

Clearinghouse Rule 21-100

State of Wisconsin Department of Children and Families

School-Age Child Care Programs and Other Child Care Licensing Updates

DCF 250, 251, and 252

The Wisconsin Department of Children and Families proposes **to repeal** ss. DCF 250.04 (2) (g) (Note); 250.05 (2) (e) 1. b., (4) (a) 8., and (c) 3.; 251.03 (8m); 251.05 (2) (a) 4. c., (4) (a) 10. and (c) 2. and 8.; 251.06 (1) (b) and (9) (g) 1. a. and d.; and 252.425 (2) (a) 3.; **to renumber** ss. DCF 250.03 (1), 251.03 (1), and 252.04 (1); **to consolidate, renumber, and amend** s. DCF 250.05 (2) (e) 1. (intro.) and a.; **to amend** ss. DCF 250.03 (17); 250.04 (2) (g), (4) (c) 2. (intro.), (6) (b) and (Note), and (8) (b); 250.05 (1) and (Note), (2) (e) 2. a. and b., (3) (b) 1. b. and 2., (4) (a) (intro.) and (Note), (c) 2., and 4. (Note); 250.06 (4) (a), (9) (c), and (12) (a) (intro.) and 4.; 250.07 (6) (k) (Note) and (7) (e); 250.09 (1) (c) 2. and (3) (f); 250.095 (1); 250.11 (11); 251.03 (6) and (14g); 251.04 (1) (a) and (g), (3) (d), (4) (a) 2. (intro.) and (c), and (8) (b); 251.05 (1) and (Note), (2) (a) (intro.), 2., 3. a., 4. a., b., d., and (Note), and 5., (3) (b) and (Note), (d) 3. a. and b., (e) 3. c.; Tables DCF 251.05A and 251.05B; ss. DCF 251.05 (3) (e) 5. a. and b., (f) 2. c., 3. a., bm., c., d., and e., (g) 2. a. and c., (h) (Note), (i) 2., (j) 2., (4) (c) 1. and 6. e.; Table DCF 251.055; ss. DCF 251.055 (1) (b); and 251.06 (4) (j), (6) (a), (b) 1. (Note), 2., 3., and (Note); 251.07 (1) (a) (intro.) and (Note), (2) (a) 1. and (c) and (6) (g) 4.; 251.09 (1) (j) and (3) (a) 7.; 252.04 (15m); 252.05 (9); 252.41 (2) (f), (5) (a) (intro.) and 4.; 252.42 (1) (a) (intro.), 2., and 3.; 252.43 (4) (a) and (b) 1., 2., and (Note); 252.44 (1) (a), (6) (f) 1. and (g) 4., (8) (a), and (9) (a); **to repeal and recreate** ss. DCF 250.01 (6) (a) 1. and (Note); 250.05 (2) (a) and (Note); 250.055 (2) (d); 250.06 (6) and (Note); 250.07 (6) (a) 1. and 4.; 251.04 (6) (a) 6. and (Note); 251.05 (2) (title); 251.06 (12) (a); 251.095; 251.11 (2) (c) 2.; 252.41 (1) (e) 3., (4) (a) 6. and (Note); and **to create** ss. DCF 250.03 (1g); 250.04 (2) (cm), (gm) and (Note), (3) (Lm), (4) (c) 2. d. and 3., (6) (a) 1m. and (Note); 250.05 (2) (g), (3) (gm) and (Note); 250.06 (2) (n) and (Note) and (4) (am); 250.07 (6) (h) 4m.; 250.09 (1) (c) 4g. and 4r. and (3) (bm); 250.11 (2) (ar); 251.03 (1g), (8g), (18m), (25m), (26r), (27c), (27g), (27n), (27r), and (27w); 251.04 (3) (dm), (4) (a) 2. d. and e.; 251.05 (2) (a) 8., (3) (gm) and (Note) and (gr), (4) (c) 2m. and 6. f., g., and h.; 251.06 (2) (p) and (Note), (4) (jm), (10) (h), and (12) (am); 251.07 (6) (g) 7. and 8.; 251.09 (1) (m) and (n) and (3) (a) 2m.; 251.094 and (Note) and Table 251.094; 251.11 (2) (c) 5u. and 5x. and (4) (b) 5g. and 5r.; 252.04 (1g); 252.41 (2) (p), (q), and (r) and (5) (a) 5.; 252.43 (3m) (fm); and 252.44 (6) (e) 3m., relating to school-age child care programs and other child care licensing updates.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.67 (intro)

Statutes interpreted: Section 48.65, Stats.

Related statutes and rules: NA

Explanation of Agency Authority

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.

Summary of the Proposed Rules

DCF 251.094 and 251.095, Group Child Care Centers; School-Age Programs

The primary purpose of the proposed rules is to better reflect the needs of providers and children in school-age child care programs by providing exceptions and alternate or additional requirements for school-age child care programs that are, or are in, group child care centers.

