# WISCONSIN
# ADMINISTRATIVE CODE

Division of Early Care and Education

# DCF 250

# LICENSING RULES FOR FAMILY CHILD CARE CENTERS

*effective December 2020*

DCF-P-PFS203 (R. 01/2021)

## PREFACE

## DCF 250
## LICENSING RULES FOR FAMILY CHILD CARE CENTERS
**Effective December 2020.**

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

Chapter DCF 250 is the rule governing Family Child Care Centers, which provide care and supervision to between 4 and 8 children under age 7 years for less than 24 hours a day. There are also other rules governing the out-of-home care of children. DCF 251 is the rule for Group Child Care Centers where care and supervision is provided for 9 or more children under age 7. DCF 252 is the rule for day camps which are licensed child care centers that provide an experience in a seasonal program oriented to the out-of-doors for periods of less than 24 hours a day.

Licensing rules should not be confused with certification for public funding of child care providers who care for between 1 and 3 children under age 7.

The fact that a child care center is licensed in no way diminishes the responsibility of parents for vigilance in ensuring that their children are receiving care that protects their physical well-being and encourages healthy intellectual and emotional development.

Whenever the rules in this chapter indicate that materials such as an application for licensure, a request for exception to a specific rule, or a complaint about a center are to be sent to or requested from the Department, please refer to Appendix A which identifies the appropriate regional licensing office serving the county or tribe in which the center is located.

There is a header on each page that contains the rule cite for the section of the rule beginning on that page. A table of contents and an index are also included in this document, as are appendices that contain key statutes related to the child care rules, a copy of DCF 13 (administrative rules governing child care background checks), a list of items needed for a family child care center, and other appendices referenced in therule.

This publication may be duplicated. It is available from the Department's web page https://dcf.wisconsin.gov/cclicensing/rules.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please contact the Bureau of Early Care Regulation at dcfcclicreg@wisconsin.gov or (608) 421-7550. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.

El Department of Children and Families es un empleador y proveedor de servicios que ofrece igualdad de oportunidades. Si tiene alguna discapacidad y necesita acceder a servicios, recibir información en un formato alternativo o necesita que le traduzcan la información a otro idioma, comuníquese con el Bureau of Early Care Regulation at dcfcclicreg@wisconsin.gov or (608) 421-7550. Las personas sordas, con dificultades auditivas, sordo-ciegas o con discapacidad del habla pueden utilizar el Wisconsin Relay Service (WRS) – llame al 711 para comunicarse con el departamento.

Lub Department of Children and Families yog ib lub chaw hauj lwm thiab chaw muab kev pab uas muaj vaj huam sib luag. Yog koj muaj ib qho tsis taus thiab xav tau kev pab, xav tau cov ntaub ntawv muab sau ua ib hom ntawv, los sis xav kom muab cov ntaub ntawv txhais ua lwm hom lus, thov hu rau Bureau of Early Care Regulation ntawm dcfcclicreg@wisconsin.gov 608-421-7550. Cov neeg uas lag ntseg, hnov lus tsis zoo, dig muag los sis muaj ib qho tsis taus tshwj xeeb tuaj yeem siv tus xov tooj hu dawb Wisconsin Relay Service (WRS) – 711 hu mus rau lub chaw ua haujlwm.

## TABLE OF CONTENTS

**DCF 250.01 AUTHORITY AND PURPOSE** ..... **1**
**DCF 250.02 APPLICABILITY** ..... **1**
(1) Included and excluded care arrangements ..... 1
(2) Exception to the requirement ..... 1
**DCF 250.03 DEFINITIONS. IN THIS CHAPTER** ..... **2**
**DCF 250.04 OPERATIONAL REQUIREMENTS** ..... **5**
(1) Terms of license. ..... 5
(2) Administration ..... 5
(3) Reports ..... 6
(4) Parents ..... 7
(6) Children's records ..... 8
(7) Confidentiality ..... 9
(8) Reporting child abuse or neglect ..... 10
**DCF 250.05 STAFF** ..... **11**
(1) Definition ..... 11
(2) Staff records ..... 11
(3) Qualifications of staff ..... 12
(4) Staff development ..... 13
**DCF 250.055 SUPERVISION AND GROUPING OF CHILDREN** ..... **15**
(1) Supervision. ..... 15
(2) Grouping of children ..... 15
**DCF 250.06 PHYSICAL PLANT AND EQUIPMENT** ..... **17**
(1) Building ..... 17
(2) Protective measures ..... 17
(3) Emergency plans and drills ..... 18
(4) Fire protection ..... 18
(6) Water ..... 19
(7) Exits, doors and windows ..... 19
(9) Food preparation and service ..... 20
(11) Outdoor space ..... 21
(12) Swimming areas ..... 22
**DCF 250.07 PROGRAM** ..... **24**
(1) Program planning and scheduling ..... 24
(2) Child guidance ..... 24
(3) Equipment and furnishings ..... 25
(4) Rest periods. ..... 25
(6) Health ..... 26
(7) Pets and animals ..... 29
**DCF 250.08 TRANSPORTATION** ..... **30**
(1) Applicability ..... 30
(2) Permission and Emergency information ..... 30
(3) Required information for each trip ..... 30
(4) Driver ..... 30
(5) Vehicle ..... 31
(6) Seat belts and child safety restraints ..... 32
(7) Vehicle capacity and supervision ..... 32
(8) Child care vehicle safety alarm ..... 32

**DCF 250.09 ADDITIONAL REQUIREMENTS FOR INFANT AND TODDLER CARE ..... 33**
(1) Applicability, qualifications and general requirements ..... 33
(2) Daily program..... 33
(3) Feeding..... 34
(4) Diapering and toileting ..... 34
**DCF 250.095 ADDITIONAL REQUIREMENTS WHEN LICENSEE IS NOT PROVIDING CARE TO CHILDREN AT LEAST 50% OF THE CENTER'S LICENSED HOURS ..... 35**
**DCF 250.10 ADDITIONAL REQUIREMENTS FOR NIGHT CARE..... 36**
(1) Applicability ..... 36
(2) General requirements ..... 36
(3) Program ..... 36
(4) Preventive measures ..... 36
(5) Feeding..... 36
(6) Sleep..... 36
**DCF 250.11 LICENSING ADMINISTRATION ..... 37**
(1) Licensing requirement ..... 37
(2) General conditions for approval of license ..... 37
(3) Initial application for a probationary license ..... 38
(4) Obtaining a regular license. ..... 38
(5) Continuing a regular license. ..... 39
(6) Amending a license. ..... 39
(7) Additional license..... 40
(8) License denial or revocation ..... 40
(9) Effect of notice to deny or revoke a license. ..... 41
(10) Summary suspension of a license. ..... 41
(11) Appeal of decision to deny or revoke a license..... 42
**DCF 250.12 COMPLAINTS, INSPECTIONS AND ENFORCEMENT ACTIONS ..... 43**
(1) Complaints..... 43
(2) Inspection..... 43
(3) Enforcement action ..... 43
**APPENDIX A REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION ... 44**
**APPENDIX B KEY STATUTES RELATED TO LICENSING CHILD CARE CENTERS..... 45**
**APPENDIX C DCF 13 BACKGROUND CHECKS FOR CHILD CARE PROGRAMS ..... 63**
**INDEX..... 73**

**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, villages, 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.

**(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.

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

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

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

**(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.

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

**(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.

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

**(6)** "Emergency" means unforeseen circumstances that require 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.

**(8m)** "EPSDT provider" means a provider of health assessment and evaluation services that is eligible to be certified under s. DHS 105.37 (1) (a).

**(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.

**(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 is substantially related to the care of children, as determined under s. DCF 13.05.

(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.

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

**(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, including during center-provided transportation, for the safety and the developmental needs of the child or children.

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

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

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

**(21)** "Night care" means any care that is offered by a licensed family child care center between 10:00 p.m. and 5:00 a.m.

**(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.

**(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 (3) 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 250.055 (1) (m) and (n) 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.

**Note:** Denying admission on the basis of race, disability, religion, or certain other characteristics may be illegal under the state public accommodations law, federal law related to the use of federal funding, and some local anti–discrimination ordinances.

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

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

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

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

**Note:** Denying admission on the basis of race, disability, religion, or certain other characteristics may be illegal under the state public accommodations law, federal law related to the use of federal funding, and some local anti-discrimination ordinances.

(b) Comply with all requirements in this chapter.

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

(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, implement, and provide to the parents written policies and procedures consistent with the requirements of this chapter related to all of the following:

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.
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.

(f) Develop, submit to the department, 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 (4) (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.

**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.

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

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

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

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

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

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

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

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

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

**(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:

(a) Any incident or accident that occurs while the child is in the care of the center that results in professional medical evaluation, within 24 hours of the licensee becoming aware of the medical evaluation.

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

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

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

(ar) Any injury caused by an animal to a child in care, within 24 hours of the incident.

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

(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.

**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 child care background check, by the department's next business day.

(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), 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.

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

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

(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) Temporary closings lasting more than 2 weeks, at least 5 calendar days before the closing.

(m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled in the child care center or a person in contact with children at the center, within 24 hours after the center is notified of the diagnosis. The licensee shall also notify the parents of all enrolled children and the local health department within 24 hours after the center is notified of the diagnosis.

**(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.

(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 sub. (3) (m).

**Note:** The Department of Health Services, Division of Public Health, has developed materials that identify those communicable diseases that are required to be reported to a local public health officer. These materials also provide information on the symptoms of each disease and guidance on how long an infected child must be excluded from child care. Copies of the communicable disease chart are available on the Department of Health Services website at https://www.dhs.wisconsin.gov/publications/p44397b.pdf.

2. Notification shall be made immediately in all of the following situations:

a. The child becomes ill.

b. The child needs professional evaluation of an injury.

c. The child experiences a head injury, has a seizure, consumes incorrect breastmilk, consumes food or drink that may contain the child's allergen, consumes or comes in contact with poisonous materials, or is given incorrect medication. For purposes of this subdivision, a "head injury" means a bump, blow, or jolt to the head.

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 child will be going on a field trip that is not considered part of the regularly scheduled program. Notification of the date, time, and destination shall be prior to the field trip.

