1.b. who are licensed, certified, or contracted to operate an entity, or who are receiving payments under s. 48.623(6)(am) for operating an entity, and for all persons who are nonclient residents of such a caregiver.

(am)1. Every year or at any time within that period that the department, a county department, an agency contracted with under s. 48.651(2), or a school board considers appropriate, the department, county department, contracted agency, or school board shall request the information specified in sub. (2)(am)1. to 5. and (ar) for all caregivers specified in sub. (1)(ag)1.b. who are licensed under s. 48.65 to operate a child care center, certified as a child care provider under s. 48.651, or contracted under s. 120.13(14) to operate a child care center, for all persons who are nonclient residents of such a caregiver, and for all persons under 18 years of age, but not under 12 years of age, who are caregivers specified in sub. (1)(ag)1.a. of such a caregiver.

2m. Annually, by January 1, the department shall submit a report to the appropriate standing committees of the legislature under s. 13.172(3) describing the information

collected under subd. 1. with respect to caregivers specified in sub. (1)(ag)1.b. who are licensed under s. 48.65 to operate a child care center, certified as a child care provider under s. 48.651, or contracted under s. 120.13(14) to operate a child care center, specifically any information indicating that such a caregiver is ineligible under sub. (4m)(a) to be so licensed, certified, or contracted, and describing any action taken in response to the receipt of information under subd. 1. indicating that such a caregiver is so ineligible.

(b) Subject to par. (bm), every 4 years or at any time within that period that an entity considers appropriate, the entity shall request the information specified in sub. (2)(b)1. a. to e. for all persons who are caregivers specified in sub. (1)(ag)1.a. or am. of the entity and for all nonclient residents of a caregiver specified in sub. (1)(ag)1.am. of the entity.

(bm) Every year or at any time within that period that a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or a child care provider that is certified under s. 48.651 considers appropriate, the child care center or child care provider shall request the information specified in sub. (2)(b)1. a. to e. and 2. for all persons who are caregivers specified in sub. (1)(ag)1.a. of the child care center or child care provider who are 18 years of age or over.

(3m) Notwithstanding subs. (2)(b)1. and (3)(b), if the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board has obtained the information required under sub. (2)(am) or (3)(a) or (am) with respect to a person who is a caregiver specified in sub. (1)(ag)1.b. and that person is also an employee, contractor, or nonclient resident of an entity, the entity is not required to obtain the information specified in sub. (2)(b)1. or (3)(b) with respect to that person.

(4) An entity that violates sub. (2), (3) or (4m)(b) may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

(4m)(a) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may not certify a child care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may not provide subsidized guardianship payments to an interim caretaker under s. 48.623(6)(am) or to a person seeking those payments as a successor guardian under s. 48.623(6)(bm), and a school board may not contract with a person under s. 120.13(14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

1. That the person has been convicted of a serious crime or, if the person is a caregiver or nonclient resident of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday.

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

4. That a final determination has been made under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, a final decision has been made under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(ad) The department, a county department, or a child welfare agency may license a foster home under s. 48.62; the department may license a child care center under s. 48.65; the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may certify a child care provider under s. 48.651; the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments to an interim caretaker under s. 48.623(6)(am) or to a person seeking those payments as a successor guardian under s. 48.623(6)(bm); and a school board may contract with a person under s. 120.13(14), conditioned on the receipt of the information specified in sub. (2)(am) and (ar) indicating that the person is not ineligible to be licensed, certified, provided payments, or contracted with for a reason specified in par. (a)1. to 5.

(b) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)(ag)1.a. or am. or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1)(ag)1.am. of the entity if the entity knows or should have known any of the following:

1. That the person has been convicted of a serious crime or, if the person is a caregiver or nonclient resident of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday.

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

4. That a final determination has been made under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, a final decision has been made under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(c) If the background information form completed by a person under sub. (6)(am) indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b)1. to 5., an entity may employ or contract with the person for not more than 60 days pending the receipt of the information sought under sub. (2)(am) or (b)1. If the background information form completed by a person

under sub. (6)(am) indicates that the person is not ineligible to be permitted to reside at an entity or with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in par. (b)1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity or with that caregiver for any of those reasons, the entity may permit the person to reside at the entity or with the caregiver for not more than 60 days pending receipt of the information sought under sub. (2)(am) or (b)1. An entity shall provide supervision for a person who is employed, contracted with, or permitted to reside as permitted under this paragraph.

(5)(a) Subject to pars. (bm) and (br), the department may license to operate an entity, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments under s. 48.623(6), and a school board may contract with under s. 120.13(14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m)(a)1. to 5., and an entity may employ, contract with, or permit to reside at the entity or permit to reside with a caregiver specified in sub. (1)(ag)1.am. of the entity a person who otherwise may not be employed, provided payments, contracted with, or permitted to reside at the entity or with that caregiver for a reason specified in sub. (4m)(b)1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d)(a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

(br) For purposes of licensing a person to operate a child care center under s. 48.65, certifying a child care provider under s. 48.651, or contracting with a person under s. 120.13(14) to operate a child care center or of permitting a person to be a nonclient resident or caregiver specified in sub. (1)(ag)1.a. of a child care center or child care provider, no person who has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing any of the following offenses or who is the subject of a pending criminal charge or delinquency petition alleging that the person has committed any of the following offenses on or after his or her 12th birthday may be permitted to demonstrate that he or she has been rehabilitated:

1. An offense under ch. 948 that is a felony, other than a violation of s. 948.22(2) or 948.51(2).

2. A violation of s. 940.19(3), 1999 stats., or of s. 940.19(2), (4), (5), or (6) or 940.20(1) or (1m), if the victim is the spouse of the person.

3. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225(1), (2), or (3), 940.23, 940.305, 940.31, 941.20(2) or (3), 941.21, 943.10(2), or 943.32(2).

3m. Except for purposes of permitting a person to be a nonclient resident or caregiver specified in sub. (1)(ag)1.a. of a child care center or child care provider, a violation of s. 943.201, 943.203, or 943.38(1) or (2); a violation of s. 943.34(1), 943.395(1), 943.41(3)(e), (4)(a), (5), (6), or (6m), 943.45(1), 943.455(2), 943.46(2), 943.47(2), 943.50(1m), or 943.70(2)(a) or (am) or (3)(a) that is a felony; or an offense under subch. IV of ch. 943 that is a felony.

4. A violation of sub. (2), (3), (4m)(b), or (6), if the violation involves the provision of false information to or the

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intentional withholding of information from the department, a county department, an agency contracting under s. 48.651(2), a school board, or an entity.

5. An offense involving fraudulent activity as a participant in the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, or health care benefits under the Badger Care health care program under s. 49.665.

6. A violation of s. 125.075(1), 125.085(3)(a)2., 125.105(2)(b), 125.66(3), 125.68(12), 940.09, 940.19(2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, 940.25, or 943.23(1g), a violation of s. 948.51(2) that is a felony under s. 948.51(3)(b) or (c), a violation of s. 346.63(1), (2), (5), or (6) that is a felony under s. 346.65(2)(am) 4. to 7., or (f), (2j)(d), or (3m), or an offense under ch. 961 that is a felony, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2)(am) or (b)1.

7. A violation of s. 948.22(2), if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2)(am) or (b)1., unless the person has paid all arrearages due and is meeting his or her current support obligations.

(5c)(a) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the department, an agency contracted with under s. 48.651(2), or a child welfare agency that he or she has been rehabilitated may appeal to the secretary or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(b) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the county department that he or she has been rehabilitated may appeal to the director of the county department or his or her designee. Any person who is adversely affected by a decision of the director or his or her designee under this paragraph has a right to appeal the decision under ch. 68.

(c) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the school board that he or she has been rehabilitated may appeal to the state superintendent of public instruction or his or her designee. Any person who is adversely affected by a decision of the state superintendent or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(5d)(a) Any Indian tribe that chooses to conduct rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation review plan that includes all of the following:

1. The criteria to be used to determine if a person has been rehabilitated.
2. The title of the person or body designated by the Indian tribe to whom a request for review must be made.
3. The title of the person or body designated by the Indian tribe to determine whether a person has been rehabilitated.

3m. The title of the person or body, designated by the Indian tribe, to whom a person may appeal an adverse decision made by the person specified under subd. 3. and whether the Indian tribe provides any further rights to appeal.