The proposed rules create a new section on *staff positions specific to school-age programs* that includes the position responsibilities and requirements for a school-age administrator, school-age director, school-age program leader, school-age group leader, and school-age program aide. Individuals in these positions must meet either the position qualifications specific to school-age programs or the position qualifications that are generally applicable to group child care centers for the comparable positions of administrator, director, child care teacher, assistant child care teacher, or program aide.

The proposed rules also modify the general *supervision* requirement of sight and sound supervision to require *sight or sound* supervision of school-age children with some exceptions. In general, a school-age program leader or a child care teacher shall supervise a group of children. A school-age group leader who has completed the training for the position or an assistant child care teacher who has completed the training for the position and is age 18 or over may provide sole supervision for a group of school-age children for no more than 45 minutes if there is a qualified school-age program leader or child care teacher on the premises.

In addition, the proposed rules modify requirements for *school-age programs that are in school-buildings* that are currently in use as schools regarding immunization records, the timeframe to report a change in room usage to the department, the timeframe to notify the department of any construction or remodeling on the premises, and the location of employee files.

The current s. DCF 251.095 is also rewritten for clarity.

DCF 250, Family Child Care Centers; DCF 251, Group Child Care Centers; and DCF 252, Day Camps for Children

The proposed rules revise chs. DCF 250, 251, and 252 to do the following:

- Require unexpected center or day camp closures lasting longer than 2 weeks to be *reported* within 24 hours after the closure.
- *Change the name* of the professional development recognition system from “The Registry” to “Wisconsin Registry” to accurately reflect that agency’s name change and

update the definition to include the relationship between The Registry, Inc. and the Wisconsin Registry.

- Repeal the defined term “course for credit” which applied to a course of at least 2 credits and create the defined term “*credit*” to mean recognition for completing a course from an institute of higher education. This change allows individuals to complete a variety of courses with different credit values to meet staff qualifications.
- Repeal the requirement for an updated *Registry Certificate* upon a significant rule revision as determined by the department.
- Clarify language regarding *water testing* to be consistent with Department of Natural Resources language.

DCF 250, Family Child Care Centers and DCF 251, Group Child Care Centers

The proposed rules revise chs. DCF 250 and 251 to do the following:

- Clarify the requirement that *child abuse and neglect training* must be completed within one week after beginning to work with children in care and every two years thereafter, in accordance with 45 CFR 98.41 and 45 CFR 98.44.
- Require centers to be *tested for radon*. A center licensed prior to the effective date of the rule will be required to test for radon within 6 months after the effective date of rule. A center licensed after the effective date of the rule will be required to test for radon prior to caring for children. After the initial tests, residential settings will be required to test for radon every 2 years and commercial centers required to test for radon every 5 years. If radon levels are higher than determined safe by the U.S. Environmental Protection Agency, installation of a remediation system is required within one year after the date of the test results.
- Require *fences surrounding swimming pools* to be 5 feet in height. This provision is consistent with the height requirement in ch. DCF 252.
- Require an *electronic monitoring device* be used for children under one year of age to maintain sight and sound supervision.
- Add a new position and qualifications for a *program aide*. A program aide shall be at least 16 years old and work under the direction and supervision of a qualified provider.
- *Smoke detectors* shall be installed according to manufacturer instructions.
- Clarify the ways all *continuing education* hours may be obtained and remove the previous maximum of 2.5 or 5 hours of training obtained through independent reading, viewing educational materials, and completion of a web-based training that does not result in a certificate.

DCF 251, Group Child Care Centers and DCF 252, Day Camps for Children

The proposed rules revise chs. DCF 251 and 252 to require group child care centers and day camps to report expected temporary *closures lasting more than 2 weeks* to the department, at least 5 days prior to the change. This provision is already in ch. DCF 250.

DCF 250, Family Child Care Centers

The proposed rules revise ch. DCF 250 to do the following:

- Require family child care center *insurance* information to include the number of children covered and the dates of coverage.
- Require family child care centers with a *private well* to test the water for lead contamination. Currently lead testing is only required in group child care centers and day camps for children with a private well; this revision will align all three licensed child care program chapters and ensure the health and safety of children in care.
- Clarify the requirements for *children and staff file* information, including the required child enrollment information, child health history information, and staff record information.
- Require children to be appropriately *clothed for the outdoors*. If the appropriate clothing is not provided by the child's parents, the child shall be clothed from a selection provided by the center.