**(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:

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:** Form DCF-F-CFS0062, *Child Care Enrollment*, and Form DCF-F-CFS2345, *Health History and Emergency Care Plan*, are available at https://dcf.wisconsin.gov/cclicensing/ccformspubs or from any regional office listed in Appendix A.

2. If field trips and other off-premises activities are a part of the program, written authorization from the parent indicating that the child has permission to participate.

**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.

**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 most recent physical examination subject to the following:

a. Each child under 2 years of age, including a provider's own children in care, shall have an initial health examination not more than 6 months prior to nor later than 3 months after being admitted to the center, and a follow-up examination at least once every 6 months thereafter.

b. Each child who is at least 2 years of age but who is not 5 years of age or older, including a provider's own children in care, shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years thereafter.

c. Children 5 years of age and above are not required to have a health exam.

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

**Note:** To document a health examination, use either an electronic printout from a medical professional or the department's Form DCF-F-CFS0060, *Child Health Report — Child Care Centers*. The department's form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

4m. Documentation that the child's immunization history is in compliance with s. 252.04, Stats., and ch. DHS 144.

**Note:** To record immunization information, use either an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health provider or the Department of Health Services Form F-44192, *Child Care Immunization Record*. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

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.

(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.

**(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 with access to children's records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This subdivision does not apply to any of the following:

a. The child's parent.

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

c. Agencies authorized under s. 48.78, Stats.

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

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

**(8)** REPORTING CHILD ABUSE OR NEGLECT.

(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.

**Note:** Child care providers are required to report known or suspected child abuse or neglect as specified in par. (a). Reporting to the licensee does not lessen this legal duty if the licensee fails to report as specified in par. (a).

(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.

**Note:** See s. DCF 250.07 (6) (b) for information about logging evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care in the center medical log book.

**DCF 250.05 Staff.**

**(1)** DEFINITION. In this section, "The Registry" means a professional development recognition agency.

**Note:** For further information, see https://www.the-registry.org/TheRegistry/AboutUs.aspx.

**(2)** STAFF RECORDS. A licensee shall maintain a file for each provider, employee, volunteer, or substitute and shall make the file immediately available for review by a licensing representative at the center. The file shall contain all of the following:

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

**Note:** Form DCF-F-CFS0053, *Staff Record — Child Care Centers*, is used for recording staff information. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(b) Documentation from the department, either paper or electronic, that indicates that a child care background check was completed in compliance with the timelines and requirements specified in s. 48.686, Stats., and ch. DCF 13, and the person is eligible to work in a child care program.

(c) Documentation of the actual hours a provider, substitute, employee, or volunteer worked if the hours were used to meet the applicable staff-to-child ratio under Table DCF 250.055.

(d) 1. Except as provided under subd. 2., a physical examination report completed within 12 months before or 30 days after the person became licensed or began working with children in care. The physical examination report may be a printout of an electronic record from a medical professional or on a form provided by the department. The report shall be dated and signed by a licensed physician, physician's assistant, or other EPSDT provider and shall indicate all of the following:

a. The person is free from illness detrimental to children, including tuberculosis.

b. The person is physically able to work with young children.

**Note:** The optional Form DCF-F-CFS0054, *Staff Health Report — Child Care Centers*, is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

2. The health examination requirement under subd. 1. does not apply to a provider who requests an exemption from subd. 1. based on the provider's adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

(e) 1. All of the following, except as provided in subd. 2.:

a. A certificate from The Registry that indicates the person is qualified for the position within 6 months after becoming licensed or beginning to work with children in care.

b. An updated certificate from The Registry within one year following the effective date of a significant revision of this chapter, as determined by the department.

2. a. A person is exempt from the requirement under subd. 1. a. and b. if the person has been licensed or provided care for children in licensed child care continuously since December 31, 2008, including any combination of licensure or employment in a family child care center licensed under this chapter, a group child care center licensed under ch. DCF 251, or a day camp licensed under ch. DCF 252.

b. A substitute is not required to have a certificate from The Registry until the substitute has worked for 240 cumulative hours.

(f) Documentation of compliance with continuing education requirements under sub. (4) (c).

**(3)** QUALIFICATIONS OF STAFF.

(a) A provider shall meet all of the following conditions:

1. Be physically, mentally, and emotionally able to provide responsible care to all children, including children with disabilities.

2. Be at least 18 years of age.

(b) Before receiving a license or beginning to work with children in care, a licensee or provider shall satisfactorily complete one of the following:

1. All of the following:

a. Three credits in early childhood education or a department-approved, non-credit course in early childhood education.

**Note:** The non-credit course called *Introduction to the Child Care Profession* is the course that has been approved by the department. Information on other acceptable courses and agencies offering department-approved courses is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

b. A non-credit, department-approved course in operating a child care business or a course for credit in business or program administration. A person is exempt from this requirement if the person has been licensed or provided care for children in regulated child care continuously since December 31, 2008, including any combination of licensure under s. 48.65, Stats., certification under s. 48.651, Stats., or employment in a licensed child care center or for a certified child care operator.

**Note:** The non-credit course entitled Fundamentals of Family Child Care is approved by the department to meet this requirement. A credit-based course in a business topic may also be used. Information on agencies offering the department-approved course is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

2. The Wisconsin Family Child Care Credential.

3. A child development associate credential in family child care issued by the Council for Professional Recognition.

(c) A substitute or volunteer that is used to meet the required staff-to-child ratio shall meet the training requirements specified in par. (b) after the substitute or volunteer has worked in the center for 240 hours.

(cm) A volunteer that is used to meet the required staff-to-child ratios under s. DCF 250.55 shall be at least 18 years of age.

(d) If more than one provider is needed to meet the required staff-to-child ratio, each additional provider shall meet the training requirements in par. (b) within 6 months of beginning to work with children in care.

(e) 1. Within 3 months after licensure or date of hire, each licensee and provider shall obtain a certificate of completion for a department-approved course in infant and child cardiopulmonary resuscitation, including training in the use of an automated external defibrillator.

2. Each licensee and provider shall maintain a current cardiopulmonary resuscitation certification as specified under subd. 1.

3. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours under sub. (4) (c).

(f) Each licensee and provider shall have satisfactorily completed at least 10 hours of department-approved training in the care of infants and toddlers within 6 months after becoming licensed or working with children in care under 2 years of age.

(g) Prior to obtaining a license or working with children in care under 5 years of age, a licensee, provider, substitute, volunteer, emergency back-up, or any other person providing care and supervision shall satisfactorily complete department-approved training in shaken baby syndrome and abusive head trauma, and appropriate ways to manage crying, fussing, or distraught children.

**Note:** The department-approved training is included in the course called *Health, Safety and Nutrition* offered by a Wisconsin technical college or in the non-credit, department-approved courses called *Introduction to the Child Care Profession* and *Fundamentals of Infant and Toddler Care*, if the course was taken after July 1, 2005. Information on agencies offering the department-approved courses is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

(h) No person or agency may offer non-credit child care training as specified in this subsection unless the person or agency and the course have been approved by the department. The department may at any time withdraw its approval of a non-credit course. Instructors of non-credit department–approved courses shall be approved by the department prior to teaching a course.

**Note:** Information on the approval process for non-credit courses is available on the department's website at https://dcf.wisconsin.gov/cclicensing.

**(4)** STAFF DEVELOPMENT.

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

1. The names and ages of all the children in care.
2. Current arrival and departure information for each child enrolled and the names of people authorized to pick up the child.
3. A review of children's records, including emergency contact information.
4. Specific information relating to each child's health care needs, including medications, disabilities, or special health conditions.
5. If the center is licensed to care for children under one year of age, procedures to reduce the risk of sudden infant death syndrome.
6. An overview of the daily schedule, including meals, snacks, nap, and any information related to the eating and sleep schedules of infants and toddlers enrolled in the center.
7. A review of the center's procedures for dealing with emergencies, including natural disasters, human-caused events, food emergencies, and allergic reactions.
8. The procedure for reporting suspected abuse or neglect of a child.
9. If the center is licensed to care for children between the hours of 10:00 p.m. and 5:00 a.m., the plan for evacuating sleeping children.
10. The prevention and control of infectious diseases, including immunizations.
11. The administration of medications.
12. The handling and storage of hazardous materials and disposal of biocontaminants. In this subdivision, "biocontaminants" includes blood, body fluids, or excretions that may spread infectious disease.
13. The center policies and procedures required under s. DCF 250.04 (2) (e).
14. The provisions in this chapter.
15. The reporting requirements for the child care background check under s. DCF 13.07 (3).

**Note:** Form DCF-F-CFS2255, *Staff Orientation Checklist - Family Child Care Centers*, is used to document completion of employee orientation. The form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs or from any regional licensing office in Appendix A.

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

1. The names and ages of all the children in care.

2. Arrival and departure information for each child in care, including the names of people authorized to pick up the child.

3. The location of children's files, including emergency contact information and consent for emergency medical treatment.

4. Information on any children with special health care needs.

5. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

*(c) Continuing education.*

1. Each licensee and provider shall satisfactorily complete at least 15 hours of qualifying continuing education annually. Continuing education qualifies under this paragraph if it covers any of the following:

a. Prevention and control of infectious diseases.

b. Medication administration.

c. Prevention of and response to emergencies due to food and allergic reactions.

d. Identification of and protection from hazards.

e. Building and physical premises safety.

f. Emergency preparedness and response planning.

g. Handling and storage of hazardous materials.

h. Handling and disposal of biocontaminants.

i. Child growth and development.

j. Caring for children with disabilities.

k. Guiding children's behavior.

L. Nutrition.

m. Physical activity.

n. Transportation safety.

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

p. Cardiopulmonary resuscitation.

q. First aid.

r. Business operations.

s. Any other topic that promotes child development or protects children's health or safety.

2. Continuing education under subd. 1. may be obtained through attendance at training events, workshops, conferences, consultation with community resource people, web-based training that results in a certificate of completion, or observation of child care programs.

3. Up to 5 hours of independent reading, viewing educational materials, internet searches, or completion of a web-based course that does not result in a certificate of completion may be used to meet the continuing education requirements under subd. 1.

4. A provider shall have documentation of the 12-month period included in the provider's training year for meeting continuing education requirements and begin a new training year in the same month each year.