4. The manner in which the Indian tribe will submit information relating to a rehabilitation review to the department so that the department may include that information in its report to the legislature required under sub. (5g).

5. A copy of the form to be used to request a review and a copy of the form on which a written decision is to be made regarding whether a person has demonstrated rehabilitation.

(b) If, within 90 days after receiving the plan, the department does not disapprove the plan, the plan shall be considered approved. If, within 90 days after receiving the plan, the department disapproves the plan, the department shall provide notice of that disapproval to the Indian tribe in writing, together with the reasons for the disapproval. The department may not disapprove a plan unless the department finds that the plan is not rationally related to the protection of clients. If the department disapproves the plan, the Indian tribe may, within 30 days after receiving notice of the disapproval, request that the secretary review the department's decision. A final decision under this paragraph is not subject to further review under ch. 227.

(5g) Beginning on January 1 1999, and annually thereafter, the department shall submit a report to the legislature under s. 13.172(2) that specifies the number of persons in the previous year who have requested to demonstrate that they have been rehabilitated under sub. (5)(a), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5)(a) and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

(5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may refuse to provide subsidized guardianship payments to a person under s. 48.623(6), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1)(ag)1.am. of the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13(14), and a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or a child care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the child care center or child care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, child care center, or child care provider, substantially related to the care of a client.

(6)(a) Except as provided in this paragraph, the department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, [750,000] a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, and the department in a county having a population of 750,000 or more or a county department shall require any person who applies for subsidized guardianship payments under s. 48.623(6) to complete a background information form that is provided by the department. The department shall require any person who applies for issuance, but not continuation, of a license to operate a child care center under s. 48.65, a school board shall require any person who proposes to contract, but not renew a contract, with the school board under s. 120.13(14), and the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) shall require any child care provider who applies for initial certification, but not renewal of that certification, under s. 48.651 to complete a background information form that is provided by the department.

(am) Except as provided in this paragraph, every 4 years an entity shall require all of its caregivers and all nonclient residents of the entity or of a caregiver specified in sub. (1)(ag)1.am. of the entity to complete a background information form that is provided to the entity by the department. A child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or a child care provider that is certified under s. 48.651 is exempt from the 4-year requirement, but shall require any new caregiver or nonclient resident to complete a background information form that is provided to the child care center or child care provider by the department.

(b)1. For caregivers who are licensed by the department, for persons under 18 years of age, but not under 12 years of age, who are caregivers of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, for persons who are nonclient residents of an entity that is licensed by the department, and for other persons specified by the department by rule, the entity shall send the background information form to the department.

2. For caregivers who are licensed or certified by a county department or an agency contracted with under s. 48.651(2), for persons who are nonclient residents of an entity that is licensed or certified by a county department or an agency contracted with under s. 48.651(2), and for other persons specified by the department by rule, the entity shall send the background information form to the county department or contracted agency.

3. For caregivers who are licensed by a child welfare agency, for persons who are nonclient residents of an entity that is licensed by a child welfare agency and for other persons specified by the department by rule, the entity shall send the background information form to the child welfare agency.

4. For caregivers who are contracted with by a school board, for persons who are nonclient residents of an entity that is contracted with by a school board and for other persons specified by the department by rule, the entity shall send the background information form to the school board.

(c) A person who provides false information on a background information form required under this subsection may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

(7) The department shall do all of the following:

(c) Conduct throughout the state periodic training sessions that cover criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

(d) Provide a background information form that requires the person completing the form to include his or her date of birth on the form.

(8) The department, the department of health services, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board may charge a fee for obtaining the information required under sub. (2)(am) or (ar) or (3)(a) or (am), for providing information to an entity to enable the entity to comply with sub. (2)(b)1. or (3)(b), or for obtaining and submitting fingerprints under sub. (2)(bm) or (br). The fee may not exceed the reasonable cost of obtaining the information or of obtaining and submitting fingerprints. No fee may be charged to a nurse aide, as defined in s. 146.40(1)(d), for obtaining or maintaining information or for obtaining and submitting fingerprints if to do so would be inconsistent with federal law.

48.69 Probationary licenses. [2009] Except as provided under s. 48.715(6) and (7), if any child welfare agency, shelter care facility, group home, or child care center that has not been previously issued a license under s. 48.66(1)(a) applies for a license, meets the minimum requirements for a license established under s. 48.67, and pays the applicable fee referred to in s. 48.68(1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home, or child care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home, or child care center holding the probationary license and, except as provided under s. 48.715(6) and (7), if the child welfare agency, shelter care facility, group home, or child care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66(1)(a). A probationary license issued under this section may be renewed for one 6-month period.

48.70 Provisions of licenses. [2009]

(1) GENERAL. Each license shall state the name of the person licensed, the premises included under the license, the maximum number of children who can be received and their age and sex and such additional information and special conditions as the department may prescribe.

48.715 Sanctions and penalties. [2013]

(1) In this section, "licensee" means a person who holds a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, shelter care facility, group home, or child care center.

(2) If the department provides written notice of the grounds for a sanction, an explanation of the types of sanctions that may be imposed under this subsection and an explanation of the process for appealing a sanction imposed under this subsection, the department may order any of the following sanctions:

(a) That a person stop operating a child welfare agency, shelter care facility, group home, or child care center if the

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child welfare agency, shelter care facility, group home, or child care center is without a license in violation of s. 48.66(1)(a) or a probationary license in violation of s. 48.69.

(b) That a person who employs a person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years terminate the employment of that person within 30 days after the date of the order. This paragraph includes employment of a person in any capacity, whether as an officer, director, agent or employee.

(c) That a licensee stop violating any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(d) That a licensee submit a plan of correction for violation of any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(e) That a licensee implement and comply with a plan of correction provided by the department or previously submitted by the licensee and approved by the department.

(f) That a licensee close the intake of any new children until all violations of the provisions of licensure under s. 48.70(1) and the rules promulgated by the department under s. 48.658(4)(a) or 48.67 are corrected.

(g) That a licensee provide training for the licensee's staff members as specified by the department.

(3) If the department provides written notice of the grounds for a penalty, an explanation of the types of penalties that may be imposed under this subsection, and an explanation of the process for appealing a penalty imposed under this subsection, the department may impose any of the following penalties against a licensee or any other person who violates a provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67 or who fails to comply with an order issued under sub. (2) by the time specified in the order:

(a) A daily forfeiture amount per violation of not less than \$10 nor more than \$1,000. All of the following apply to a forfeiture under this paragraph:

1. Within the limits specified in this paragraph, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of facility or agency and the seriousness of the violation. The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under sub. (2).
2. The department may directly assess a forfeiture imposed under this paragraph by specifying the amount of that forfeiture in the notice provided under this subsection.
3. A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. 48.72, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subdivision to the secretary of administration for deposit in the school fund.
4. The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this paragraph that has not been paid as provided in subd. 3. The only contestable issue in an action under this subdivision is whether or not the forfeiture has been paid.

(b) Suspension of the licensee's license for not more than 2 weeks.

(c) Refusal to continue a license or a probationary license.

(d) Revocation of a license or a probationary license as provided in sub. (4).

(4) If the department provides written notice of revocation and the grounds for revocation as provided in sub. (4m) and an explanation of the process for appealing a revocation under this subsection, the department may revoke a license issued under s. 48.66(1)(a) or a probationary license issued under s. 48.69 for any of the following reasons:

(a) The department has imposed a penalty on the licensee under sub. (3) and the licensee or a person under the supervision of the licensee either continues to violate or resumes violation of a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section forming any part of the basis for the penalty.

(b) The licensee or a person under the supervision of the licensee has committed a substantial violation, as determined by the department, of a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section.

(c) The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child welfare agency, shelter care facility, group home, or child care center that directly threatens the health, safety, or welfare of any child under the care of the licensee.

(d) The licensee or a person under the supervision of the licensee has violated, as determined by the department, a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section that is the same as or similar to a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section that the licensee or a person under the supervision of the licensee has violated previously.

(e) The licensee has failed to apply for a continuance of the license within 30 days after receipt of the warning under s. 48.66(5).