DCF 251, Group Child Care Centers

In addition to the changes affecting school-age programs, the proposed rules revise ch. DCF 251 to do the following:

- *Reduce the number of hours of continuing education* required for child care staff in group centers who work 20 or more hours per week from 25 hours annually to 15 hours annually. With this change, all child care staff in group child care centers and family child care centers will have the same continuing education requirements.
- Creates a provision requiring staff who *work fewer than 8 months* per year to obtain 2 hours of continuing education per month of work.
- *Rename the titles* of the credentials for staff qualifications from “Wisconsin Credential” to “Registry Credential” to be consistent with the Wisconsin Registry’s titles.
- Reduce the hours of experience required to qualify to be a *director of a center with 50 or fewer* children from 320 hours to 240 hours.
- Reduce the hours of experience required to qualify to be a *child care teacher* from 320 hours to 240 hours and include licensed family child care provider as approved experience.
- Change the staff-to-child *ratios* and maximum group size for children *5 years of age to 6* years of age to be the same as the ratios and maximum group size for children 6 years of age and older.
- Repeal the requirement for a *building inspection report* to indicate which rooms have been approved for children under 30 months.

Chapter DCF 252, Day Camps for Children

The proposed rules revise ch. DCF 252 to do the following:

- Revise the definition of a boat to include a *paddleboard*.
- Clarify the rule regarding *abusive head trauma* prevention training.
- Require *medication* to be administered by the camp as directed on the label and as authorized by the parent. This provision is already in chs. DCF 250 and 251.
- Clarify the rule about when camps shall *contact a child's parent* regarding an emergency or minor injury.

Summary of Data and Analytical Methodologies

The school-age program rules are based on recommendations provided by a workgroup of school-age child care providers convened by the Wisconsin Afterschool Network. Other rules were revised based on review by the Bureau of Early Care Regulation, focusing on correcting unintended consequences of previous rule revisions, updating rules based on current industry standards, and clarifying provisions.

Summary of Related Federal Law

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.

Comparison to Adjacent States

Illinois. Radon testing is required every 3 years. Center staff are required to have up to 15 hours of continuing education annually.

Michigan. Radon testing in child care homes is required before licensure and every 4 years thereafter. Center staff are required to obtain 16 hours of continuing education annually.

Minnesota. Radon testing is not required. Continuing education requirements for child care center staff vary from 20 to 40 hours annually.

Iowa. Radon testing is required every 2 years.

Effect on Small Businesses

The proposed rules will affect small businesses that are family child care centers, group child care centers, and day camps. The rules will have minimal or no economic impact on these small businesses.

Analysis Used to Determine Effect on Small Businesses

The proposed rules affecting school-age programs remove unnecessary and inapplicable provisions for early childhood care.

The rules also add a radon testing requirement for family and group child care centers. Centers that have a radon level higher than determined safe by the U.S. Environmental

Protection Agency will incur some cost to install a remediation system, which is required within one year after the test results.

The broadening of the approved formats of continuing education and the reduction in required hours for child care staff in group child care centers may have a positive economic impact on child care programs.

Comments on the Statement of Scope

The Wisconsin Afterschool Network, Boys & Girls Clubs of Wisconsin, YMCA School Age Childcare Providers in Wisconsin, and La Crosse Area Family YMCA School-Age licensed childcare programs commented in support of the proposed changes affecting licensed school-age programs.

The Boys & Girls Clubs of Wisconsin opposed a proposal in the statement of scope to prohibit the use of vans with more than a 10-passenger capacity. The provision is not included in the proposed rules.

Agency Contact

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Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Elaine Pridgen, Department of Children and Families, 201 W. Washington Ave, P.O. Box 8916, Madison, WI, 53708-8916 or dcfpublichearing@wisconsin.gov. The comment deadline is January 5, 2022.

SECTION 1. DCF 250.03 (1) is renumbered to (1r).

SECTION 2. DCF 250.03 (1g) is created to read:

DCF 250.03 (1g) “Abusive head trauma” means a serious type of head injury, including shaken baby syndrome, that is caused by shaking, throwing, hitting, slamming, or jerking.

SECTION 3. DCF 250.03 (17) is amended to read:

DCF 250.03 (17) “In care” means ~~enrolled in the center, with~~ the center is 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.

SECTION 4. DCF 250.04 (2) (cm) is created to read:

DCF 250.04 (2) (cm) If residing in another state, designate in writing, as part of the application under s. DCF 250.11 (3) and (4), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with all requirements of this chapter.

SECTION 5. DCF 250.04 (2) (g) is amended to read:

DCF 250.04 (2) (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. The insurance policy shall indicate the number of children covered and the dates of coverage.

SECTION 6. DCF 250.04 (2) (g) (Note) is repealed.

SECTION 7. DCF 250.04 (2) (gm) and (Note) and (3) (Lm) are created to read:

DCF 250.04 (2) (gm) Provide written information to parents on whether a licensee has insurance coverage on the premises and on the child care business.

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.