**Note:** The licensee may use either the department's form, *Staff Continuing Education Record - Child Care Centers*, a copy of the individual's learning record from The Registry, or the licensee's own form to document the completion of continuing education. The department's form is available at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

**DCF 250.055 Supervision and grouping of children.**

**(1)** SUPERVISION.

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

(b) A provider shall be awake at all times when children are in care.

(c) No individual provider may care for children for more than 16 hours in any 24-hour period.

(d) No child may be in care for more than 14 hours in any 24-hour period.

(e) At least one provider who has completed the training required under s. DCF 250.05 (3) (b) shall supervise children at all times, except when a substitute is providing care. A substitute shall meet the requirements under s. DCF 250.05 (3) (c) and (4) (a).

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

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

(h) A provider may not be engaged in any other activity or occupation during the hours of operation of the center when children are in care, except for daily maintenance of the home.

(i) The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

(j) During the hours of the center's operation, no provider or any other person in contact with children in care may consume or be under the influence of beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats.

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

(L) The licensee shall implement and adhere to a procedure to ensure that the number, names, and whereabouts of children in care are known to the provider at all times.

(m) A provider shall be outside with children and provide sight and sound supervision of the children, unless the children are playing inside the enclosed outdoor area on the premises specified under s. DCF 250.06 (11) (b).

(n) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool containing water is present in the outdoor play space specified in s. DCF 250.06 (11) (b).

**(2)** GROUPING OF CHILDREN.

(a) At no time may more than 8 children be in the care of the center. This limitation applies to all of the following:

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

(b) The maximum number of children that one provider may care for is specified in Table 250.055.

(c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

**Note:** For example, if there are 3 children under 2 years of age present at one time and 5 children between the 2 years of age and 6 years of age present, a second provider is required. At no time may the maximum number of children in care exceed 8.

**250.055(2)(d)**

(d) If there is more than one provider with the children, no more than a total of 4 children under 2 years of age may be in the care of the center when care is provided on a level that is more than 6 feet above or below the ground level.

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

**Table DCF 250.055**
**Maximum Number of Children in Family Child Care per Provider**

| Children Under 2 Years of Age | Children 2 Years of Age and Older | Maximum Number of Additional School-age Children in Care for Fewer Than 3 Hours a Day | Maximum Number of Children Permitted at One Time |
|---|---|---|---|
| 0 | 8 | 0 | 8 |
| 1 | 7 | 0 | 8 |
| 2 | 5 | 1 | 8 |
| 3 | 2 | 3 | 8 |
| 4 | 0 | 2 | 6 |

**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.

*(b) Space and temperature.*

1. A center shall have at least 35 square feet of usable floor space per child. Usable floor space for children does not include passageways, bathrooms, lockers, storage areas, the furnace room, the 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.

3. If the inside temperature at the center exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with safe fans, air conditioning, or other means.

4. There shall be at least one toilet with plumbing and one sink with hot and cold running water available for use by children in care in the center. The hot water temperature may not exceed 120 degrees Fahrenheit.

**(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.

(b) Firearms, ammunition, and bows and arrows with sharp tips located on the premises or in a vehicle used to transport children shall be kept in locked storage and may not be accessible to children.

(c) Potentially dangerous items and materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and any articles labeled hazardous to children, shall be in properly marked containers and stored in areas inaccessible to children.

(d) The center shall have at least one working telephone with a list of emergency telephone numbers, including telephone numbers for the local fire department, police department, law enforcement agency, poison control center and emergency medical service, posted in a location known to all providers.

(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.wi.gov/Pages/Publications/KeepYourKidsSafeNewsletter.aspx or by contacting the United States Consumer Products Safety Commission (US CPSC) at 1-800-638-2772.

(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.

(g) Differences in elevation of more than 18 inches, either indoors or outdoors, including open sides of stairways, elevated platforms, walks, balconies, and mezzanines used by children shall be protected by railings at least 36 inches high and designed to prevent the passage of an object with a diameter larger than 4 inches through any openings in the railing bars.

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

**Note:** Section DCF 250.03 (26) defines "premises" 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.

(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.

(L)1. A family child care center in a one-family or two-family residence shall have a carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit, in accordance with the requirements of s. 101.647, Stats.

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

(m) The premises shall be well-drained, free from litter and vermin, in good repair, and maintained in a sanitary condition.

**(3)** EMERGENCY PLANS AND DRILLS.

(a) Each center shall have a written plan for taking appropriate action in the event of an emergency, including a fire, a tornado, a flood; extreme heat or cold; a loss of building services, including no heat, water, electricity, or telephone; human-caused events such as threats to the building or its occupants; allergic reactions; lost or missing children; vehicle accidents; or other circumstances requiring immediate attention. The plan shall include specific procedures that address all of the following:

1. Evacuation, relocation, shelter-in-place, and lock–down.
2. Ensuring that the needs of children under age 2 and children with disabilities are met.
3. Communication with parents.
4. Connecting children with their parents if the center is required to evacuate the building.

(b) The center shall practice the fire evacuation plan monthly, and the tornado plan monthly from April through October, with the children and shall document when the plans were practiced.

**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.

**(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.

(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.

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

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

(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.

**(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).

(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.

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

*(a) Exits.*

1. All exits shall be clear of obstructions.
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.

c. Except in an upstairs duplex, a window that is not more than 46 inches above the floor, capable of being opened from the inside without the use of a tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height.

d. A center located in the upstairs unit of a duplex shall have 2 exits leading directly to the ground floor or to a platform as described in subd. 6. a. and b.

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.

*(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.

**(9)** FOOD PREPARATION AND SERVICE.

(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.

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

(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.

(e) Extra food that was prepared but not served shall be dated, refrigerated promptly, and used within 36 hours, or frozen immediately for use within 6 months.

(f) Food shall be provided based on the amount of time children are in care, as specified in Table 250.06.

**TABLE 250.06**
**Meals and Snacks to be Served to Children**

| Time Present | Number of Meals and Snacks |
|---|---|
| At least 2½ but less than 4 hours | 1 snack |
| At least 4 but less than 8 hours | 1 snack and 1 meal |
| At least 8 but less than 10 hours | 2 snacks and 1 meal |
| 10 or more hours | 2 meals and 2 or 3 snacks |

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

(h) At a minimum, children shall be provided food for each meal and snack that meets the U.S. department of agriculture child and adult care food program minimum meal requirements.

**Note:** The USDA meal program requirements are found on the U.S. Department of Agriculture website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

(i) Additional portions of vegetables, fruits, bread, and milk shall be available.

(j) Accurate records of meals and snacks served to children shall be available for review by parents and the licensing representative. Written records of meals and snacks served to children shall be retained for 3 months.

(k) When food for a child is provided by a child's parent, the licensee shall give the parent information about the requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

(L) A child enrolled in school who is in attendance at the center when a meal or snack is served shall be offered the meal or snack.

(m) A special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written authorization of a child's physician and upon the request of the parent.

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

**(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.

(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:

1. The outdoor play space shall be on the premises of the center.

2. There shall be at least 75 square feet of outdoor play 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. Structures such as playground equipment, railings, decks, and porches accessible to children and built with CCA-treated lumber shall be sealed with an oil-based sealant or stain at least every 2 years.

3m. Wood treated with creosote or pentachlorophenol (PCP), including railroad ties, may not be used in areas accessible to children.

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. The permanent enclosure may not have any open areas that are greater than 4 inches.

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

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

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 250.055.

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:

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.

(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:

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.

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:

a. For children under 2 years of age: 1:1.

b. For children 2 and 3 years of age 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.

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:

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.
2. Active and quiet play.
3. Protection from excess fatigue and over stimulation.
4. Individual and group activities.

(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) 1. For purposes of this paragraph, a "time–out" is an interruption of unacceptable behavior by the removal of the child from the situation, not to isolate the child, but to allow the child an opportunity to pause, and with support from the provider, reflect on behavior and gain self-control.

2. If a provider uses time-out periods to deal with unacceptable behavior, a time-out may not exceed 3 minutes and may not be used for a child under 3 years of age.

3. The procedures for time-out periods shall be included in the center's written child guidance policy.

(c) Actions that may be psychologically, emotionally or physically painful, discomforting, 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.
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.
4. Withholding or forcing meals, snacks or naps.
5. Actions that are cruel, aversive, humiliating or frightening to the child.

(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 prohibited actions to a child be reported to the department within 24 hours after the occurrence.

**(3)** EQUIPMENT AND FURNISHINGS.

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

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.
4. Maintained in a clean and sanitary condition.
5. Used in accordance with all manufacturer's instructions and any manufacturer's recommendations that may affect the safety of children in care.

(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.

(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.

(f) Furnishings shall be clean, durable, and safe with no sharp, rough, loose, or pointed edges.

(g) The furnishings shall include all of the following:

1. Table space and seating for each child.
2. Storage space for equipment, bedding, and children's clothing and personal belongings.

**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.

(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.

(c) Each child one year of age or older who has a nap or rest period shall be provided with a sleeping surface that is clean, safe, washable, and placed at least 2 feet from the next sleeping child. The sleeping surface may be any of the following:

1. A bed.
2. A cot.
3. A padded mat.
4. A sleeping bag.
5. A crib or playpen.

(cm) Each child under one year of age who naps or sleeps shall be provided with a clean, safe, washable crib or playpen that meets the applicable safety standards in 16 CFR Part 1219 or 1220 and shall be placed at least 2 feet from the nearest sleeping child. Cribs or playpens may be placed end-to-end if a solid partition separates the crib or playpen, and an aisle not less than 2 feet in width is maintained between sleeping surfaces.

(d) Each child one year of age or older who is not using a sleeping bag shall be provided with an individually identified sheet and blanket 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.

(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.

**(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.

1m. A licensee, provider, household member, employee, volunteer, visitor, parent, or a child in care may be admitted or readmitted to the family child care center if the person provides a written statement from a physician that the condition is no longer contagious or if the person has been absent for a period of time equal to the longest usual incubation period for the disease under ch. DHS 145.

**Note:** The Wisconsin Department of Health Services, Division of Public Health, has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child shall be excluded from the center. Copies of the communicable disease chart are available on the Department of Health Services website, https://www.dhs.wisconsin.gov/publications/p4/p44397.pdf.

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.

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.