(4g)(a) If a person who has been issued a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child care center is convicted of a serious crime, as defined in s. 48.685(1)(c) 3m., or if a caregiver specified in s. 48.685(1)(ag)1.a. or a nonclient resident, as defined in s. 48.685(1)(bm), of the child care center is convicted or adjudicated delinquent for committing a serious crime on or after his or her 12th birthday, the department shall revoke the license of the child care center immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

(b) If a person who has been issued a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child care center is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.685(1)(c) 3m., or if a caregiver specified in s. 48.685(1)(ag)1.a. or a nonclient resident, as defined in s. 48.685(1)(bm), of the child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday, the department shall immediately suspend the license of the child care center until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to be licensed to operate a child care center.

(4m)(a) For a revocation under sub. (4)(a) or (d), the department shall provide to the licensee written notice of the

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revocation and the grounds for revocation not less than 30 days before the date of the revocation. The revocation will take effect only if the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period.

(b) For revocations under sub. (4)(b), (c) or (e), the department may revoke the license or probationary license immediately upon written notice to the licensee of the revocation and the grounds for revocation.

(5) The department may deny a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to any person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years.

(6) The department shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, and the department of corrections shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(b) to operate a secured residential care center for children and youth, for failure of the applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure of the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857 and not as provided in s. 48.72.

(7) The department shall deny an application for the issuance or continuation of a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant or licensee is liable for delinquent unemployment insurance contributions. An action taken under this subsection is subject to review only as provided under s. 73.0301(5) or 108.227(5) and not as provided in s. 48.72.

48.72 Appeal procedure. [2005] Except as provided in s. 48.715(6) and (7), any person aggrieved by the department's refusal or failure to issue, renew, or continue a license or by any action taken by the department under s. 48.715 has the right to an administrative hearing provided for contested cases in ch. 227. To receive an administrative hearing under ch. 227, the aggrieved person shall send to the department a written request for a hearing under s. 227.44 within 10 days after the date of the department's refusal or failure to issue, renew, or continue a license or the department's action taken under s. 48.715. The department shall hold an administrative hearing under s. 227.44 within 30 days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had by any party in the contested case as provided in ch. 227.

48.73 Inspection of licensees. [2009] The department may visit and inspect each child welfare agency, foster home, group home, and child care center licensed by the department, and

for that purpose shall be given unrestricted access to the premises described in the license.

48.735 Immunization requirements; child care centers.

[2009] The department, after notice to a child care center licensee, may suspend, revoke, or refuse to continue a child care center license in any case in which the department finds that there has been a substantial failure to comply with the requirements of s. 252.04.

48.737 Lead screening, inspection and reduction requirements; child care centers. [2009]

The department, after notice to a child care provider certified under s. 48.651, or a child care center that holds a license under s. 48.65 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or continue a license or certification in any case in which the department finds that there has been a substantial failure to comply with any rule promulgated under s. 254.162, 254.168, or 254.172.

48.74 Authority of department to investigate alleged violations. [1979]

Whenever the department is advised or has reason to believe that any person is violating any of the provisions of ss. 48.60, 48.62, 48.625 or 48.65, it shall make an investigation to determine the facts. For the purposes of this investigation, it shall have authority to inspect the premises where the violation is alleged to occur. If it finds that the person is violating any of the specified sections, it may either issue a license if the person is qualified or may institute a prosecution under s. 48.76.

48.76 Penalties. [1993] In addition to the sanctions and penalties provided in s. 48.715, any person who violates s. 48.60, 48.62, 48.625, 48.63 or 48.65 may be fined not more than \$500 or imprisoned for not more than one year in county jail or both.

48.77 Injunction against violations. [1979] In addition to the penalties provided in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by injunction violations of s. 48.60, 48.62, 48.625, 48.63 or 48.65. It shall be the duty of the district attorneys, upon request of the department, to institute action for such injunction under ch. 813.

48.78 Confidentiality of records. [2015]

(1) DEFINITION. In this section, unless otherwise qualified, "agency" means the department, a county department, a licensed child welfare agency, or a licensed child care center.

(2)(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub.(2m) or s. 48.371, 48.38(5)(b) or (d) or (5m)(d), 48.396(3)(bm) or (c) 1r., 48.432, 48.433, 48.48(17)(bm), 48.57(2m), 48.93, 48.981(7), 938.396(2m)(c) 1r., 938.51, or 938.78 or by order of the court.

(ag) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the request of the child, if 14 years of age or over, to the parent, guardian, legal custodian, or child, unless the agency determines that inspection of the record by the child, parent, guardian, or legal custodian would result in imminent danger to anyone.

(aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a

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record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child's guardian ad litem, to the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem would result in imminent danger to anyone.

(am) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the written permission of the child, if 14 years of age or over, to the person named in the permission if the parent, guardian, legal custodian, or child specifically identifies the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, and of the unborn child's guardian ad litem, to the person named in the permission if the parent, guardian, legal custodian, or expectant mother, and unborn child's guardian ad litem, specifically identify the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(b) Paragraph (a) does not apply to the confidential exchange of information between an agency and another social welfare agency, a law enforcement agency, a health care provider, as defined in s. 146.81(1)(a) to (p), a public school, or a private school regarding an individual in the care or legal custody of the agency. A social welfare agency that obtains information under this paragraph shall keep the information confidential as required under this section and s. 938.78. A law enforcement agency that obtains information under this paragraph shall keep the information confidential as required under ss. 48.396(1) and 938.396(1)(a). A health care provider that obtains information under this paragraph shall keep the information confidential as provided under s. 146.82. A public school that obtains information under this paragraph shall keep the information confidential as required under s. 118.125, and a private school that obtains information under this paragraph shall keep the information confidential in the same manner as is required of a public school under s. 118.125. Paragraph (a) does not apply to the confidential exchange of information between an agency and officials of a tribal school regarding an individual in the care or legal custody of the agency if the agency determines that enforceable protections are provided by a tribal school policy or tribal law that requires tribal school officials to keep the information confidential in a manner at least as stringent as is required of a public school official under s. 118.125.

(c) Paragraph (a) does not prohibit the department or a county department from using in the media a picture or description of a child in the guardianship of the department or a county department for the purpose of finding adoptive parents for that child.

(d) Paragraph (a) does not prohibit the department of health services or a county department from disclosing information about an individual formerly in the legal custody

or under the supervision of that department under s. 48.34(4m), 1993 stats., or formerly under the supervision of that department or county department under s. 48.34(4n), 1993 stats., to the department of corrections, if the individual is at the time of disclosure any of the following:

1. The subject of a presentence investigation under s. 972.15.
2. Under sentence to the Wisconsin state prisons under s. 973.15.
4. On probation to the department of corrections under s. 973.09.
5. On parole under s. 302.11 or ch. 304 or on extended supervision under s. 302.113 or 302.114.

(e) Notwithstanding par. (a), an agency shall, upon request, disclose information to authorized representatives of the department of corrections, the department of health services, the department of justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under ch. 980, if the information involves or relates to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may issue any protective orders that it determines are appropriate concerning information made available or disclosed under this paragraph. Any representative of the department of corrections, the department of health services, the department of justice, or a district attorney may disclose information obtained under this paragraph for any purpose consistent with any proceeding under ch. 980.

(g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457. Unless authorized by an order of the court, the department of safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

(h) Paragraph (a) does not prohibit the department, a county department, or a licensed child welfare agency from entering the content of any record kept or information received by the department, county department, or licensed child welfare agency into the statewide automated child welfare information system established under s. 48.47(7g) or the department from transferring any information maintained in that system to the court under s. 48.396(3)(bm). If the department transfers that information to the court, the court and the director of state courts may allow access to that information as provided in s. 48.396(3)(c) 2.

(j) Paragraph (a) does not prohibit an agency from disclosing information to any public or private agency in this state or any other state that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person.

(k) Paragraph (a) does not prohibit the department of children and families from providing to the department of revenue, upon request, information concerning a recipient of payments under s. 48.57(3m) or (3n) or aid under s. 48.645, including information contained in the electronic records of the department of children and families, solely for the purposes of administering state taxes, including verifying a

claim for a state tax refund or a refundable state tax credit, and collecting debts owed to the department of revenue. Any information obtained by the department of revenue under this paragraph is subject to the confidentiality provisions specified in s. 71.78.

48.981 Abused or neglected children and abused unborn children. [2015]

(2) PERSONS REQUIRED TO REPORT.

(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in sub. (3):

13. A public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d).

18. A child care worker in a child care center, group home, or residential care center for children and youth.

19. A child care provider.

(e) No person making a report under this subsection in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for so doing.

