

Statement of Scope

Department of Children and Families

Rule Number: Chapter DCF 202, 250, 251, 252

Relating to: Child care licensing and certification updates

Rule Type: Permanent

This statement of scope was approved by the governor on September 14, 2015.

1. Finding/nature of emergency (for emergency rules only)

NA

2. Detailed description of the objective of the proposed rule

The proposed rules will primarily affect chapters DCF 202, Child Care Certification; DCF 250, Family Child Care Centers; DCF 251, Group Child Care Centers; and DCF 252, Day camps for children and day care programs established by school boards. The proposed rules will correct errors, regroup rules that address the same topics, eliminate unnecessary rules, and clarify those rules that are unclear. Current rules that contain similar but not identical language across chapters will be amended to make it consistent across chapters.

The proposed rules will make minor substantive changes, including the following:

- Ch. DCF 202, 250, 251, and 252. All rules affecting certified and licensed child care providers will be amended to prohibit the driver of a child care vehicle from using a cellular phone or other wireless communication device while transporting children, except during an emergency.
- Ch. DCF 202 and 250. Rules affecting certified family child care operators, programs, and licensed family child care centers will be amended to require vehicle liability insurance. Vehicle liability insurance is required for all drivers under s. 344.62, Stats., as created by 2009 Wisconsin Act 28. Chapters DCF 251 and DCF 252 already require vehicle liability insurance.
- Ch. DCF 250, 251, and 252. Rules affecting all licensed child care providers will be amended to provide that all persons driving a child care vehicle must complete an orientation on driving while transporting children before driving the child care vehicle and annually thereafter.
- DCF 202. Rules affecting certified child care operators will be amended to make provisions consistent with rules already in the child care licensing rules, including the following:

- A child's emergency contact information must be carried in a child care vehicle when children are being transported.
 - Smoking is prohibited in a child care vehicle while children are being transported.
 - Child care operators must have written transportation policies, including procedures to ensure that each child exit the vehicle after being transported and a requirement that the driver wait until the child is in custody of an adult designated by the parent.
 - A driver must be at least 18 years of age and have at least one year of experience as a licensed driver.
 - A driver must have a valid Wisconsin driver's license.
 - A child care vehicle must be clean, uncluttered, and enclosed. No children may be transported in a truck, except in the cab.
 - Passenger doors shall be locked at all times when a vehicle is moving.
- The proposed rules will also reorganize and clarify the instructions to certification agencies on how to administer the certification program. This will affect current sections on certification, background checks, certification denial, sanctions, and complaints.
 - In addition, the proposed rule will repeal s. DCF 202.09, on certification for school-age programs. There are there fewer than 10 certified school-age programs statewide.

3. Detailed explanation of statutory authority for the rule

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

Section 49.155 (1d), Stats., provides that the department shall promulgate rules to establish standards for the certification of child care providers under s. 48.651, Stats.

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

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule

130 hours

5. List with description of all entities that may be affected by the proposed rule:

Certified family child care operators and applicants, certified school age care programs, certification agencies, family child care licensees, group child care licensees, day camps for children program licensees

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None or minimal economic impact

8. Contact Person:

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Certified child care: Jolene Ibeling, (608) 267-2079, jolene.ibeling@wisconsin.gov.