4. Any child who appears to be ill shall be moved to a separate room or area and shall be provided with a bed, crib, or cot and a sheet and blanket or a sleeping bag. The licensee shall notify the parent or emergency contact and arrange for the child to be removed from the center as soon as possible.

*(b) Medical log book.*

1. The licensee shall maintain a medical log book that has a stitched binding with pages that are lined and numbered.

2. Pages may not be removed from the medical log book under subd. 1. and lines may not be skipped. Each entry in the log book shall be in ink, dated, and signed or initialed by the person making the entry.

3. A provider shall record all of the following in the medical log under subd. 1.:

a. Any evidence of unusual bruises, contusions, lacerations, or burns seen on a child, regardless of whether received in or out of the care of the center.

b. Any injuries received by a child while in the care of the center on the date the injury occurred. The record shall include the child's name, the date and time of the injury, and a brief description of the facts surrounding the injury.

c. Any medication dispensed to a child, on the date the medication is dispensed. The record shall include the name of the child, type of medication given, dosage, time, date, and the initials or signature of the person administering the medication.

d. Any incident or accident that occurs when the child is in the care of the center that results in professional medical evaluation.

**Note:** See s. DCF 250.04 (8) for requirements related to reporting suspected child abuse or neglect.

*(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:

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.

**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.

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

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.

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."

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.

(g) 1. Except as provided in subd. 2., a child's hands shall be washed with soap and warm running water before meals or snacks, after handling pets or other animals, and after toileting or diapering. A child's hands and face shall be washed when soiled. For children under one year of age, hands may be washed with soap and a wet fabric or a paper washcloth that is used once and discarded.

2. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands shall be washed immediately with soap and running water.

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

4. Bodily secretions from a child shall be wiped with a disposable tissue.

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

6. All persons working with children in care shall wash their hands with soap and warm running water before handling food, before and after assisting with toileting or diapering, after handling pets or animals, and after being exposed to blood or bodily fluids containing blood or other types of bodily secretions. If gloves are used, hands shall be washed after removal of gloves.

7. Single use disposable gloves shall be worn if there is contact with bodily fluids or tissue discharges that contain blood. Gloves shall be discarded in plastic bags.

*(h) Health precautions.*

1. Surfaces exposed to bodily secretions, including toys, equipment, and furnishings, shall be washed with soap and water and disinfected. The disinfectant solution used shall be one that is registered with the U.S. environmental protection agency as a disinfectant and has instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

2. Soap, towels or an air dryer, toilet paper, and a waste paper container shall be provided in the washroom and accessible to children.

3. Towels and washcloths shall be individual to each person and used only once. Cups, eating utensils, or toothbrushes may not be shared.

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

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

6. As appropriate, children shall be protected from sunburn and insect bites with protective clothing, sunscreen, or insect repellent. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the ingredient strength and be reviewed and updated periodically. If sunscreen or insect repellent is provided by the parent, the sunscreen or repellent shall be labeled with the child's name. Recording the application of sunscreen or insect repellent is not necessary.

(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.

**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.

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

**(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.

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

(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.

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

**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.

(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.

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

(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.

(a) Except as provided in par. (b), this section applies to all transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation, if any of the following apply:

1. The licensee owns or leases the vehicle used.

2. The licensee contracts with another person or organization that owns or leases the vehicle used.

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

(b) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the staff-to-child ratios specified in Table DCF250.055:

1. The requirement that a licensee obtain a copy of the driver's driving record and review it under sub. (4) (c).

2. The requirement to provide evidence that the vehicle is in safe operating condition at 12-month intervals under sub. (5) (b).

3. The requirements related to child care vehicle safety alarms under sub. (8).

(c) The licensee shall document in the licensee's policies that transportation provided through a written or verbal contract with another person or organization meets the requirements of this section.

**(2)** PERMISSION AND EMERGENCY INFORMATION. Before transporting a child, a licensee shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include all of the following information:

(a) The purpose of the transportation and the parent's permission to transport the child for that purpose.

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

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

(d) Written consent from the child's parent for emergency medical treatment.

**Note:** The licensee may use the department's form, *Child Care Enrollment*, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available on the department's website, https:/dcf.wisconsin.gov/cclicensing/ccformspubs.

**(3)** REQUIRED INFORMATION FOR EACH TRIP. The licensee shall ensure that written documentation of all of the following is maintained at the center and in any vehicle transporting children while the children are being transported:

(a) A list of the children being transported.

(b) A copy of the completed permission and emergency information form under sub. (2) for each child being transported.

(c) For transportation to or from a child's home or school, the transportation route and scheduled stops.

**(4)** DRIVER.

(a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid driver's license from the state where the driver resides and for the type of vehicle driven.

(b) Before a driver who is not the licensee first transports children and annually thereafter, the licensee shall provide the driver with an orientation. The licensee shall document the training. The training shall include all of the following:

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

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

**250.08(4)(b)3.**

3. The procedure for evacuating the children from a vehicle in an emergency.
4. Behavior management techniques for use with children being transported.
5. A review of applicable statutes and rules affecting transportation of children.
6. A review of applicable center policies.
7. First aid procedures.
8. A review of child abuse and neglect laws and center reporting procedures.
9. Information on any special needs a child being transported may have and the plan for how those needs will be met.
10. A review of the use of the vehicle alarm, if applicable.
11. Any other job responsibilities as determined by the licensee.

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

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

a. The seriousness of any accidents or violations.
b. The amount of time that has passed since an accident or violation occurred.
c. The number of accidents or violations.
d. The likelihood that a similar incident will occur.

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

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

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

a. The phone or device is used to call 911.
b. The phone or device is used to communicate with emergency responders.
c. The phone or device is used to communicate with the center regarding an emergency situation.

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

**(5)** VEHICLE.

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

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.
2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.
3. In safe operating condition.

(b) At 12-month intervals, the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

**Note:** The department's form, *Vehicle Safety Inspection*, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain forms is available on the department's website, https://dcf.wisconsin.gov/cclicensing/ccformspubs.

(c) The licensee shall obtain and maintain vehicle liability insurance with minimums no less than those specified in subch. VI. of ch. 344, Stats.

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

(e) At least once per year, the licensee shall make available to the department each vehicle that is required to have a child safety alarm under sub. (8) (a) to determine whether the child safety alarm is in good working order.

**(6)** SEAT BELTS AND CHILD SAFETY RESTRAINTS.

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

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

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

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

3. Seat belts may not be shared.

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

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

**(7)** VEHICLE CAPACITY AND SUPERVISION.

(a) The center shall be responsible for a child from the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child. A parent of a school age child may authorize a child to enter a building unescorted.

**Note:** Form, *Transportation Permission - Child Care Centers*, may be used to designate an adult to receive a child being transported. The form is available on the department's website at https://dcf.wisconsin.gov/cclicensing/ccformspubs.

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

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a disability that limits their ability to respond to an emergency.

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

(e) No child may be in a vehicle for transport to or from a center, a field trip, or other center activity for more than 60 minutes for a one-way trip.

**(8)** CHILD CARE VEHICLE SAFETY ALARM.

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

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

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

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

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

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

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

**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.

**Note:** The department's form, DCF-F-CFS0061-E, *Intake for Child under 2 Years – Child Care Centers*, is used to record information for individualizing the program of care for each child. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. Wisconsin has an information and referral service for persons with questions or concerns about a child's development called Well Badger Resource Center that is available to the public 24 hours a day, 7 days a week. When a call is placed to Well Badger Resource Center 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 a child one year of age or older shall be kept away from the child's mouth and nose, and if sleeping in a crib or playpen shall be tucked tightly under the mattress.

4. A child under one year of age may not sleep in a crib or playpen that contains soft or loose materials, such as sheepskins, pillows, blankets, flat sheets, bumper pads, bibs, pacifiers with attached soft objects, or stuffed animals. No blankets or other items may be hung on the sides of a crib or playpen.

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

**(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.

(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.

(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.

**(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, breastmilk, and formula brought from home are labeled with the child's name, dated, and refrigerated, if required

(c) Ensure that the food, breastmilk, or formula offered to infants and toddlers is consistent with the requirements of the U.S. department of agriculture child and adult care food program.

**Note:** Information on the meal program requirements of the USDA Child and Adult Care Food Program may be found on the website, http://www.fns.usda.gov/cacfp/meals-and-snacks.

(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.

(g) Refrain from heating breast milk or formula 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.

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

(L) Infant bottles and nipples may not be reused without first being cleaned and sanitized.

**(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 that is cleaned with soap and water and a disinfectant solution after each use. The disinfectant solution used shall be one that is registered with the U.S. environmental protection agency as a disinfectant and has instructions for use as a disinfectant on the label. The disinfectant shall be used according to label instructions.

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

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

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

(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.

**DCF 250.095 Additional requirements when the licensee is not providing care to children at least 50% of the center's licensed hours.** A licensee who does not provide care and supervision to children at least 50% of the center's licensed hours 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.

**(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).

**DCF 250.10 Additional requirements for night care.**

**(1)** APPLICABILITY. Family child care centers that operate during any period of time between 10:00 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-to-child ratios and group sizes under Table DCF 250.055 shall be maintained during night care.

(c) The parent or center shall provide each child in care after 10:00 p.m. with an individually labeled sleeping garment and a toothbrush.

**(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.

(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.

(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, 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 (3).

(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.

**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.

(am) An applicant for a license to operate a family child care center shall be an individual.

(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.

(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.

(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., applicable fees for child care background checks under s. 48.686, Stats., any unpaid forfeiture under s. 47.715 (3) or 49.155 (7m) (a) 3., Stats, and any unpaid penalty under s. 48.76., Stats.

2. A completed background check request form for the applicant and, if the center will be located in a residence, any household member 10 years of age and above, and any applicable fees.

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.

6m. Documentation of liability insurance on a vehicle used to transport children, as required under s. DCF 250.08 (5) (c).

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.

3. The license renewal fee under s. 48.65 (3) (a), Stats., applicable fees for child care background checks under s. 48.686, Stats., any unpaid forfeiture under s. 48.715 (3), Stats., and any unpaid 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.

6m. Documentation of liability insurance on a vehicle used to transport children as required under s. DCF 250.08 (5) (c).

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 this chapter and if the applicant has paid the applicable fees under ss. 48.65 and 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats., the department shall issue the applicant a regular license.