(3) REPORTS; INVESTIGATION.

(a) Referral of report.

1. A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 750,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

(4) IMMUNITY FROM LIABILITY. Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child or of an expectant mother under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

(6) PENALTY. Whoever intentionally violates this section by failure to report as required may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

66.1017 Family child care homes. [2015]

(1) In this section:

(a) "Family child care home" means a dwelling licensed as a child care center by the department of children and families under s. 48.65 where care is provided for not more than 8 children.

(b) "Municipality" means a county, city, village or town.

(2) No municipality may prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use. No municipality may establish standards or requirements for family child care homes that are different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the

zoning regulations applicable to other dwellings in the zoning district in which it is located.

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency. [2015]

(2) DUTIES AND POWERS OF LICENSING DEPARTMENTS.

(a) Each licensing department and the supreme court, if the supreme court agrees, shall enter into a memorandum of understanding with the department of revenue under sub.

(4)(a) that requires the licensing department or supreme court to do all of the following:

1. Request the department of revenue to certify whether an applicant for a license or license renewal or continuation is liable for delinquent taxes. With respect to an applicant for a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision. This subdivision does not apply to the department of transportation with respect to licenses described in sub. (1)(d) 7.

2. Request the department of revenue to certify whether a license holder is liable for delinquent taxes. With respect to a holder of a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision.

(b) Each licensing department and the supreme court, if the supreme court agrees, shall do all of the following:

1. a. If, after a request is made under par. (a)1. or 2., the department of revenue certifies that the license holder or applicant for a license or license renewal or continuation is liable for delinquent taxes, revoke the license or deny the application for the license or license renewal or continuation. The department of transportation may suspend licenses described in sub. (1)(d) 7. in lieu of revoking those licenses. A suspension, revocation or denial under this subd. 1. a. is not subject to administrative review or, except as provided in subd. 2. and sub. (5)(am), judicial review. With respect to a license granted by a credentialing board, the department of safety and professional services shall make a revocation or denial under this subd. 1. a. With respect to a license to practice law, the department of revenue shall not submit a certification under this subd. 1. a. to the supreme court until after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies.

b. Mail a notice of suspension, revocation or denial under subd. 1. a. to the license holder or applicant. The notice shall include a statement of the facts that warrant the suspension, revocation or denial and a statement that the license holder or applicant may, within 30 days after the date on which the notice of denial, suspension or revocation is mailed, file a written request with the department of revenue to have the certification of tax delinquency on which the suspension, revocation or denial is based reviewed at a hearing under sub. (5)(a). With respect to a license granted by a credentialing board, the department of safety and professional services shall mail a notice under this subd. 1. b. With respect to a license to practice law, the department of revenue shall mail a notice under this subd. 1. b. and the notice shall indicate that the license holder or applicant may request a hearing under sub. (5)(a) and (am) and that the department of revenue shall submit a certificate of delinquency to suspend, revoke, or deny a license to practice law to the supreme court after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies. A notice sent to a person who holds a license to practice law or who is an applicant for a license to practice law

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shall also indicate that the department of revenue may not submit a certificate of delinquency to the supreme court if the license holder or applicant pays the delinquent tax in full or enters into an agreement with the department of revenue to satisfy the delinquency.

2. Except as provided in subd. 2m., if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after a hearing under sub. (5)(a), affirm a suspension, revocation or denial under subd. 1. a. A license holder or applicant may seek judicial review under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County, of an affirmation of a revocation or denial under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall make an affirmation under this subdivision.

2m. With respect to a license to practice law, if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after any requested review under sub. (5)(a) and (am), decide whether to suspend, revoke, or deny a license to practice law.

3. If a person submits a nondelinquency certificate issued under sub. (5)(b)1., reinstate the license or grant the application for the license or license renewal or continuation, unless there are other grounds for suspending or revoking the license or for denying the application for the license or license renewal or continuation. If reinstatement is required under this subdivision, a person is not required to submit a new application or other material or to take a new test. No separate fee may be charged for reinstatement of a license under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

4. If a person whose license has been suspended or revoked or whose application for a license or license renewal or continuation has been denied under subd. 1. a. submits a nondelinquency certificate issued under sub. (3)(a)2., reinstate the license or grant the person's application for the license or license renewal or continuation, unless there are other grounds for not reinstating the license or for denying the application for the license or license renewal or continuation. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

(c) 1. Each licensing department and the supreme court may require a holder of a license to provide the following information upon request:

a. If the license holder is an individual and has a social security number, the license holder's social security number.

am. If the applicant is an individual and does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A license issued in reliance upon a false statement submitted under this subd. 1. am. is invalid.

b. If the license holder is not an individual, the license holder's federal employer identification number.

2. A licensing department may not disclose any information received under subd. 1. a. or b. to any person except to the department of revenue for the purpose of requesting certifications under par. (a)1. or 2. in accordance with the memorandum of understanding under sub. (4) and administering state taxes, to the department of workforce development for the purpose of requesting certifications under s. 108.227(2)(a)1. or 2. in accordance with the memorandum of understanding under s. 108.227(4) and administering the

unemployment insurance program, and to the department of children and families for the purpose of administering s. 49.22.

(5) HEARING.

(a) The department of revenue shall conduct a hearing requested by a license holder or applicant for a license or license renewal or continuation under sub. (2)(b)1. b. or by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b) to review a certification or determination of tax delinquency that is the basis of a denial or revocation of a license in accordance with this section or of a certificate, certification or recertification under s. 73.03(50) or 73.09(7m). A hearing under this paragraph is limited to questions of mistaken identity of the license or certificate holder or applicant and of prior payment of the delinquent taxes for which the department of revenue certified or determined the license or certificate holder or applicant is liable. At a hearing under this paragraph, any statement filed by the department of revenue, the licensing department or the supreme court, if the supreme court agrees, may be admitted into evidence and is prima facie evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing under this paragraph is not entitled to any other notice, hearing or review, except as provided in par. (am) and sub. (2)(b) 2.

(am) If a person who holds a license to practice law or who is an applicant for a license to practice law receives a hearing under par. (a) to review a certification or determination of tax delinquency that is the basis for a denial, suspension, or revocation of a license to practice law and such certification or determination is affirmed as a result of the hearing under par. (a), the person may seek judicial review of the certification or determination of tax delinquency under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County.

(b) After a hearing conducted under par. (a) or, in the case of a determination related to a license to practice law, after a hearing under par. (a) or, if the hearing is appealed, after judicial review under par. (am), the department of revenue shall do one of the following:

1. Issue a nondelinquency certificate to a license holder or an applicant for a license or license renewal or continuation if the department determines that the license holder or applicant is not liable for delinquent taxes. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b), the department shall grant a certification or recertification or reinstate a certification if the department determines that the applicant or certificate holder is not liable for delinquent taxes, unless there are other grounds for denying the application or revoking the certification.

2. Provide notice that the department of revenue has affirmed its certification of tax delinquency to a license holder; to an applicant for a license, a license renewal or a license continuation; and to the licensing department or the supreme court, if the supreme court agrees. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50), or 73.09(7m)(b), the department of revenue shall provide notice to the applicant or certificate holder that the department of revenue has affirmed its determination of tax delinquency.

101.123 Smoking prohibited. [2015]**(2) PROHIBITION AGAINST SMOKING.**

(a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:

1r. Child care centers.

8d. Common areas of multiple-unit residential properties.

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(d) No person may smoke at any of the following outdoor locations:

2. Anywhere on the premises of a child care center when children who are receiving child care services are present.

(8) PENALTIES.

(d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m)(b) to (d) shall be subject to a forfeiture of \$100 for each violation.

253.15 Shaken baby syndrome and impacted babies. [2015]

(4) Training for child care providers.

(a) Before an individual may obtain a license to operate a child care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a child care program under s. 120.13(14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training.

(c) Before an employee or volunteer of a child care center licensed under s. 48.65, a child care provider certified under s. 48.651, or a child care program established under s. 120.13(14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or the certifying county department or agency contracted with under s. 48.651(2) or that is provided by a nonprofit organization arranged by the department or that county department or contracted agency to provide that training.

347.48 Safety belts and child safety restraint systems. [2011]**(4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS.**

(ag) In this subsection:

1. "Child booster seat" means a child passenger restraint system that meets the applicable federal standards under 49 CFR 571.213 and is designed to elevate a child from a vehicle seat to allow the vehicle's safety belt to be properly positioned over the child's body.

