

Statement of Scope

Department of Children and Families

Rule Number: Chapters DCF 250, 251, and 252

Relating to: School-age child care programs and other child care licensing updates

Rule Type: Permanent

This statement of scope was approved by the governor on July 16, 2021.

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

NA

2. Detailed description of the objective of the proposed rule

The proposed rules will affect the child care licensing rules chs. DCF 250, Family Child Care Centers; DCF 251, Group Child Care Centers and Child Care Programs Established or Contracted for by School Boards; and DCF 252, Day Camps for Children.

School-Age Programs

The primary focus of the proposed rules will be programs for school-age children (children 5 years of age and older) under DCF 251. The proposed changes include the following:

- Amending and clarifying rules on staff qualifications, duties, and responsibilities to reflect the needs of school-age only providers and children.
- Amending exceptions to rules for school-age only care programs, including changes in meal arrangements and notification prior to construction on the premises.
- Creating definitions for school age care programs and providers, including school-age site supervisor, school-age coordinator, group leader, and assistant group leader.

Other Licensing Updates

The proposed rules will also correct errors, eliminate unnecessary and duplicative rules, clarify rules that are unclear, and make other substantive changes to the child care licensing rules. The substantive changes include the following:

DCF 250, Family Child Care

- Requiring that a liability insurance policy include a provision that indicates the number of children covered and the dates of coverage.

DCF 250, 251, and 252, Family, Group, and Day Camps

- Requiring child abuse and neglect training to be completed within three months after hire or licensure to comply with federal requirements.
- Prohibiting the use of 10+ passenger vehicles for transporting children in care.
- Requiring that smoke detectors be installed according to manufacturer's instructions.

DCF 251 and 252, Group and Day Camps

- Requiring child care programs to report to the department if they will be closed for 2 or more weeks. This provision is already in DCF 250.

DCF 252, Day Camps

- Adding provisions on rock-climbing walls to the rule on adventure-based activities.

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.

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

250 hours

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

Family child care licensees, group child care licensees, license-exempt programs operated by public schools, and day camps for children 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:

Under 45 CFR 98.44 (b) (1) i., a state plan for the Child Care Development Fund must include the state's requirement for child care providers to complete training in specified health and safety standards prior to providing child care services or as part of an orientation that is completed within 3 months after hire or licensure. The topics that must be addressed are in 45 CFR 98.41 (a) (1) (i) to (xi), which includes prevention of shaken baby syndrome, abusive head trauma, and child maltreatment and recognition and reporting of child abuse and neglect.

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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