**(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. The department shall review a regular license every 2 years after the date of issuance.

(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.

3. The license renewal fee under s. 48.65 (3) (a), Stats., applicable fees for child care background checks under s. 48.686, Stats., any unpaid forfeitures under s. 48.715 (3) or 49.155 (7m) (a) 3., Stats., and any unpaid 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.

6m. Documentation of liability insurance on a vehicle used to transport children required under s. DCF 250.08 (5) (c).

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 this chapter, and if the applicant has paid the applicable fees under ss. 48.65 and 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats., the department shall issue the applicant a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

**(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, *Initial License Application – Family Child Care Centers*, 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.
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 250.03 (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 and in care 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. 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 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.

**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. Pursuant to s. 48.73, Stats., the department may visit and inspect any family child care center at any time during licensed hours. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children in care, staff and child records, and any other materials or individuals with information on the family child care center's compliance with this chapter.

**(3)** ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.686, 48.715, or 48.76, Stats.

## 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 the counties and tribes within each region.

| REGIONS | COUNTIES |
|---|---|
| **Northeastern Regional Office**<br>200 North Jefferson, Suite 411<br>Green Bay, WI 54301<br>Gen: (920) 785-7811<br>Fax: (920) 785-7869 | Counties: Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago<br>Tribes: Menominee, Oneida, Stockbridge-Munsee, Ho-Chunk |
| **Northern Regional Office**<br>2187 North Stevens Street, Suite C<br>Rhinelander, WI 54501<br>Gen: (715) 361-7700<br>Fax: (715) 365-2517 | Counties: Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood<br>Tribes: Bad River, Lac Courte Oreille, Lac du Flambeau, Red Cliff, Sokaogon, Forest County Potawatomi, Ho-Chunk |
| **Southeastern Regional Office**<br>141 NW Barstow, Room 104<br>Waukesha, WI 53188-3789<br>Gen: (262) 446-7800<br>Fax: (262) 446-7991 | Counties: Kenosha, Milwaukee, Racine, Waukesha |
| **Southern Regional Office**<br>1 West Wilson Street, Room 655<br>P.O. Box 8947<br>Madison, WI 53708-8947<br>Gen: (608) 422-6765<br>Fax: (608) 422-6766 | Counties: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth<br>Tribes: Ho-Chunk |
| **Western Regional Office**<br>610 Gibson Street, Suite 2<br>Eau Claire, WI 54701-3696<br>Gen: (715) 930-1148<br>Fax: (715) 930-1139 | Counties: Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn<br>Tribes: Ho-Chunk |

## APPENDIX B
## KEY STATUTES RELATED TO LICENSING OF CHILD CARE CENTERS

This appendix is based upon the 2019-20 Wisconsin Statues updated through all Supreme Court and Controlled Substances Board Orders filed before and in effect on January 1, 2021. Only pertinent portions of the statutes are included here and were obtained at docs.legis.wisconsin.gov. 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. [2019]**

**(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 conclusively determined from genetic test results to be the father under s. 767.804 or 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 conclusively determined from genetic test results to be the father under s. 767.804, 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. [2019]** 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. [2017]**

**(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. 48.686, 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. [2019]**

**(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. The department may supervise a child care program established or contracted for under s. 120.13 (14) that receives payment under s. 49.155 for the child care provided. 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. The department may also inspect the records and visit the premises of all child care programs established or contracted for under s. 120.13 (14) that receive payment under s. 49.155 for the child care provided.

(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.

**(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), 48.685 (8), and 48.686 (2) (ag) 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. [2017]**

**(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 or 48.686, whichever is 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 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.

**48.686 Criminal history and child abuse record search; child care. [2019]**

**(1)** In this section:

(ac) "Approval" means a child care center license under s. 48.65, a child care provider certification under s. 48.651, or a contract with a child care provider under s. 120.13(14).

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

1. An employee or contractor of a child care program who is involved in the care or supervision of clients.

1m. A person who has direct contact and unsupervised access to clients of a child care program.

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

(aj) "Child care program" means 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, or a temporary employment agency that provides caregivers to another child care program.

(am) "Client" means a person who receives direct care from a child care program, from an entity under s. 48.685(1)(b) or from a caregiver specified in s. 48.685(1)(ag)1.am., including all of the following:

1. An adopted child for whom adoption assistance payments are being made under s. 48.975.

2. A child for whom subsidized guardianship payments are being made under s. 48.623.

3. 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.

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

(bo) "Licensing entity" means all of the following:

1. The department when licensing a child care center under s. 48.65.

2. The department in a county with a population of 750,000 or more, a county department, or an agency or Indian tribe contracted with under s. 48.651(2) when certifying a child care provider under s. 48.651.

3. A school board when contracting with a child care provider under s. 120.13(14).

(bp) "Noncaregiver employee" means a person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premises and opportunities for interactions with clients of the child care program.

(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. 940.12, 940.22(2) or (3), 940.285(2), 940.29, 940.295, or 942.09(2).

2. A violation of s. 940.302(2) if s. 940.302(2)(a)1.b. applies.

3. An offense under ch. 948 that is a felony, other than a violation of s. 948.22(2).

4. 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.

5. 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, 943.02, 943.03, 943.04, 943.10(2), 943.32(2), 948.081, 948.21, 948.215, or 948.53(2)(b)1.

6. Only for a caregiver, as defined in par. (ag)2., a violation of s. 943.201, 943.203, or943.38(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.

7. A violation of sub. (2) or s. 48.685(2), (3), (4m)(b), or (6), 2015 stats., if the violation involves the provision of false information to or the intentional withholding of information from, the department, a county department, an agency contracting under s. 48.651(2), a school board, or a child care program.

8. 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.

9. 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. 346.63(1), (2), (5), or (6) that is a felony under s. 346.65(2)(am)4., 5., 6., or 7. or (f), (2j)(d), or (3m), or an offense under ch. 961 that is a felony.

10. A violation of s. 948.22(2), unless the person has paid all arrearages due and is meeting his or her current support obligations.

11. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1. to 10. if committed in this state.

12. A violation of the laws of another state or United States jurisdiction that if committed in this state would constitute felony battery under s. 940.19(2), (4), (5), or (6) or 940.20, a felony offense of domestic abuse, as defined in s. 813.12(1)(am), a sex offense or a violent crime under ch. 948, or a violation of s. 940.225 if the victim was a child.

**(2)**(a) A licensing entity shall require any person who applies for an initial approval to operate a child care program to submit the information required for a background check request under par. (ag). If the licensing entity is a school board, county department, or contracted agency or tribe, the licensing entity shall submit the completed background information request to the department.

(ab) Each child care program shall submit a request to the department for a background check for each potential caregiver, noncaregiver employee, and household member prior to the date on which an individual becomes a caregiver, noncaregiver employee, or household member, and at least once during every 5-year period for each existing caregiver, noncaregiver employee, or household member, except if all of the following apply to the individual:

1. The individual has received a background check as described in par. (am) while working or seeking work with another child care program within the state within the last 5 years.

2. The department provided to the child care program under subd. 1. a qualifying background check result for the individual.

3. The individual works or resides at a child care program within the state or has been separated from work or residence at a child care program within the state for a period of not more than 180 consecutive days.

(ag)1. A request for a background check to the department under par. (a) or (ab) shall be in the manner and on forms prescribed by the department, and shall include all of the following:

a. Fingerprints of the subject that meet the standards of the department.

b. Any additional information that the department deems necessary to perform the background check.

2. A request for a background check is considered submitted on the day that the department receives all of the information required under subd. 1.

3. The requester of a background check under this paragraph shall submit all fees required by the department pursuant to the instructions provided by the department, not to exceed the actual cost of conducting the background check.

(am) Upon receipt of a request submitted under par. (a) or (ab), the department shall obtain all of the following with respect to the individual who is the subject of the request:

1. A fingerprint-based or name-based 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 s. 48.685 regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity or a child care program, for a reason specified in s. 48.685(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 a child care program for a reason specified in s. 48.685(4m)(a)1. to 5.

6. 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.

7. A fingerprint-based criminal history search using the federal bureau of investigation next generation identification.

8. A search of the national crime information center's national sex offender registry.

9. A search of the following registries, repositories, or databases in the state where the caregiver or nonclient resident resided for the period starting on the date 5 years prior to the department's receipt of the background check request and ending on the date the department received the background check request:

a. The state criminal registry or repository.

b. The state sex offender registry or repository.

c. The state-based child abuse and neglect registry and database.

10. A search of the department's background check records.

(ar) After receiving a request under par. (a) or (ab), the department shall conduct the background check as expeditiously as possible and shall make a good faith effort to complete all components of the background check no later than 45 days after the date on which the request was submitted.

(bb) If information obtained under par. (am) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the

charge. If information submitted to the department under par. (ag) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) does not indicate such a charge or conviction, the department 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), information submitted under par. (ag), 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 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 par. (am), the department is not required to obtain the information specified in par. (am)1. to 10., with respect to a household member under 18 years of age whose background check request under par. (ag) indicates that the household member is not ineligible to be permitted to reside at a child care program for a reason specified in sub. (4m)(a)1. to 8. and with respect to whom the department otherwise has no reason to believe that the person is ineligible to be permitted to reside at the child care program for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am)1. to 10. with respect to a household member described in this paragraph.

(br) The department shall require the person who is the subject of a search under par. (am) 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.

**(3)**(am) Every year or at any time that the department considers appropriate, the department may request the information specified in sub. (2)(am)1. to 5. for all caregivers, noncaregiver employees, and household members.

(bm) 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 report prepared under sub. (4p)

(a) with respect to caregivers specified in sub. (1)(ag)2., specifically any information indicating that the caregiver is ineligible under sub. (4m)(a) to be licensed, certified, or contracted to operate a child care program, and describing any action taken in response to the receipt of information under sub. (2)(am) indicating that such a caregiver is so ineligible.

**(4)**(a) A child care program that violates sub. (2), (3), or (4m)(a) is subject to a forfeiture of not more than $1,000 and to other sanctions specified by the department by rule.