2. "Designated seating position" has the meaning given in 49 CFR 571.3.

3. "Properly restrained" means any of the following:

a. With respect to par. (as) 1. and 2., fastened in a manner prescribed by the manufacturer of the child safety restraint system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1).

b. With respect to par. (as) 3., wearing a safety belt consisting of a combination lap belt and shoulder harness approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt so that the safety belt properly fits across the child's lap and the center of the child's chest in a manner appropriate to the child's height, weight, and age that permits the safety belt to act as a body restraint.

c. With respect to par. (as) 4., fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(am) No person may transport a child under the age of 8 in a motor vehicle unless the child is restrained in compliance with par. (as) in a safety restraint system that is appropriate to the child's age and size and that meets the standards established by the department under this paragraph. The

department shall, by rule, establish standards in compliance with applicable federal standards, including standards under 49 CFR 571.213, for child safety restraint systems.

(as) A child under the age of 8 years who is being transported in a motor vehicle shall be restrained as follows:

1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

2. Subject to subd. 1., if the child is at least one year old and weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained as provided in subd. 1. or properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall be properly restrained as provided in subd. 2. or properly restrained in a child booster seat.

4. Subject to subds. 1. to 3., if the child is less than 8 years old, the child shall be properly restrained as provided in subds. 1. to 3. or properly restrained in a safety belt approved by the department under sub. (2).

(b) The department may, by rule, exempt from the requirements under pars. (am) and (as) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system, child booster seat, or safety belt.

(c) This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

(d) Evidence of compliance or failure to comply with pars. (am) and (as) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with pars. (am) and (as) does not by itself constitute negligence.

948.53 Child unattended in child care vehicle. [2009]

(1) DEFINITIONS. In this section:

(a) "Child care provider" means a child care center that is licensed under s. 48.65(1), a child care provider that is certified under s. 48.651, or a child care program that is established or contracted for under s. 120.13(14).

(b) "Child care vehicle" means a vehicle that is owned or leased by a child care provider or a contractor of a child care provider and that is used to transport children to and from the child care provider.

(2) NO CHILD LEFT UNATTENDED.

(a) No person responsible for a child's welfare while the child is being transported in a child care vehicle may leave the child unattended at any time from the time the child is placed in the care of that person to the time the child is placed in the care of another person responsible for the child's welfare.

(b) Any person who violates par. (a) is guilty of one of the following:

1. A Class A misdemeanor.

2. A Class I felony if bodily harm is a consequence.

3. A Class H felony if great bodily harm is a

consequence.

4. A Class G felony if death is a consequence.

APPENDIX G

DCF 12 CAREGIVER BACKGROUND CHECKS

DCF 12.01 Purpose and scope.
 DCF 12.02 Definitions.
 DCF 12.03 Background information disclosure.
 DCF 12.04 Contracting for caregiver background checks.
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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).

Note: For further information on the scope of the caregiver background check, see s. DCF 12.02 for definitions of terms used in this subsection.

(2) Sections DCF 12.05 to 12.08 do not apply to an entity that facilitates delegations of the care and custody of children under s. 48.979, Stats., unless the entity is also licensed by the department.

Note: The department recommends that an unlicensed entity voluntarily comply with relevant provisions in ss. DCF 12.05, 12.06, and 12.08.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.02 Definitions. In this chapter:

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

(2) "Background information disclosure" means the form prescribed by the department on which a person provides information for purposes of the caregiver background check.

Note: DCF-F-2978-E, *Background Information Disclosure*, is available in the forms section of the department's website at <http://dcf.wisconsin.gov> or from an agency or entity.

(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 an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(4) "Caregiver" means any of the persons specified in s. 48.685(1)(ag), Stats., and any of the following:

(a) A person who has, or is seeking, regulatory approval.

(b) A person who is, or is expected to be, an employee, a temporary employee, a student participating in a clinical or practicum at an entity as part of his or her curriculum, or a contractor of an entity if all of the following apply:

1. The person is, or is expected to be, under the control of the entity.

2. The person has, or is expected to have, regular, direct contact with clients of the entity.

(c) A person to whom delegation of the care and custody of a child under s. 48.979, Stats., has been, or is expected to be, facilitated by an entity.

Note: Section 48.685(1)(ag)2., Stats., provides that "caregiver" does not include an emergency medical technician or a first responder.

(5) "Caregiver background check" means the requirements in s. 48.685, Stats.

(6) "Certification agency" means the department in a county having a population of 750,000 or more or any county, 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.

(7) "Child-placing agency" means a person that is licensed under ch. DCF 54.

Note: A child-placing agency is an entity and may also be an agency. A tribe may be licensed as a child-placing agency under ch. DCF 54 or may provide similar services under tribal law.

(8) "Client" means a person who receives direct care or treatment services from an entity or from a caregiver specified in s. DCF 12.02(4)(c). "Client" includes 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.

Note: Most types of "clients" are not specified in this definition because the phrase "a person who receives direct care or treatment services from an entity" clearly applies to them. For further information, see the definition of "entity" in s. DCF 12.02(14).

(9) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract. "Contractor" includes a person who has staff privileges at the entity and a person to whom delegation of the care and custody of a child under s. 48.979, Stats., has been facilitated by the entity.

(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) "Entity" means any of the following:

(a) A residential care center for children and youth that is required to be licensed as a child welfare agency under s. 48.60, Stats., and is licensed under ch. DCF 52 to provide care and maintenance for children and youth in its physical or legal custody.

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(b) A child-placing agency.
 (c) A foster home.
 (d) An interim caretaker who receives subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.

(e) A person who meets all of the following conditions:
 1. The person is seeking payments under s. 48.623(6)(bm), Stats.

2. The person has entered into a subsidized guardianship agreement under s. 48.623(2), Stats., following the death or incapacity of a guardian who had named the person as a prospective successor guardian.

3. The person has not been appointed as a successor guardian by a court under s. 48.977(5m), Stats.

(f) A group home that is required to be licensed under s. 48.625, Stats., and is licensed under ch. DCF 57.

(g) A shelter care facility licensed under s. 938.22, Stats., and ch. DCF 59.

(h) A child care center that is licensed under s. 48.66, Stats.

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

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

(k) A temporary employment agency that provides caregivers to another entity.

(L) An organization that facilitates delegations of the care and custody of children under s. 48.979, Stats., except as provided in s. DCF 12.01(2).

(m) Any other entity included in s. 48.685(1)(b), Stats.

Note: See s. 48.57(3p), Stats., for information on background checks required for kinship care.

(15) "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.

(16) "Foster home" means a facility operated by a person who is required to be licensed under s. 48.62, Stats., and is licensed under ch. DCF 56, including a home operated by a person seeking adoption assistance under s. 48.975, Stats., and a home operated by a person seeking subsidized guardianship payments under s. 48.623, Stats.

(17) "Home study" means an assessment to determine whether an applicant is fit and qualified to care for a child and whether the physical environment of the applicant's home is safe and healthy for all occupants.

(18) "Nonclient resident" means a person who meets all of the following criteria:

(a) The person is 12 years of age or over.

(b) The person resides, or is expected to reside, at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(c) The person is not a client of the entity or of the caregiver specified in s. DCF 12.02(4)(c).

(d) The person has, or is expected to have, regular, direct contact with clients of the entity or of the caregiver specified in s. DCF 12.02(4)(c).

Note: Examples of "nonclient residents" include household members in foster homes, family child care centers, and certified child care homes.

(19) "Person" has the meaning specified in s. 990.01(26), Stats.

Note: Section 990.01(26), Stats., provides that "person" includes all partnerships, associations and bodies politic or corporate.

(20) "Regular, direct contact with clients" means contact that is scheduled, planned, expected, or otherwise a result of the person's role or relationship with the client.

(21) "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 a license to operate a foster home by the department, a county department, or a child-placing agency under s. 48.75, Stats.

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

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

(e) Approval of a person to be an interim caretaker who receives subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.

(f) Approval of a person who is seeking to be a successor guardian and to receive subsidized guardianship payments under s. 48.623(6)(bm), Stats.

(g) Approval of pre-adoptive applicants for a home study for the purpose of adopting a child.

(h) Approval of a home study by the department, a county department, a child-placing agency, or a tribe for a person seeking adoption assistance under s. 48.975, Stats.