(3) (Lm) Unexpected closures lasting more than 2 weeks, within 24 hours after the closure.

SECTION 8. DCF 250.04 (4) (c) 2. (intro.) is amended to read:

DCF 250.04 (4) (c) 2. (intro.) Notification shall be made immediately and shall provide sufficient detail to apprise the parent in all of the following situations:

SECTION 9. DCF 250.04 (4) (c) 2. d. and e. are created to read:

DCF 250.04 (4) (c) 2. d. The child's whereabouts are unknown to the assigned provider.

e. The child was subject to inappropriate child guidance that is prohibited under s. DCF 250.07 (2) (c) and (d).

SECTION 10. DCF 250.04 (6) (a) 1. and (Note) are repealed and recreated to read:

DCF 250.04 (6) (a) 1. Enrollment information that includes all of the following:

- a. The name and birthdate of the child.
- b. The full names of the child's parents.
- c. The child's home address and telephone number.
- d. An address and telephone number where the parent can be reached while the child is in care.
- e. The name, address, telephone number, and relationship to the child of a person to be notified in an emergency when a parent cannot be reached immediately.
- f. The name, address, and telephone number of the child's physician or medical facility caring for the child.
- g. The names, addresses, and telephone numbers of persons other than a parent authorized to call for the child, pick up the child, or accept the child who is dropped off.
- h. The child's first day of attendance at the center.

Note: The licensee may use either the department's form, DCF-F-CFS0062, *Child Care Enrollment*, or the licensee's own form. The department's form is available at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

SECTION 11. DCF 250.04 (6) (a) 1m. and (Note) are created to read:

DCF 250.04 (6) (a) 1m. Health history information that includes all of the following:

- a. The name and birthdate of the child.
- b. The full names of the child's parents.
- c. A telephone number where the parent can be reached while the child is in care.
- d. The name, address, and telephone number of the physician or medical facility caring for the child.
- e. Medical conditions. If the child has a milk allergy, a statement from a medical professional indicating an acceptable alternative for the child.
- f. If the child has a medical condition, triggers that may cause a problem, signs or symptoms for the child care provider to watch for, steps a child care provider should follow, when to call a parent regarding symptoms, when the condition requires emergency medical care, and identification of any child care staff who have received specialized training or instructions to help treat symptoms.

Note: The licensee may use the department's form, DCF-F-CFS2345 *Health History and Emergency Care Plan*, or the licensee's own form for obtaining the information.

SECTION 12. DCF 250.04 (6) (b) and (Note) and (8) (b) (intro.) are amended to read:

DCF 250.04 (6) (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 and the child's birthdate. The record shall be kept for the length of time the child is enrolled in the program.

Note: The department’s form, DCF-F-2438 Daily Attendance Record — Licensed Child Care Centers, is may be 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.

(8) (b) (intro.) The licensee shall document that each provider and substitute has received training within one week after beginning to work with children in care and at least every 2 years thereafter in all of the following:

SECTION 13. DCF 250.05 (1) and (Note) are amended to read:

DCF 250.05 (1) DEFINITION. In this section, “~~The~~ the “Wisconsin Registry” means a brand of The Registry, Inc., a professional development recognition agency.

Note: For further information, see ~~<https://www.the-registry.org/TheRegistry/AboutUs.aspx>~~ <https://www.wiregistry.org>.

SECTION 14. DCF 250.05 (2) (a) and (Note) are repealed and recreated to read:

DCF 250.05 (2) (a) The employee’s name, address, date of birth, education, position, previous work experience in child care, including the reason for leaving previous positions, and the name, address, and telephone numbers of persons to be notified in an emergency.

Note: The licensee may use the department’s form, DCF-F-CFS0053 *Staff Record - Child Care Centers*, or the licensee’s own form for recording staff information. The form is available at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

SECTION 15. DCF 250.05 (2) (e) 1. (intro.) and a. are consolidated, renumbered DCF 250.05 (2) (e) 1. and amended to read:

DCF 250.05 (2) (e) 1. ~~All of the following, except~~ Except as provided in subd. 2. ~~∴ a. A,~~ a certificate from ~~The~~ the Wisconsin Registry that indicates the person is qualified for the position within 6 months after becoming licensed or beginning to work with children in care.

SECTION 16. DCF 250.05 (2) (e) 1. b. is repealed.

SECTION 17. DCF 250.05 (2) (e) 2. and (3) (b) 1. b. and 2. are amended to read:

DCF 250.05 (2) (e) 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~~ the Wisconsin Registry until the substitute has worked for 240 cumulative hours.

(3) (b) 1. b. A ~~non-credit~~ noncredit, department-approved course in operating a child care business or ~~a course for credit~~ 2 credits 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.