(b) A person who provides false information to the department under sub. (2) is subject to a forfeiture of not more than $1,000 and 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), a licensing entity may not issue an approval to operate a child care program to a person, and a child care program may not employ or contract with a caregiver or noncaregiver employee or permit a household member to reside at the child care program if the licensing entity or child care program knows or should have known any of the following:

1. That the person has been convicted of a serious crime or adjudicated delinquent 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.

2. That the person is registered or is required to be registered on a state sex offender registry or repository or the national sex offender registry.

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 the department has determined the person ineligible to receive an approval to operate a child care program, to be employed by a child care program, or to be a household member of a child care program.

6. That the person has refused to provide information under sub. (2)(ag), or that the person refused to participate in, cooperate with, or submit required information for the background check described in sub. (2)(am), including fingerprints.

7. That the person knowingly made a materially false statement in connection with the person's background check described in sub. (2).

8. That the person knowingly omitted material information requested in connection with the person's background check conducted under sub. (2).

(ad) A licensing entity may issue an approval to operate a child care program to a person conditioned on the receipt of the information specified in sub. (4p)(a) indicating that the person is not ineligible to be so licensed, certified, or contracted with for a reason specified in par. (a)1. to 8.

(c) A child care program may employ or contract with a potential caregiver or noncaregiver employee or permit a potential household member to reside at the child care program for up to 45 days from the date a background check request is submitted to the department pending the completion of the department's report under sub. (4p)(a) if the department provides a preliminary report under sub. (4p)(c) to the child care program indicating that the individual is not ineligible to work or reside at a child care program. At all times that clients of a child care program are present, an individual who received a qualifying result on a background check described in sub. (2)(am) within the past 5 years must supervise a potential caregiver, noncaregiver employee, or household member permitted to work or reside at the child care program under this paragraph.

(4p)(a) The department shall provide the results of the background check to the child care program in a written report that indicates only that the individual on whom the background check was conducted is eligible or ineligible for employment or to reside at the child care program, without revealing any disqualifying offense or other information regarding the individual.

(b) The department shall provide the results of the background check to the individual on whom the background check was conducted in a written report that indicates whether the individual is eligible or ineligible for employment or to reside at the child care program. If the individual is ineligible for employment or to reside at the child care program, the department's report shall include information on each disqualifying offense and information on the right to appeal.

(c) Before the department completes its report under par. (a), a caregiver under sub. (1)(ag)2. may submit a written request to the department for a preliminary report indicating whether a potential caregiver, noncaregiver employee, or household member is eligible to work or reside at a child care program under sub. (4m)(c). If the department receives such a request, it shall provide a written preliminary report to that caregiver indicating whether the individual is barred from working or residing at a child care program on the basis of a background check under sub. (2)(am)1. or 7. If the individual is ineligible to work or reside at a child care program based on the results of the preliminary report, the department shall also provide a preliminary report to the individual containing information related to each disqualifying offense.

(d) The results of a report under par. (c) may not be appealed by the individual until receipt of the department's report under par. (b) following completion of all components of the background check.

**(4s)**(a) An individual who is the subject of the department's report on the results of a background check may appeal the department's decision. Only the person who is the subject of the department's report may appeal the department's decision. Neither the child care program nor any other person may appeal the department's decision.

(b) An appeal request shall be submitted to the department at the address, e-mail address, or fax number identified in the statement of appeal rights no later than 10 days after the date of the department's decision, unless the appellant requests, and the department grants, an extension for a specific amount of time prior to expiration of the 10 day appeal period. Extensions may be granted for good cause shown.

(c) An appeal shall be submitted in the manner and on forms prescribed by the department, and must include all of the following information:

1. The information or issue disputed by the individual.

2. Any information known to the individual, or available to the individual through the exercise of reasonable diligence, that supports the individual's position.

3. The current or last known names, addresses, telephone numbers, and electronic mail addresses of any persons known or believed to have information relevant to determination of the appeal.

4. Copies of any documents or other materials in the possession of the individual, or reasonably available to the individual, that support the individual's position regarding the disputed information.

(e) The department shall attempt to verify the accuracy of the information challenged by the appellant, including making reasonable good faith efforts to locate any missing information regarding the disqualifying crime that is relevant to the issue identified for appeal.

(f) The department shall sustain the results of its background check report if supported by a preponderance of the available evidence.

(g) The department shall issue its appeal decision in writing. If the results of the original report are sustained upon review, the decision shall indicate the department's efforts to verify the accuracy of the information challenged by the individual. The decision shall also indicate any additional reconsideration and appeal rights available to the appellant.

(h) An appellant under this subsection may seek reconsideration of the department's decision under par. (g) by the secretary or the secretary's designee.

(i) A request for reconsideration detailing the basis for the request must be sent to the secretary at the address, e-mail address, or fax number

identified in the department's decision no later than 30 days after the date of the department's decision.

(j) The secretary or secretary's designee shall issue his or her reconsideration decision in writing and shall include information about any additional appeal rights available to the individual.

(k) A denial of reconsideration under this subsection is a final decision of the department, and the appellant has a right to a contested case hearing under ch. 227.

(L) The appeal and reconsideration process set forth in this subsection is the exclusive method for disputing a criminal history background report issued by the department. The department's decision may not be appealed in a ch. 68 or 227 proceeding challenging the denial of a license, certification, or contract to operate a child care program based on the department's criminal history background check report or challenging any other child care regulatory action taken in reliance upon that report.

(m) Notwithstanding s. 19.35, the department may not publicly release or disclose the results of any individual background report it issues, except that the department may release aggregated data by crime as listed in sub. (1)(c) from background check results so long as the data does not contain personally identifiable information. The department may disclose and use information obtained in conducting background checks as necessary during an appeal or reconsideration under this subsection or for another lawful purpose.

**(5)**(a) A person may have the opportunity to demonstrate his or her rehabilitation to the department or to a tribe authorized to conduct a rehabilitation review under sub. (5d) if any of the following apply:

1. An investigation under sub. (2)(am) indicates that sub. (4m)(a)2., 3., or 4. applies to the person.

2. An investigation under sub. (2)(am) indicates that the person has been convicted or adjudicated delinquent of a serious crime as specified under sub. (1)(c)9. or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in sub. (1)(c)9. if committed in this state, and the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, more than 5 years before the date of the investigation under sub. (2)(am).

(b) If the department or tribe determines that the person has demonstrated rehabilitation in accordance with procedures established by the department by rule or by the tribe and by clear and convincing evidence, the prohibition in sub. (4m)(a) does not apply.

**(5c)** Any person who is permitted but fails under sub. (5)(a) to demonstrate to the department 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.

**(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)** On January 1 of each year, 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), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5), 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, a licensing entity may refuse to issue an approval to operate a child care program to a person, and a child care program may refuse to employ or contract with a caregiver or noncaregiver employee or permit a household member to reside at the child care program if the person has been convicted of or adjudicated delinquent for an offense that is not a serious crime, but that is, in the stimation of the department, substantially related to the care of a client. The department shall notify the provider and the individual of the results of a substantially related determination pursuant to the process set forth in sub. (4p) for background check determinations. The individual shall have the same appeal rights as set forth in sub. (4s), and the same appeal procedures apply.

**(7)** The department shall conduct throughout the state periodic training sessions that cover procedures and uses of 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.

**(8)** The department may promulgate any rules necessary for the administration of this section.

History: 2017 a. 59; 2017 a. 364 s. 49; 2019 a. 9; s. 35.17 correction in (1)(c)12. In this case, the revocation of the petitioner's license under the caregiver law did not violate the petitioner's due process rights because the state provided adequate post–deprivation remedies. Petitioner's equal protection claim failed because the law does pass the rational basis test. Regardless of whether the law is rationally related to the goal of protecting children, the law is rationally related to the legitimate purpose of prohibiting individuals who dishonestly benefitted from government welfare in the past from obtaining government funding in the form of childcare subsidies. Brown v. Department of Children and Families, 2012 WI App 61, 341 Wis. 2d 449, 819 N.W.2d 827, 11–1350. See also Blake v. Jossart, 2016 WI 57, 370 Wis. 2d 1, 884 N.W.2d 484, 12–2578.

Jamerson, 2013 WI 7, instructs that prior to establishing that a conviction satisfies the requirements of s. 48.685(5)(br)5. [now sub. (1)(c)8.], evidence must clearly show that the conviction was for fraudulent activity. The title of the conviction and an uncorroborated criminal complaint presented at the administrative appeal hearing were insufficient to meet this standard. Blake v. Racine County Human Services Department, 2013 WI App 45, 347 Wis. 2d 499, 831 N.W.2d 439, 12–0031.

NOTE: The above annotations relate to licensure under the caregiver law under s. 48.685, stats., prior to the repeal of that section and the creation of s. 48.686 by 2017 Wis. Act 59.

**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. [2019]**

**(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 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 subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is convicted or

adjudicated delinquent for committing a serious crime, or if the results of a background check conducted under s. 48.686 indicate that the caregiver, household member, or noncaregiver employee is not eligible to be licensed, certified, employed, or permitted to reside at a child care program, 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 subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime, 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 operate, work at, or reside at 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 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 and school district child care programs. [2017]** 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. The department may visit and inspect each child care program established or contracted for under s. 120.13(14) that receives payment under s. 49.155 for the child care provided, and for that purpose shall be given unrestricted access to the premises used for the child care program.

**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. [2017]**

**(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)** Confidentiality; exceptions.

(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), 48.66(6), 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 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.

(i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a child placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative or from disclosing information under s. 48.21(5)(e), 48.355(2)(cm), or 48.357(2v)(d). In this paragraph, "relative" includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

(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.

(L)1. In this paragraph, " qualified independent researcher" means a faculty member of a university who satisfies all of the following:

a. The faculty member has an approved protocol from an institutional review board for human subjects research to work with data containing personal information for the purposes of evaluating the program under s. 119.23.

b. The faculty member has received from the state and properly managed data containing personal information for the purposes of evaluating the program under s. 119.23 before July 14, 2015.

2. Notwithstanding par. (a), the department shall permit a qualified independent researcher to have access to any database maintained by the department for the purpose of cross-matching information contained in any such database with a database that both is in the possession of the qualified independent researcher and contains information regarding pupils participating in the program under s. 119.23. The department may charge a fee to the qualified independent researcher for the information that does not exceed the cost incurred by the department to provide the information.