(22) "Rehabilitation review" means an agency process under which a person who has a bar may seek approval for any of the following:

(a) Regulatory approval.

(b) Employment or contract with an entity to be a caregiver for the entity.

(c) Residency at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

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

(24) "Serious crime" means the offenses specified in s. 48.685(c), Stats., and all of the following:

(a) The offenses specified in s. 48.685(5)(bm), Stats., if any of the following apply:

1. The affected entity is a foster home.

2. The affected person is an interim caretaker who is receiving, or is seeking, subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.

3. The affected person is seeking payment under s. 48.623(6)(bm), Stats.

4. The subject of the background check is seeking regulatory approval of a home study under sub. (21)(g) or (h) or is a nonclient resident of a person seeking regulatory approval of a home study.

(b) For entities and approvals specified in par. (a)1., 2., and 3., "serious crime" includes the offenses specified in s. 48.685(5)(bm) ., Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless the person has demonstrated rehabilitation under s. DCF 12.13 or 12.14.

This paragraph applies to all of the following:

1. A person seeking regulatory approval to be a caregiver specified in s. DCF 12.02(4)(a) on or after July 1, 2016 if the regulatory approval is not a continuation or renewal of an approval the person has on July 1, 2016.

2. A person seeking employment or a contract to be a caregiver specified in s. DCF 12.02(4)(b) with an entity on

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or after July 1, 2016 if the person is not employed or contracted as a caregiver with that same entity on July 1, 2016.

3. A person seeking nonclient residency at an entity if the person is not a nonclient resident at that entity on July 1, 2016.

(c) For a child care center that is licensed under s. 48.66, Stats.; a child care provider that is certified under s. 48.651, Stats.; and a child care program established or contracted for under s. 120.13(14), Stats., “serious crime” includes the offenses specified in s. 48.685(5)(br)6. and 7., Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless a person has demonstrated rehabilitation under s. DCF 12.13 or 12.14. This paragraph applies to the persons specified in par. (b)1., 2., and 3.

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.

For child care, see the child care regulation/child care licensing or child care certification sections of the department website.

(25) “Tribe” means a federally-recognized American Indian tribe or band in this state.

(26) “Under the control of the entity” means that an entity does all of the following:

(a) Determines whether a person who is employed by or under express or implied contract with the entity and who has regular, direct contact with clients served by the entity may provide care, treatment, or other similar support service functions to clients.

(b) Directs or oversees one or more of the following:

1. The policies or procedures the person must follow in performing his or her duties.

2. The conditions under which the person performs his or her duties.

3. The tasks the person performs.

4. The person’s work schedule.

5. The supervision or evaluation of the person’s work or job performance, including imposing discipline and rewarding performance.

6. The compensation the person may receive for performing his or her duties.

History: CR 16–014: cr. Register June 2016 No. 726, eff. 7–1–16.

DCF 12.03 Background information disclosure. In this chapter:

(1) **REQUIRED FORM.** Each agency and entity shall use and require use of the background information disclosure prescribed by the department to be completed to obtain information about a person’s background from the person as provided in s. 48.685(6), Stats.

Note: DCF–F–2978–E, *Background Information Disclosure*, is available in the forms section of the department’s website at <http://dcf.wisconsin.gov> or from an agency or entity.

(2) **CHILD WELFARE ENTITIES.** Each agency and entity specified in s. DCF 12.02(14)(a) to (g) shall require the background information disclosure to be completed by caregivers and nonclient residents no more than 120 days

before the agency or entity submits a request for information required under s. 48.685(2)(am) or (b) and (3)(a) or (b), Stats.

(3) **MAINTAINING CONFIDENTIALITY.** Each agency and entity shall retain all completed department background information disclosures in a manner that ensures prompt retrieval of the forms for inspection and shall comply with applicable federal and state confidentiality laws.

History: CR 16–014: cr. Register June 2016 No. 726, eff. 7–1–16.

DCF 12.04 Contracting for caregiver background checks. (1) **CONTRACT.** An entity may enter into a contract with any other entity or with a person, temporary employment agency, college, university, or vocational school to obtain the information required under s. 48.685(2), (3), or (6), Stats.

(2) **DOCUMENTATION.**

(a) An entity that enters into a contract under sub. (1) shall retain a copy of the agreement.

(b) An entity that enters into a contract under sub. (1) shall obtain from the entity, person, temporary employment agency, college, university, or vocational school that conducts the search for information required under s. 48.685(2) or (3), Stats., all of the following for each person who is the subject of a search:

1. A copy of the completed background information disclosure if completion of the background information disclosure is required under s. 48.685(6), Stats.

2. The results of the search required under s. 48.685(2) or (3), Stats.

(c) The entity shall retain the most recent documentation received under par. (b) for caregivers that the entity employs or contracts with, so the documentation may be promptly retrieved and reviewed by the agency that regulates the entity.

Note: For child-placing agencies, the record retention period in par. (c) only applies to contracting for background checks of employees and contractors of the agency. Different record retention requirements apply for records on foster parents.

History: CR 16–014: cr. Register June 2016 No. 726, eff. 7–1–16.

DCF 12.05 Obtaining armed forces information.

(1) If a person who is the subject of a caregiver background check served in a branch of the U.S. armed forces within the previous 3 years, including any reserve component, the agency or entity 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.

(2) The agency or entity shall document the efforts made to obtain the discharge status of the person.

(3) If the discharge status of the person is other than honorable, the agency or entity shall obtain information on the nature and circumstances of the discharge.

Note: The information from the armed forces may include relevant military court findings or information relevant to making a determination of whether an applicant is fit and qualified.

History: CR 16–014: cr. Register June 2016 No. 726, eff. 7–1–16.

DCF 12.06 Determining whether other offenses are substantially related.

(1) **CAREGIVERS.** To determine whether a caregiver’s conviction or delinquency adjudication for an offense that is

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not a serious crime is substantially related to the care of a client or the activities of a program for purposes of s. 48.685(5m), Stats., an agency or entity shall consider all of the following:

(a) In relation to the job or caregiving role, all of the following:

1. The nature and scope of the caregiver's client contact.
2. The scope of the discretionary authority and independent judgment the caregiver has to make decisions or take actions that affect the care of clients.
3. The opportunity caregiving presents for committing similar crimes.
4. The extent to which acceptable caregiving performance 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 job or caregiving duties.
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, or contract.
3. The person's employment history, including references, if available.
4. The person's participation in or completion of pertinent programs of a rehabilitative nature.
5. The person's probation, extended supervision, or parole status.
6. 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) **NONCLIENT RESIDENTS.** To determine whether a nonclient resident's criminal conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to a nonclient resident's access to clients or the activities of a program for purposes of s. 48.685(5m), Stats., an agency shall consider all of the following:

(a) In relation to nonclient residency, all of the following:

1. The nature and scope of the nonclient resident's contact with clients or activities of the program.
2. The opportunity nonclient residency presents for committing similar crimes.
3. The amount and type of supervision of the nonclient resident.

(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 involve access to clients or activities of the 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 determination affecting 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. The age of the person on the date the crime was committed.

(3) DOCUMENTATION.

(a) An agency shall document how it reached the determination under sub. (1) that the criminal conviction or delinquency adjudication of a caregiver under s. DCF 12.02(4)(a) is or is not substantially related to care of a client or activities of the program.

(b) An agency shall document how it reached the determination under sub. (2) that the criminal conviction or delinquency adjudication of a nonclient resident is or is not substantially related to access to clients or activities of a program.

(c) An entity shall document how it reached a determination under sub. (1) that a criminal conviction or delinquency adjudication of a caregiver specified in s. DCF 12.02(4)(b) is or is not substantially related to the care of a client or activities of a program.

Note: Form DCF-F-CFS2261-E, *Caregiver Background Checks Substantially Related Investigation Report*, is available, but is optional, for documentation of the determination as required in sub. (3). If a home study is required for foster care licensure, subsidized guardianship, or adoption approval, county departments and child-placing agencies must include documentation of the determination in the home study.

An agency or entity is required to determine whether a criminal conviction or delinquency adjudication for an offense that is not a "serious crime" as defined in s. DCF 12.02(24) is substantially related to the care of children or the activities of the program. It may be helpful to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction as part of that investigation and determination. Section 48.685(2)(bb), Stats., requires an agency or entity to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction for a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013, Stats., if the conviction was within the past 5 years.