2. The ~~Wisconsin~~ Registry Family Child Care Credential.

SECTION 18. DCF 250.05 (2) (g) and (3) (gm) and (Note) are created to read:

DCF 250.05 (2) (g) Documentation of compliance with orientation requirements under sub. (4) (a).

(3) (gm) 1. A program aide shall work under the direction and supervision of a child care provider.

2. A person who is a program aide shall be at least 16 years of age.

3. A person hired as a program aide shall have satisfactorily completed at least one of the following within 6 months after assuming the position:

a. An assistant child care teacher training program approved by the Wisconsin department of public instruction.

b. At least 10 hours of department-approved training on early childhood education.

c. A noncredit department-approved course on early childhood education.

Note: *Introduction to the Child Care Profession* is the noncredit course approved by the department to meet the entry-level training requirements for a program aide.

SECTION 19. DCF 250.05 (4) (a) (intro.) and (Note) are amended to read:

DCF 250.05 (4) (a) *Orientation of employees, volunteers, and substitutes.* (intro.) 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~~ on a form initialed and dated by the staff person and trainer. The orientation shall cover all of the following:

Note: Form DCF-F-CFS2255, *Staff Orientation Checklist - Family Child Care Centers*, ~~is~~ may be 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.

SECTION 20. DCF 250.05 (4) (a) 8. is repealed.

SECTION 21. DCF 250.05 (4) (c) 2. is amended to read:

DCF 250.05 (4) (c) 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, independent reading, or viewing educational materials.

SECTION 22. DCF 250.05 (4) (c) 3. is repealed.

SECTION 23. DCF 250.05 (4) (c) 4. (Note) is amended to read:

DCF 250.05 (4) (c) 4. 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~~ the Wisconsin 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>.

SECTION 24. DCF 250.055 (2) (d) is repealed and recreated to read:

DCF 250.055 (2) (d) When care is provided on a level that is more than 6 feet above or below ground level, no more than 2 children under 2 years of age per provider may be in care.

SECTION 25. DCF 250.06 (2) (n) and (Note) are created to read:

DCF 250.06 (2) (n) 1. a. A center licensed prior to the effective date of this subd. 1. a. [LRB inserts date], shall be tested for radon by 6 months after the effective date of this subd. 1. a. [LRB inserts date], and every two years thereafter.

b. A center licensed on or after the effective date of this subd. 1. b. [LRB inserts date], shall be tested for radon levels within 6 months prior to caring for children and every 2 years thereafter.

2. The licensee shall submit a copy of the radon results to the department within 5 days after receipt of the results.

3. If radon levels are higher than determined safe by the U.S. environmental protection agency, the licensee shall do all of the following:

a. Post the results next to the child care license.

b. Install and operate a remediation system according to manufacturer instructions within one year after the date of the test results.

c. After installation of the remediation system, conduct all follow-up testing or monitoring as instructed by the contractor.

Note: More information regarding radon testing can be found by contacting your local radon information center at <https://www.dhs.wisconsin.gov/radon/infocenters.htm>.

SECTION 26. DCF 250.06 (4) (a) is amended to read:

DCF 250.06 (4) (a) Smoke detectors shall be installed according to the manufacturer's instructions 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.~~

SECTION 27. DCF 250.06 (4) (am) is created to read:

DCF 250.06 (4) (am) All smoke detectors shall be tested monthly, and a record shall be kept of the time, date, and results of the test.

SECTION 28. DCF 250.06 (6) and (Note) are repealed and recreated to read:

DCF 250.06 (6) WATER. (a) A safe supply of drinking water shall be available to children at all times from a drinking fountain of the angle jet type or by use of a disposable or reusable cup or water bottle. Common use of drinkware is prohibited.

(b) If a center gets its water from a private well, the center shall comply with all of the following:

1. The center shall have water samples from the well tested for lead and bacteria by a laboratory certified by the department of agriculture, trade and consumer protection as specified in ch. NR 809. The laboratory report shall be available to the department of children and families upon request.

2. The center shall have nitrate levels in the water tested annually by a laboratory certified under ch. ATCP 77.

3. If water test results indicate the water contains high levels of lead or is bacteriologically positive, the water shall be appropriately treated and retested until it is determined to be negative. Bottled water shall be used until the water is determined to be negative. If the water

tests above the maximum allowable level of nitrates, bottled water shall be used for infants under 6 months of age and any person who is or may become pregnant.

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

SECTION 29. DCF 250.06 (9) (c) and (12) (a) (intro) and 4. are amended to read:

DCF 250.06 (9) (c) Food shall be clean, wholesome, free from spoilage and from adulteration and misbranding, and safe for human consumption. Meat, poultry, fish, molluscan shellfish, eggs, and dairy products shall be from an inspected source.

(12) (a) (intro.) 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.~~ enclosed by a 5-foot fence with a self-closing, self-latching door.