**48.981 Abused or neglected children and abused unborn children. [2019]**

**(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):

1. A physician.
2. A coroner.
3. A medical examiner.
4. A nurse.
5. A dentist.
6. A chiropractor.
7. An optometrist.
8. An acupuncturist.
9. A medical or mental health professional not otherwise specified in this paragraph.
10. A social worker.
11. A marriage and family therapist.
12. A professional counselor.
13. A public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d).
14. A school teacher.
15. A school administrator
16. A school counselor.

16m. A school employee not otherwise specified in this paragraph.

17. A mediator under s. 767.405.
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.
20. An alcohol or other drug abuse counselor.
21. A member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42, or 51.437 or a residential care center for children and youth.
22. A physical therapist.

22m. A physical therapist assistant.

23. An occupational therapist.
24. A dietitian.
25. A speech-language pathologist.
26. An audiologist.
27. An emergency medical services practitioner.
28. An emergency medical responder, as defined in s. 256.01(4p).
29. A police or law enforcement officer.
30. A juvenile correctional officer.

(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. [2009]**

**(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. [2017]**

**(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. Send 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 sent, 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 send a notice under this subd. 1. b. With respect to a license to practice law, the department of revenue shall send 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 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. [2019]**

**(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.

(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 C
## DCF 13 BACKGROUND CHECKS FOR CHILD CARE PROGRAMS
*Register July 2020 No. 775*

DCF 13.01 Purpose and scope
DCF 13.02 Definitions
DCF 13.03 Background check request
DCF 13.04 Obtaining armed forces information
DCF 13.05 Determining whether other offenses are substantially related
DCF 13.06 Background check eligibility
DCF 13.07 Reporting requirements
DCF 13.08 Sanctions
DCF 13.09 Appeal of background check determinations
DCF 13.10 Rehabilitation reviews by agency
DCF 13.11 Eligibility for rehabilitation review
DCF 13.12 Applying for rehabilitation review
DCF 13.13 Agency rehabilitation review process
DCF 13.14 Appealing a rehabilitation review panel's denial
DCF 13.15 Compliance with rehabilitation approval; withdrawal
DCF 13.16 Permissive acceptance of a rehabilitation approval
DCF 13.17 Fees

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.02 Definitions.** In this chapter:

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

**(2)** "Background check request form" means a form prescribed by the department on which a person completes required information for purposes of the child care background check.

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

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

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

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

(c) A barrier to a person's eligibility for employment or contract as a noncaregiver employee.

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

(a) An employee or contractor of a child care program who is involved in the care or supervision of clients.

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

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

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

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

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

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

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

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

(d) A temporary employment agency that provides caregivers or noncaregiver employees to another child care program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(15m)** "Noncaregiver employee" means a person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premises and opportunities for interactions with clients of the child care program.

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

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

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

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

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

(a) Regulatory approval.

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

(c) Residency at a child care program.

**(18)** "Reside" means to be present at a child care program for more than an aggregate of 14 calendar days within a 90-day period. "Reside" does not include incidental presence that does not afford unrestricted access to the premises or to children in care.

**(19)** "Role" means a person's job as a caregiver or noncaregiver employee or a person's status as a household member at a child care program.

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

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

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

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

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

**History:** EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; correction in (7) (a), (8) (intro.) made under s. 35.17, Stats., Register March 2020 No. 771; CR 20-003: cr. (3) (c), r. and recr. (4) (a), am. (4) (b), (7) (d), (15), cr. (15m), am. (17) (b), (19) Register July 2020 No. 775, eff. 8-1-20.

**DCF 13.03 Background check request.**

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

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

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (2) Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.04 Obtaining armed forces information.**

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

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20.

**DCF 13.05 Determining whether other offenses are substantially related.**

**(1)** CAREGIVERS, NONCAREGIVER EMPLOYEES, AND HOUSEHOLD MEMBERS. To determine whether a caregiver's, noncaregiver employee's, or household member's conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to the care of a child or the activities of a child care program, the department shall consider all of the following:

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

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

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

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

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

5. The amount and type of supervision received.

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

1. Whether intent is an element of the crime.

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

3. Any pattern of criminal convictions or delinquency adjudications.

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

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

6. Whether the crime is of a sexual nature.

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

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

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

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

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

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

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

**(2)** DOCUMENTATION. The department shall document how it reached the determination under sub. (1) that the criminal conviction or delinquency adjudication of a caregiver, noncaregiver employee, or household member is or is not substantially related to the care of a child or the activities of the child care program.

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (1) (intro.), (c) 5., (2) Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.06 Background check eligibility.**

**(1)** PRELIMINARY ELIGIBILITY.

(a) The department shall issue a preliminary eligibility determination that indicates whether a person is barred from employment as a caregiver, noncaregiver employee, or household member at the child care program based on any serious crimes reported on the federal bureau of investigation and Wisconsin department of justice fingerprint results.

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

**(2)** SUPERVISION OF PERSONS WITH PRELIMINARY ELIGIBILITY.

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

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

**(3)** FINAL ELIGIBILITY.

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

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

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

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

(b) Either of the following apply:

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (1) (a) Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.07 Reporting requirements.**

**(1)** CHILD CARE PROGRAM OFFENSE REPORTING REQUIREMENTS. A child care program shall report to the agency that granted regulatory approval as soon as the child care program knows, or should have known, that any of the following apply to a caregiver, noncaregiver employee, or household member at the child care program:

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

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

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

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

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

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

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

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

**(2)** OTHER CHILD CARE PROGRAM REPORTING.

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

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

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

2. A household member turns 10 years of age.

3. A household member turns 18 years of age.

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

5. A caregiver, noncaregiver employee, or household member at the child care program changes his or her name.

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

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

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

9. A prospective caregiver or noncaregiver employee was not hired.

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

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

**(3)** CHILD CARE PROGRAM POLICY. A child care program shall include in its personnel or operating policies a provision that requires a person who is a caregiver specified in s. DCF 13.02 (4)(a) and (b) or a noncaregiver employee to notify the child care program as soon as possible, but no later than the child care program's next working day, if any of the circumstances under sub. (1) (a) to (h) apply to the person.

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: cr. (1) (intro.), (2) (a) 2., 3., 5., 7. to 10., (3) Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.08 Sanctions.**

**(1)** CHILD CARE PROGRAM.

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

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

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

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

3m. Permits a person that the department determined was ineligible to be a household member in the child care program.

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

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

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

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

8. Violates any provision in s. 48.686, Stats., or this chapter regarding caregivers, noncaregiver employees, or household members.

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

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

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

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

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

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

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (1) (a) 3., cr. (1) (a) 3m., am. (1) (a)5., 8. Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.09 Appeal of background check determinations.**

**(1)** APPEAL RIGHTS.

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

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

**(2)** SUBMISSION OF AN APPEAL.

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

(b) An appeal under sub. (1) may be submitted no later than 10 days after the date of the department's ineligibility determination, unless the subject requests, and the department grants for good cause shown, an extension for a specific period of time prior to the expiration of the 10–day appeal period.

(c) If an appeal is not received under sub. (1) within 10 days after the department's ineligibility determination and an extension has not been approved before the expiration of the 10-day appeal period, the department's ineligibility determination made under s. DCF 13.06 (3) is final.

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

**(3)** DEPARTMENT REVIEW OF APPEALS.

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

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

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

**(4)** RECONSIDERATION OF AN APPEAL.

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

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

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

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

**History:** EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (2) (b), (c) Register July 2020 No. 775, eff. 8-1-20.

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

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

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

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

**(4)** A person who is, or is expected to be, a noncaregiver employee for a child care program that is regulated by the agency.

**History:** EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (3), cr. (4) Register July 2020 No. 775, eff. 8-1-20.

**DCF 13.11 Eligibility for rehabilitation review.**

**(1)** Except as provided under sub. (2), a person may have the opportunity to demonstrate his or her rehabilitation if any of the following apply:

(a) Section 48.686 (4m) (a) 2., 3., or 4. applies to the person.

(b) The person has been convicted or adjudicated delinquent of a serious crime as specified under s. 48.686 (1) (c) 9., Stats., or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in s. 48.686 (1) (c) 9., Stats., if committed in this state, and the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, more than 5 years before the date of the investigation under s. 48.686 **(2)** (am), Stats.

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

**(2)** A person may not have the opportunity to demonstrate his or her rehabilitation if 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 status as a household member with the same level of direct contact with clients or unsupervised access to clients.

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (1) (intro.), (2) Register July 2020 No. 775, eff. 8–1–20.

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

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

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20.

**DCF 13.13 Agency rehabilitation review process.**

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

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

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

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

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

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

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

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

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

(f) Evidence of rehabilitation, such as public or community service, volunteer work, recognition by other public or private authorities for accomplishments or efforts or attempts at restitution, and demonstrated ability to develop positive social interaction and increased independence or autonomy of daily living.

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

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

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

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

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

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

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

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

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

(p) Unmet treatment needs.

(q) The person's veracity.

**(5)** REVIEW PANEL DECISION.

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

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

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

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

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

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

c. Any conditions or limitations placed on the approval.

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

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

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

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

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

c. The reason for the denial.

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

**(6)** REVIEW PANEL DECISION DISTRIBUTION.

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

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

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

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

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

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

**(7)** RETENTION OF REHABILITATION DECISION DOCUMENTATION.

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (4) (intro.), (5) (c) 1. b., 3. b. Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.14 Appealing a rehabilitation review panel's denial.**

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

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

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

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

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

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

**(2)** A person who receives an adverse decision from the secretary of the department or the secretary's designee under sub. (1) may request a

contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date of the written decision by the department.

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20.

**DCF 13.15 Compliance with rehabilitation approval; withdrawal.**

**(1)** COMPLIANCE WITH APPROVAL CONDITIONS. A person whose rehabilitation is approved under s. DCF

13.13 shall comply with any conditions and limitations imposed with that approval.

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

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

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

(b) If an agency withdraws a rehabilitation approval under par. (a), it shall issue a written notice that explains the reasons for the withdrawal and informs the person whose approval has been withdrawn that he or she may appeal as provided in s. DCF13.14.

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

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; CR 20–003: am. (2) (c) Register July 2020 No. 775, eff. 8–1–20.

