

Department Response to Legislative Council Rules Clearinghouse Report

DCF 12, 13, 40, 202, 204, 250, 251, and 252

CR 19-089

The following comments were not accepted:

- 2. b. The “streamlining” rule changes were widely discussed with stakeholders over the past two years and were described using that term. DCF has chosen to continue using this term for consistency.
- 2. c. The department uses the term “children” rather than “child” in its child care and child welfare rules when setting expectations for the general care of children in group settings. Using the term “children” in these rules is consistent with department practice and is understood by our stakeholders. Legally, the plural includes the singular.
- 2. i. The department will no longer use parentheses around the term “note.”
- 2. j. “Timely BID” is more specific and informative to stakeholders than “timely disclosure.”
- 2. r. This language was in anticipation of changes in 2019 Wisconsin Act 9 that extend the child care background check to employees that are not caregivers.
- 2. t. “As applicable” is correct because requests for rehabilitation reviews are frequently asking for review of multiple types of approval. One request may be denied while others are approved or approved with conditions.
- 2. xx. The department intentionally defines “supervision” differently for each type of child care setting.
- 2. bbb. The Registry is a proper noun and is appropriately capitalized.
- 2. ggg. The treatment clause for SECTION 156 is based on the model in 3.03 (1) (c) of the *LRB Bill Drafting Manual*.
- 2. ii. The proposed rule prefers the term “residence” because it is easier to understand than “dwelling.”
- 2. ll. The department prefers the existing language in the proposed certification rule.
- 2. uu. “Child care business” is the appropriate term to use in the rule on business liability insurance.
- 2. nnn. Applicants and licensees submit documentation of vehicle insurance to the department under s. DCF 250.11.
- 4. a. The department prefers to include definitions in the rule, to facilitate the ease of reading .
- 5. dd. (1) The specified phrase is in a list of provisions that do not apply in the circumstances provided in the introductory paragraph. Rule provisions not in the list are unaffected.
(2) The rule directs operators and licensees to make a judgment call on a driver’s safety record based on the factors in the rule.
(3) and (4) The terms “wireless telecommunication device” and “navigation device” are intentionally vague because technology in this area changes quickly.

- 5. ii. Licensing monitoring visits are unannounced. The licensing representative must have unrestricted access to anything relevant to compliance that is on the premises. The licensing representative may come back another day if an investigation is warranted.
- 5. uu. The department does not agree that “provide care to children” needs further clarification. “Care” is defined in s. DCF 251.03.
- 5. xx. (1) “As appropriate” means “right with respect to some end, need, use, or circumstance.” The department does not agree that increased specificity is necessary as the rule is specific to protecting children from sunburn and insect bites.
(2) “Universal precautions” is defined in s. DCF 251.03.
- 5. bbb. Program requirements for group child care centers are in s. DCF 251.07. There is no need for special program requirements that apply only to after school programs.
- 5. eee. The summary of the proposed rules focuses on substantive changes . Hearing procedures are determined by DHA and are included in their rules.
- 5. mmn. The department does not agree that the language “the camp director is on a field trip with all of the children” is unclear on whether children may still be in the camp.
- 5. ppp. (1) The department does not agree that a definition of “shelter-in-place” is needed. The term is directly from federal regulations that require child care providers to develop emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event, including procedures for evacuation, relocation, shelter-in-place, and lock-down. The proposed rule gives examples of various types of emergencies to be included such as tornado and threats to the premises. Licensees will define what shelter-in-place means for their child care center or day camp in their emergency plans.
- 5. qqq. (1) The rule provides that “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.” The rule is sufficiently clear for readers to know that the 36 hours or 6 months begins either when the food is prepared or when it is refrigerated or frozen, and there will be little time between the two.