In addition, ~~the~~ all of the following restrictions apply:

4. The free-standing wall of an ~~above-ground~~ aboveground pool may not serve as an enclosure unless it is at least ~~4~~ 5 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.

SECTION 30. DCF 250.07 (6) (a) 1. and 4. are repealed and recreated to read:

DCF 250.07 (6) (a) 1. No child or other person with a reportable communicable disease specified in ch. DHS 145 may be admitted to, or be permitted to remain in, a center during the period when the disease is communicable.

4. a. Upon each child's arrival at the center, a staff person shall observe the child for symptoms of illness or injury.

b. Any child who appears to be ill shall be moved to a separate room or area.

c. A child one year of age or older shall be provided with a bed, crib, or cot and a sheet and blanket or sleeping bag.

d. A child under one year of age shall be placed in a crib or playpen with a tight-fitting mattress and mattress covering.

SECTION 31. DCF 250.07 (6) (h) 4m. is created to read:

DCF 250.07 (6) (h) 4m. Children shall be clothed in appropriate clothing when outdoors. If the appropriate clothing is not provided by a child's parent, the child shall be clothed from a center-provided and maintained selection of warm outer garments.

SECTION 32. DCF 250.07 (6) (k) (Note 1) and (7) (e) are amended to read:

DCF 250.07 (6) (k) (Note): See DCF 250.04 (3) (a) regarding reporting injuries that require medical attention to the department within 48 24 hours after the occurrence.

(7) (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 distress, or the child is treating the animal inappropriately.

SECTION 33. DCF 250.09 (1) (c) 2. is amended to read:

DCF 250.09 (1) (c) 2. Cribs and playpens shall contain a tight-fitting mattress and ~~any a~~ mattress covering ~~shall fit~~ that fits snugly over the mattress. ~~Waterbeds may not be used by children under age 2.~~

SECTION 34. DCF 250.09 (1) (c) 4g. and 4r. and (3) (bm) are created to read:

DCF 250.09 (1) (c) 4g. An electronic monitoring device shall be used in all areas or rooms where children under the age of one year are placed to sleep.

4r. Waterbeds may not be used by children under 2 years of age.

(3) (bm) Ensure each infant and toddler is correctly fed the food, breastmilk, or formula labeled with the infant's or toddler's name.

SECTION 35. DCF 250.09 (3) (f) is amended to read:

DCF 250.09 (3) (f) Discard leftover milk or formula within 2 hours after each feeding and rinse bottles after use.

SECTION 36. DCF 250.095 (1) is amended to read:

DCF 250.095 (1) The licensee shall complete at least one course from the ~~Wisconsin Professional Credential for Child Care Administrators program~~ Registry Administrator Credential within one year from the initial date that the licensee is not providing care and supervision for at least ~~50%~~ 50 percent of the center's licensed hours ~~of the center's operation~~.

SECTION 37. DCF 250.11 (2) (ar) is created to read:

DCF 250.11 (2) (ar) 1. A person may not be issued a license to operate more than 2 family child care centers.

2. Notwithstanding subd. 1., a person may operate more than 2 family child care centers if the license for each center was issued prior to the effective date of this subdivision [LRB inserts date].

SECTION 38. DCF 250.11 (11) is amended to read:

DCF 250.11 (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.~~

SECTION 39. DCF 251.03 (1) is renumbered to DCF 251.03 (1r).

SECTION 40. DCF 251.03 (1g) is created to read:

DCF 251.03 (1g) "Abusive head trauma" means a serious type of head injury, including shaken baby syndrome, that is caused by shaking, throwing, hitting, slamming, or jerking.

SECTION 41. DCF 251.03 (6) is amended to read:

DCF 251.03 (6) "Child care worker" means a child care teacher or assistant child care teacher ~~in a group child care center,~~ school-age program leader, or school-age group leader.

SECTION 42. DCF 251.03 (8g) is created to read:

DCF 251.03 (8g) "Credit" means recognition for completing a course from an institution of higher education.

SECTION 43. DCF 251.03 (8m) is repealed.

SECTION 44. DCF 251.03 (14g) is amended to read:

DCF 251.03 (14g) "In care" means ~~enrolled in the center, with the center~~ is 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.

SECTION 45. DCF 251.03 (18m) is created to read:

DCF 251.03 (18m) "Multi-site school-age organization" means an organization that operates 2 or more school-age programs.

SECTION 46. DCF 251.03 (25m) (26r), (27c), (27g), (27n), (27r), and (27w) are created to read:

DCF 251.03 (25m) “Program aide” means a person who works under the supervision of a center director or child care teacher and assists with daily activities and maintenance of the program, such as preparing and participating in program activities and cleaning the premises.

(26r) “School-age administrator” means a person who is responsible for the management of a multi-site school-age organization.