A person who was refused employment or who had his or her employment terminated and believes he or she may have been discriminated against, may file a complaint under s. 111.335, Stats., with the Equal Rights Division, Department of Workforce Development, P.O. Box 8928, Madison, WI 53708-8928 or telephone 608-266-6860.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.07 Child welfare denial and revocation information. Each county department and child-placing agency shall provide the department with written information about each person for whom the county department or child-placing agency denied or revoked regulatory approval

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specified in s. DCF 12.02(21)(b), (e), (f), (g), or (h) for a reason specified in s. 48.685(4m), Stats. The county department or child-placing agency shall provide the information in an automation system prescribed by the department or on a form prescribed by the department.

Note: County departments and child-placing agencies with direct access to eWiSACWIS, the department's child welfare automation system, enter the information into the system. Child-placing agencies that do not have direct access to eWiSACWIS provide the information on Form DCF-F-CFS2191, *Negative Action Notice*, which is available in the forms section of the department's website, dcf.wisconsin.gov. Send the completed form to Out-of-Home Care Section, DCF/DSP, P.O. Box 8916, Madison, WI 53708-8916.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.08 Reporting requirements.

(1) ENTITY REPORTING OF OFFENSE. An entity shall report to the agency that gave regulatory approval as soon as the entity knows, or should have known, that any of the following apply to a caregiver or nonclient resident at the entity:

(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 birthday.

(b) The person has been adjudicated delinquent on or after his or her 12th 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 be credentialed by the department of safety and professional services, the person has been denied a credential or had a credential restricted or otherwise limited.

(2) OTHER ENTITY REPORTING.

(a) An entity shall report to the agency that gave 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 12 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 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 caregiver background check.

5. A caregiver under s. DCF 12.02(4)(a) or a nonclient resident at the entity changes his or her name.

(b)1. When a change specified under par. (a) 1. to 4. occurs regarding an entity, the entity shall submit a completed background information disclosure for the new person subject to the caregiver background check to the agency as soon as possible, but no later than the agency's next business day.

2. Notwithstanding par. (a) 3., a nonclient resident in a child care center licensed under s. 48.66, Stats., or with a child care provider certified under s. 48.651, Stats., is not required to complete a background information disclosure if

all of the following apply:

a. The nonclient resident is turning, or has recently turned, 18 years of age.

b. The nonclient resident previously submitted a completed background information disclosure to the department or certification agency.

(3) ENTITY POLICY. An entity shall include in its personnel or operating policies a provision that requires a person who is a caregiver specified in s. DCF 12.02(4)(b) to notify the entity as soon as possible, but no later than the entity'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 12th birthday.

(b) The person has been adjudicated delinquent on or after his or her 12th 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 be credentialed by the department of safety and professional services, the person has been denied a credential or had a credential restricted or otherwise limited.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.09 Sanctions.**(1) ENTITY.**

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

1. Hires, employs, or contracts with a caregiver or permits a nonclient resident to reside at an entity or with a caregiver specified in s. DCF 12.02(4)(c) if the entity knows, or should know, that the caregiver or nonclient resident is barred under s. 48.685(4m)(b) or that a nonclient resident is ineligible for residency under s. 48.685(5m), Stats.

2. Violates any provision in s. 48.685, Stats., or this chapter regarding caregivers specified in s. DCF 12.02(4)(b) or (c), including requiring completion of a background information disclosure as required under s. 48.685(6), and conducting the caregiver background check as required under s. 48.685(2) and (3), Stats.

3.a. Knows, or should know, that a nonclient resident at the entity failed to complete and submit the background information disclosure to the applicable agency as required under s. 48.685(6), Stats., or that a nonclient resident knowingly gave false information on or knowingly omitted information from the background information disclosure submitted to the applicable agency.

b. Knows, or should know, that a nonclient resident of a caregiver specified in s. DCF 12.02(4)(c) failed to complete and submit the background information disclosure to the entity specified in s. DCF 12.02(14)(L) as required under s. 48.685(6), Stats., or that a nonclient resident knowingly gave false information on or knowingly omitted information from the background information disclosure submitted to the entity specified in s. DCF 12.02(14)(L).

4. Fails to complete and submit the background information disclosure to the applicable agency as required under s. 48.685(6), Stats.

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5. Knowingly gives false information on or knowingly omits information from the background information disclosure submitted to the applicable agency.

6. Fails to comply with applicable reporting requirements under s. DCF 12.08(1) or (2).

7. Fails to have a policy on reporting changes as required in s. DCF 12.08(3).

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

1. Denial, revocation, nonrenewal, suspension, or termination 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 entity 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.

5. Attendance at agency-designated training on personnel screening or other appropriate training at entity expense.

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

(a) Fails to complete and submit a background information disclosure to the appropriate agency.

(b) Knowingly provides false information on or knowingly omits information from the background information disclosure submitted to the agency.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.10 Rehabilitation reviews by agencies.

(1) An agency shall conduct a rehabilitation review for a person who requests a rehabilitation review if the person is eligible under 48.685(5), Stats., and s. DCF 12.11 and is any of the following:

(a) A person who has, or is seeking, regulatory approval from the agency as a caregiver specified in s. DCF 12.02(4)(a).

(b) A person who is, or is expected to be, a caregiver specified in s. DCF 12.02(4)(b) for an entity that is regulated by the agency.

(c) A person who is, or is expected to be, a nonclient resident at an entity that is regulated by the agency.

(2) Notwithstanding sub. (1), the department shall conduct rehabilitation reviews for a person who requests a rehabilitation review if the person is eligible under s. 48.685(5), Stats., and s. DCF 12.11 and is any of the following:

(a) A person to whom delegation of the care and custody of a child under s. 48.979 has been, or is expected to be, facilitated by an entity.

(b) A person who is, or is expected to be, a nonclient resident of a person specified in par. (a).

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.11 Eligibility to request rehabilitation review.

(1) A person who is not eligible under s. 48.685(4m), Stats., to receive regulatory approval, to be employed as a caregiver, to contract with an entity to be a caregiver, or to reside at an entity or with a caregiver specified in s. DCF 12.02(4)(c) may request a rehabilitation review, unless any of the following apply:

(a) The person is not permitted to demonstrate rehabilitation for the applicable offense under s.

48.685(5)(bm) or (br), Stats.

(b) 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.

Note: Tables listing barring offenses and the availability of rehabilitation review for each offense are in the applicable 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, and subsidized guardianship, see the foster care/related statutes and administrative rules section of the department website. For child care, see the child care regulation/child care licensing or child care certification sections of the department website.

(c) 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.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.12 Applying for rehabilitation review. To apply for rehabilitation review, a person who is eligible to request rehabilitation review under s. DCF 12.11 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 applicable 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 applicable agency.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.13 Agency rehabilitation review process. In this chapter:

(1) **TIME FRAME.** If the application 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.

(2) **REHABILITATION REVIEW PANEL.** If a person who is eligible for rehabilitation review under s. DCF 12.11 submits an application that is complete under s. DCF 12.12 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) **REQUESTER APPEARANCE.**

(a) The person requesting the rehabilitation review shall have an opportunity to appear before the review panel to present information and answer any questions the panel members may have.

(b) The person's appearance before the review panel may be in person, by telephone, or other technology approved by the agency.

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(4) **REHABILITATION DECISION FACTORS.** After reviewing the information obtained, the review panel 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 an entity to be a caregiver, or residing at an entity or with a caregiver specified in s. DCF 12.02(4)(c). 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 may grant rehabilitation approval only within the scope of its regulatory authority.

(b) *Deferral.* A review panel may defer a final decision 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.* The review panel shall issue a written decision that includes the following information, as applicable:

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

(a) The type of entity 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 an entity.

(c) Any conditions or limitations placed on the approval.

Note: Examples of limited approval include approval for employment doing only certain job functions or approval to care for a specific child only.

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 entity 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 an entity.

(c) The reason for the denial.

(d) Notice that the person may appeal the denial and a summary of the appeal process under s. 48.685(5c), Stats., and s. DCF 12.14.

(6) REVIEW PANEL DECISION DISTRIBUTION.

(a) The review panel shall send its decision 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 person who is the subject of the rehabilitation review, 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 12.12(1).

3. A completed rehabilitation review panel 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 the 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 the written decision by the rehabilitation review panel and any decisions from filed appeals that may result.