**DCF 13.16 Permissive acceptance of a rehabilitation approval.**

**(1)** SCOPE.

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

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

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

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

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

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

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

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

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

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20; correction in (1) (a) 3. made under s. 35.17, Stats., Register March 2020 No. 771.

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

**History:** EmR1918: emerg. cr., eff. 1–30–19; CR 19–089: cr. Register March 2020 No. 771, eff. 4–1–20.

# INDEX


## A

Absence
- Policies ..... 5, 35
- Supervision plan ..... 15

Accident
- Action plan ..... 18
- Recording ..... 27
- Reporting ..... 6

Activities
- During hours of operation ..... 15
- Equipment ..... 25
- Infants and toddlers ..... 33
- Night care ..... 36
- Planning ..... 24

Additional Center ..... 40
Address Change ..... 40
Administration ..... 5, 37

Age
- Child care provider ..... 12, 15
- Driver ..... 30

Alcohol ..... 2, 15
Amending a License ..... 39

Application
- Continuation application ..... 39
- Initial application ..... 38

Attendance Record ..... 9
Automated External Defibrillator ..... 12

## B

Background Check Request form
- Definition ..... 2
- Household member ..... 6
- Initial application ..... 38

BandAids ..... 29
Bedding ..... 26, 36

Beds
- Night care ..... 36
- Rest periods ..... 26
- Sharing ..... 26
- Waterbeds ..... 33

Blanket
- Infants and toddlers ..... 33
- Night care ..... 36
- Rest periods ..... 26

Bottles ..... 34
Building ..... 17

## C

Capacity ..... 5
- Night care ..... 36

Certificate
- CPR ..... 12
- Rabies vaccination ..... 29

Change
- Center location ..... 40
- Center policies ..... 39
- Off-premises play space plan ..... 22
- Ownership of the center ..... 40
- Room usage ..... 7
- Terms of the license ..... 39
- Transportation services ..... 7

Child Abuse
- Prohibited actions ..... 25
- Reporting to department ..... 7
- Staff training ..... 10

Child Abuse or Neglect
- Reporting ..... 10

Child Care Background Check
- Definition ..... 2
- Submit to department ..... 6

Child Guidance
- Policy ..... 5, 24
- Prohibited actions ..... 25
- Time outs ..... 24

Children's Records ..... 8

Cleanliness
- Diaper changing surface ..... 34
- Kitchens ..... 20

Commercial Building Codes ..... 17
Communicable Disease ..... 7, 8, 26
Complaint Investigation and Reporting ..... 43
Confidentiality ..... 9

Continuing Education
- Licensee responsibility ..... 35

Controlled Substance ..... 15

Cot
- Night care ..... 36
- Rest periods ..... 26
- Sharing ..... 26

CPR ..... 12
Creativity ..... 24

Crib
- Night care ..... 36
- Rest periods ..... 26
- Sharing ..... 26
- Soft materials ..... 33
- Tight-fitting mattress ..... 33

Cultural Diversity ..... 24

## D

Daily Acctivities
- Planning ..... 24

Daily Activities
- Age-appropriate ..... 24
- Indoor and outdoor ..... 24
- Policy ..... 5

Dangerous Items ..... 17
Days of Operation ..... 5
Denial ..... 40

Diapering
- Infants and toddlers ..... 34

Differences of Elevation ..... 17
Discipline ..... See Child Guidance
Dishwashing ..... 20

Disinfecting
- Diaper changing surface ..... 34
- Wading pool ..... 22

Doors ..... 19
Drugs ..... *See* Controlled Substance
Duplex ..... 19

## E


Electrical Outlets ..... 17
Elevation ..... 17
Emergency
  Lighting ..... 36
  Orientation of backup provider ..... 14
  Supervision plan ..... 15
  Telephone numbers ..... 17
  Transportation information ..... 30
  Vehicle ..... 17
  Written plan ..... 18, 36
Enforcement Action
  Summary Suspension ..... 41
Enforcement Action
  Denial or revocation ..... 40
  Posting requirements ..... 6
  Statutory authority ..... 43
Enrollment
  Infants and toddlers ..... 33
  Information ..... 8
  Policy ..... 5
Equipment
  Kitchen ..... 20
  Outdoor space ..... 21, 25
Equipment and Furnishings
  Requirements ..... 25
Exception to a Requirement ..... 1, 6
Exits ..... 19


## F


Fee Payment Policy ..... 5
Feeding
  Infants and toddlers ..... 34
  Night care ..... 36
Fence
  Hot tub ..... 18
  Outdoor space ..... 21
Field Trips
  Parental authorization ..... 8
  Parental notification ..... 8
  Transportation policy ..... 5
  Transportation requirements ..... 30
Fire Extinguisher ..... 19
Firearms ..... 17
Fit and Qualified ..... 37
Food ..... 20, 34
Formula ..... 34
Foster Care ..... 15
Freezer ..... 20


## G


Group Size ..... 15
Guns ..... 17


## H


Hazards ..... 17, 21
Health Care Policies ..... 5
Health Examination
  Child ..... 9
Health History ..... 8, 26
Highchair ..... 34
Hot Surfaces ..... 17
Hot Tub ..... 18
Hours of Operation ..... 5


## I


Ill Child ..... 8
Imaginative Play ..... 24
Immunization ..... 9
Incident
  Reporting ..... 6
Indoor Space ..... 17
Indoor Temperature ..... 17
Infant Seat ..... 34
Inflatable Bounce Surface ..... 25
Injury
  Authorization for emergency care ..... 28
  Parental notification ..... 8, 28
  Reporting ..... 6
  Superficial wounds ..... 29
Inspection
  Building safety ..... 17
  Fire extinguisher ..... 19
  Licensing ..... 43
Insurance ..... 31
  Written information to parents ..... 5
Intake forms ..... 33
Intellectual Stimulation ..... 25


## K


Kitchen ..... 20


## L


Language ..... 24, 33
Large Muscle
  Equipment ..... 25
  Programming ..... 24
Law Enforcement ..... 7
Lead-based Paint ..... 18
Leftovers ..... 20
License
  Amending ..... 39
  Continuation application ..... 39
  Denial or revocation ..... 40
  Initial application ..... 38
  Posting requirements ..... 6
  Summary suspension ..... 41
  Terms of operation ..... 5
Literacy ..... 24


## M


Meals
  Night care ..... 36
  Prohibited actions ..... 25
Medical Log ..... 27
Medication
  Requirements ..... 27
Missing Child ..... 18
Months of Operation ..... 5
Moving ..... 40


## N


Naps ..... 25
Night Care ..... 36
Nutrition Policy ..... 5

## O


Orientation
- Emergency back-up provider ..... 14
- Employee, volunteer, substitute ..... 13
- Written plan ..... 5, 36

Other Employment ..... 15
Outdoor Activities ..... 24
Outdoor Space
- Equipment ..... 25
- Exemption for off-premises play space ..... 21
- Hazards ..... 17
- Requirements ..... 21
- Supervision ..... 15
- Swimming ..... 22


## P


Padded Mat
- Rest periods ..... 26

Parents
- Insurance coverage ..... 5
- Notifications ..... 8
- Policies and procedures ..... 5
- Visitation ..... 7

Permanent Enclosure ..... 21
Personnel Policy ..... 35
Pets
- Policy ..... 5
- Requirements ..... 29

Physical Examination
- Child ..... 9

Play ..... 24, 33
Playpen
- Rest periods ..... 26

Poisoning ..... 17, 29
Policies ..... 5
- Transportation ..... 30

Pools ..... 15, 22
Program ..... 24
Protective Measures ..... 17
Provider
- Duties ..... 15
- Minimum age and competence ..... 12
- Qualifications ..... 12, 35

Punishment ..... See Child Guidance


## Q


Qualifications of Provider ..... 12, 35


## R


Railings ..... 17
Ratio
- Swimming ..... 23

Recalled Products ..... 17
Records
- Access ..... 9
- Children ..... 8
- Confidentiality ..... 9
- Medication administration ..... 27

Refrigerator ..... 20
Refund Policy ..... 5
Religious Instruction Policy ..... 5
Relocation ..... 40
Reports ..... 6, 10
Rest Periods ..... 25
Revocation ..... 40
Rule Exception ..... 1, 6


## S


Safety Gates ..... 33
Sanitation
- Bedding ..... 26

SBS ..... *See* Shaken Baby Syndrome
Screens ..... 20
Self-control ..... 24
Shaken Baby Syndrome prevention ..... 13
Sleeping Bag ..... 26
Small Muscle
- Equipment ..... 25
- Programming ..... 24

Smoke Detectors ..... 18
Smoking ..... 18
Snacks
- Night care ..... 36
- Prohibited actions ..... 25

Space
- Indoor ..... 17
- Outdoor ..... 21

Staff Development
- Child abuse and neglect training ..... 10
- CPR ..... 12
- Infant and toddler care ..... 12
- Orientation ..... 30
- Orientation of emergency back-up provider ..... 14
- Orientation of employee, volunteer, substitute ..... 13

Staff Qualifications ..... 12, 30, 35
Staff-To-Child Ratio ..... 15, 23
Storage
- Bedding ..... 26
- Food ..... 20
- Medication ..... 27
- Potentially dangerous items ..... 17

Substitute ..... 12
Summary of Chapter ..... 7
Summary Suspension ..... 41
Supervision
- General ..... 15
- Pets or animals ..... 29
- Swimming areas ..... 23

Swimming ..... 22


## T


Telephone ..... 17
Television ..... 24
Temperature
- Food storage ..... 20
- Indoor ..... 17
- Outdoor ..... 3

Terms of License ..... 5, 38, 39
Toilet Training ..... 25
Tornado Drill ..... 18
Toys ..... 33
Training
- Child abuse and neglect ..... 10
- CPR ..... 12
- Entry-level ..... 12

Trampoline ..... 25
Transportation
- Change in service ..... 7
- Parental authorization ..... 8, 30
- Policy ..... 5
- Requirements ..... 30

## V

Vehicle
- Emergency ..... 17
- Insurance ..... 39
- Requirements ..... 31
- Safety alarm ..... 32
- Safety inspection ..... 38, 39

Volunteer ..... 12

## W

Wading Pool ..... 15, 22
Water ..... 19, 34
Water Test ..... 19
Weather ..... 3, 24
Windows ..... 19