(27c) “School-age director” means a person who reports to the licensee and is responsible for the supervision of a school-age program and for the supervision of the program’s staff.

(27g) “School-age group leader” means a person who works under the supervision of a school-age program leader and helps plan, implement, and supervise daily activities for a designated group of school-age children.

(27n) “School-age program” means a program in a group child care center that serves only school-age children before and after school, on non-school days, and during the summer.

(27r) “School-age program aide” means a person who works under the direct supervision of a school-age director or school-age program leader and assists with daily activities and maintenance of the school-age program, such as preparing and participating in program activities and cleaning the premises.

(27w) “School-age program leader” means a person who plans, implements, and supervises the daily activities for a designated group of school-age children, communicates with families, works with the community, and coordinates staff in a school-age program.

SECTION 47. DCF 251.04 (1) (a) is amended to read:

DCF 251.04 (1) (a) The number of children ~~at a group child care center~~ in care at any one time may not exceed the ~~number for which the center is licensed~~ capacity of the center.

SECTION 48. DCF 251.04 (3) (d) is amended to read:

DCF 251.04 (3) (d) A change of any program services, including expected temporary closures lasting more than 2 weeks, at least 5 days prior to the change.

SECTION 49. DCF 251.04 (3) (dm) is created to read:

DCF 251.04 (3) (dm) Unexpected closures lasting more than 2 weeks, within 24 hours after the closure.

SECTION 50. DCF 251.04 (3) (g) and (4) (a) 2. (intro.) are amended to read:

DCF 251.04 (3) (g) Any known convictions, pending charges, or other offenses of the licensee, group child care center employees, or other person subject to a ~~caregiver~~ child care background check ~~which~~ that could potentially relate to the care of children at the center or activities of the center by the department's next business day.

(4) (a) 2. (intro.) Notification shall be made immediately and shall provide sufficient detail to reasonably apprise the parent in all of the following situations:

SECTION 51. DCF 251.04 (4) (a) 2. d. and e. are created to read:

DCF 251.04 (4) (a) 2. d. The child's whereabouts are unknown to the assigned provider.

e. The child was subject to inappropriate child guidance that is prohibited under s. DCF 251.07 (2) (e) and (f).

SECTION 52. DCF 251.04 (4) (c) is amended to read:

DCF 251.04 (4) (c) The center shall ~~make opportunities available~~ offer conferences at least twice each year for parent and staff communication regarding the child's adjustment to the program; and the child's growth and development.

SECTION 53. DCF 251.04 (6) (a) 6. and (Note) are repealed and recreated to read:

DCF 250.04 (6) (a) 6. Health history information that includes all the following:

a. The name and birthdate of the child.

- b. The full names of the child's parents.
- c. A telephone number where the parent can be reached while the child is in care.
- d. The name, address, and telephone number of the physician or medical facility caring for the child.
- e. Medical conditions. If the child has a milk allergy, a statement from a medical professional indicating an acceptable alternative.
- f. If the child has a medical condition, triggers that may cause a problem, signs or symptoms for the child care provider to watch for, steps a child care provider should follow, when to call a parent regarding symptoms, when the condition requires emergency medical care, and identification of any child care staff who have received specialized training or instructions to help treat symptoms.

Note: The licensee may use the department's form, DCF-F-CFS2345 *Health History and Emergency Care Plan*, or the licensee's own form for obtaining the information.

SECTION 54. DCF 251.04 (8) (b) (intro.) is amended to read:

DCF 251.04 (8) (b) (intro.) The licensee; shall ensure that every employee or volunteer who comes in contact with the children at the child care center has received training within one week after hire and at least every 2 years thereafter in all of the following:

SECTION 55. DCF 251.05 (1) and (Note) are amended to read:

DCF 251.05 (1) DEFINITION. In this section, "~~The~~ the "Wisconsin Registry" means a brand of The Registry, Inc., a professional development recognition agency.

Note: For further information, see ~~<https://www.the-registry.org/TheRegistry/AboutUs.aspx>~~
<https://www.wiregistry.org>.

SECTION 56. DCF 251.05 (2) (title) is repealed and recreated to read:

DCF 251.05 (2) (title) STAFF RECORDS.

SECTION 57. DCF 251.05 (2) (a) (intro.), 2., 3. a., and 4. a. and b. are amended to read:

DCF 251.05 (2) (a) (intro.) The licensee shall maintain a file on each employee or contracted employee. The file shall be available for examination by the licensing representative at the center and shall include all of the following:

2. Documentation ~~of a completed~~ from the department, either paper or electronic, that indicates a child care background check that indicates the person is eligible to work in a child care program as specified in 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.