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

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.14 Appealing a rehabilitation review panel's denial.

(1)(a) A person who is denied rehabilitation approval may submit a written request for review of the decision under s. 48.685(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.

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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 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.

(2) A person who receives an adverse decision from the secretary of the department or his or her 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, 5005 University Avenue, Room 201, Madison, Wisconsin, 53705-5400. The fax number of the division is (608) 264-9885.

(3) A person who receives an adverse decision from a county department director or his or her designee has the right to appeal the decision under ch. 68, Stats.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.15 Withdrawal of rehabilitation approval.

(1) COMPLIANCE WITH APPROVAL

CONDITIONS. A person whose rehabilitation is approved shall comply with any conditions and limitations imposed with that approval.

(2) CRITERIA FOR WITHDRAWAL. An agency that granted a person a rehabilitation approval may withdraw the rehabilitation approval if the person has done any of the following:

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

(b) 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.

(3) INFORMING THE GRANTING AGENCY. An entity 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.

(4) WITHDRAWAL NOTICE. If an agency withdraws a rehabilitation approval, 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 12.14.

(5) REPORTING TO THE DEPARTMENT. If an agency withdraws rehabilitation approval and the withdrawal results in a bar to regulatory approval, employment as a

caregiver, contracting with an entity to be a caregiver, or residing at an entity, the agency that withdraws the rehabilitation approval shall immediately report the withdrawal to the department.

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

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

DCF 12.16 Permissive acceptance of a rehabilitation approval. In this chapter:

(1) SCOPE.

(a) 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 entity 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

(b) 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.

(c) 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.

(d) A rehabilitation approval granted by a tribe that conducts rehabilitation reviews pursuant to a plan approved under s. 48.685(5d), Stats., may not be accepted.

Note: Rehabilitation approvals granted by a tribe under this chapter may be accepted.

(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 12.12 and shall process a submitted application under s. DCF 12.13.

History: CR 16-014: cr. Register June 2016 No. 726, eff. 7-1-16.

**APPENDIX I
INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS
FOR FAMILY CHILD CARE CENTERS**



Division of Early Care and Education

dcf.wisconsin.gov

**Instructions for Obtaining Forms
Group Child Care (GCC) and Family Child Care (FCC) Centers**

Listed below are some of the most frequently used forms and publications for licensed child care centers. There are two categories: 1) forms that are required to be used to comply with licensing rules, and 2) forms that are not required to be used to comply with licensing rules but have been designed to contain all the required information and are recommended for use. Several of our forms and publications are also available in Spanish and Hmong.

To access our forms and publications, visit the Bureau of Early Care Regulation Child Care Forms & Publications page at <http://dcf.wisconsin.gov/files/publications/pdf/3038.pdf>. If you can't find what you are looking for on the BECR page, check the Department of Children and Families forms repository at <http://dcf.wisconsin.gov/forms> and the publications repository at <http://dcf.wisconsin.gov/publications>. To open documents on these websites, you will need Microsoft Word or Adobe Acrobat.

If you do not have access to the Internet, or if you can't find the item you are looking for, contact your regional licensing office.

FORM NO.	FORM TITLE	REQUIRED
DCF-F-CFS0104	Alternate Arrival / Release Agreement – Child Care Centers	
DCF-F-CFS0059	Authorization to Administer Medication – Child Care Centers	FCC
DCF-F-2975	Background Information Disclosure	FCC, GCC
DCF-F-CFS2344	Building Inspection Report – Child Care Centers	
DCF-F-CFS2261	Caregiver Background Check Substantially Related Investigation Report	
DCF-F-CFS0062	Child Care Enrollment	FCC
DCF-F-CFS0060	Child Health Report – Child Care Centers	***
DCF-F-CFS1675	Child Record Checklist – Child Care Centers	
DCF-P-PFS4085	Collaborative Child Care Programs – Frequently Asked Questions	
DCF-F-CFS0053A	Continuing Education Record – Child Care Centers	
DCF-F-CFS2114	Continuing Education Record – Independent Reading / Video Viewing	
DCF-F-2438	Daily Attendance Record – Child Care Centers	FCC
F-44192	Day Care Immunization Record	***
DCF-P-PFS4091	Entry-Level Non-Credit Courses for Licensed Child Care	
DCF-P-0066	Entry-Level Training Requirements – Group Child Care Centers	
DCF-F-CFS0058	Field Trip or Other Activity Notification / Permission – Child Care Centers	
DCF-F-CFS2345	Health History and Emergency Care Plan	FCC, GCC
DCF-F-CFS0055	Incident Report – Child Care Centers	
DCF-F-CFS0057	Informed Consent for Observation or Testing by an Outside Agency – Child Care Centers	
DCF-F-CFS0061	Intake for Child Under 2 Years – Child Care Centers	FCC
DCF-P-PFS0101	It Shouldn't Hurt To Be a Child. . .but Sometimes It Does	
DCF-F-CFS0069	Licensing Checklist – Family Child Care Centers DCF 250	
DCF-F-CFS0063	Licensing Checklist – Group Child Care Centers DCF 251	
DCF-F-CFS2356	Policy Checklist – Family Child Care Centers	**
DCF-F-CFS2048	Policy Checklist – Group Child Care Centers	**
DCF-P-2562	Potential Barriers to Obtaining a Child Care Center License	
DCF-F-CFS0297	Request for Exception	
DCF-F-CFS0460	Safety and Emergency Response Documentation – Family Child Care Centers	
DCF-F-CFS0543	Safety and Emergency Response Documentation – Group Child Care Centers	
DCF-F-CFS0054	Staff Health Report – Child Care Provider	FCC; GCC
DCF-F-CFS2255	Staff Orientation Checklist – Family Child Care Centers	FCC
DCF-F-CFS2026	Staff Orientation Checklist – Group Child Care Centers	
DCF-F-CFS2051	Staff Record Checklist – Family Child Care Centers	
DCF-F-CFS1675A	Staff Record Checklist – Group Child Care Centers	
DCF-F-CFS0053	Staff Record – Child Care Centers	FCC
DCF-F-2465	Staff-To-Child Ratio While Swimming Worksheet – Group and Family Child Care	
DCF-F-CFS0078	Staff-To-Child Ratio Worksheet – Group Child Care Centers	
DCF-F-CFS0056	Transportation Permission – Child Care Centers	
DCF-F-CFS0052	Vehicle Safety Inspection	FCC; GCC
DCF-F-CFS2027	Volunteer Training Confirmation – Group Child Care Centers	
DCF-P-2436	Your Guide to Regulated Child Care – Your Summary of the Child Care Rules	FCC, GCC

** Only required when policies are created or revised and copies are submitted to the department.

*** Department will accept electronic printouts from physician's office and WI Immunization Registry in place of the department forms.

The Department of Children and Families (DCF) is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, contact the Bureau of Early Care Regulation at 608-266-9314 (general) or 888-692-1382 (TTY). For civil rights questions call 608-422-6889 (general) or 711 (TTY).

**APPENDIX J
RESOURCES LIST**

To obtain copies of the materials listed below, see the Child Care Information Center (CCIC) website: <https://dcf.wisconsin.gov/ccic>

1. Agencies Approved To Offer Non-Credit Entry-Level Training
2. Credit To Hour Conversion – Technical Colleges And Universities
3. Caregiver Background Checks – Requirements For Child Care Centers
4. Collaborative Child Care Program – Technical Assistance Tool
5. Wisconsin Child Care Administrator Credential
6. The Registry Levels
7. Children With Disabilities – Resources For Providers
8. It Shouldn't Hurt To Be A Child
9. Medical Log – Directions For Use
10. Microwave Instructions – Preparing Formula For Infants
11. Get Medical Help Immediately
12. Communicable Disease Chart
13. Exclusion Guidelines For Ill Children In Child Care
14. Car Safety Seat Information (Follow Link To Car Safety Seat Check –Up
15. Common Plants – What's Poisonous
16. Fact Sheet On Universal Precautions And Standard Precautions For Child Care Centers
17. OSHA Regulations On Bloodborne Pathogens
18. Approved Sanitizer List From The Division Of Public Health
19. Transporting Children In 10+ Passenger Vans To And From School
20. Early Years Are Learning Years – Time Out For “Time Out”
21. Managing Crying, Fussing Or Distraught Children Information

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