3. a. A report on a physical examination ~~report on a form provided by the department~~ that was completed not more than 12 months prior to nor more than 30 days after the person was hired. 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 signed and dated by a licensed physician, physician's assistant, or other EPSDT provider. The report shall indicate that the person is free from illnesses detrimental to children, including tuberculosis, and that the person is physically able to work with young children.

4. a. A certificate from ~~The~~ the Wisconsin Registry documenting that the person has met the educational qualifications for the position under sub. (3) if the person has worked as a teacher, director, or administrator at the center for at least 6 months. A copy of an educator's license issued by the department of public instruction as a teacher may substitute for a certificate from ~~The~~ the Wisconsin Registry.

b. For school-age administrators, ~~center school-age~~ directors, and ~~teachers in school-age only programs that~~ school-age program leaders who have been in the position for 6 months or more, a certificate from ~~The~~ the Wisconsin Registry.

SECTION 58. DCF 251.05 (2) (a) 4. c. is repealed.

SECTION 59. DCF 251.05 (2) (a) 4. d. and (Note) and 5. are amended to read:

DCF 251.05 (2) (a) 4. d. For persons not required to have a certificate from ~~The~~ the Wisconsin Registry, including assistant teachers, and a teacher, center director, or administrator who has not worked for the center for more than 6 months, documentation of the person's educational qualifications.

Note: Information about how to obtain a certificate may be obtained from ~~The~~ the Wisconsin Registry's website, ~~<http://www.the-registry.org>~~ <http://www.wiregistry.org> or by calling 608-222-1123.

5. ~~Documentation~~ For persons required to have a high school diploma or its equivalent, documentation of a high school diploma or its equivalent as determined by the Wisconsin department of public instruction.

SECTION 60. DCF 251.05 (2) (a) 8. is created to read:

DCF 251.05 (2) (a) 8. Documentation of compliance with orientation requirements under sub. (4) (a).

SECTION 61. DCF 251.05 (3) (b) and (Note), (d) 3. a. and b., and (e) 3. c. are amended to read:

DCF 251.05 (3) (b) *Training on preventing ~~shaken baby syndrome~~ abusive head trauma.* Each child care worker, center administrator, center director, volunteer counted in staff-to-child ratio, or substitute who provides care and supervision to children under 5 years of age shall document completion of department-approved training in ~~shaken baby syndrome and~~ abusive

head trauma, and appropriate ways to manage crying, fussing, or distraught children prior to beginning to work with children under 5 years of age.

Note: Department–approved training in the prevention of ~~shaken baby syndrome~~ abusive head trauma is included in the department–approved non–credit courses called Introduction to the Child Care Profession and Fundamentals of Infant and Toddler or the credit-based course called Health, Safety and Nutrition offered by a Wisconsin technical college, if the course was taken after 7/1/05.

(d) 3. a. One year of experience as a manager or satisfactory completion of a noncredit department–approved course or of 2 credits in business or program administration. ~~The course may be either a non-credit course or a course for credit.~~

b. One year of experience as a center director, as a child care teacher in a group child care center or kindergarten, or as a licensee of a family child care center under ch. DCF 250; or satisfactory completion of a non–credit department–approved course or of ~~a course for credit~~ 2 credits in early childhood education or its equivalent.

(e) 3. c. Have at least ~~320~~ 240 hours of experience as a teacher or assistant teacher in a group child care center or other approved setting or have at least ~~320~~ 240 hours of experience as a licensee or provider of a family child care center under ch. DCF 250.

SECTION 62. Tables DCF 251.05A and 251.05B are amended to read:

TABLE 251.05A	
Director of a center licensed to care for 50 or fewer children	
Preservice training	Additional training
Two courses for credit <u>Four credits</u> in early childhood education-	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
The Wisconsin <u>Registry</u> Program Development Credential	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent

The Wisconsin <u>Registry</u> Preschool Credential	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
The Wisconsin <u>Infant-Toddler Registry</u> Infant Toddler Credential	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential
Two non-credit <u>noncredit</u> department-approved courses in early childhood education-	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
One course for credit and one <u>One non-credit noncredit</u> department-approved course and <u>2 credits</u> in early childhood education-	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
Forty-eight credits from an institution of higher education with at least 3 credits in early childhood education	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
A Child Development Associate (CDA) credential issued by the Council for Professional Recognition	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
A certificate from The <u>the Wisconsin</u> Registry indicating the person is preliminarily qualified as a director for a center licensed to care for 50 or fewer children	Within one year of assuming the position, one course in the Wisconsin <u>Child Care Registry</u> Administrator Credential or its equivalent
A one-year diploma in child care or early childhood education from an institution of higher education	No additional training required
An associate degree in early childhood education or child care from an institution of higher education	No additional training required
A bachelor's degree from an institution of higher education in early childhood education, education, or child development	No additional training required
A license issued by the Wisconsin department of public instruction <u>or the appropriate authority in another state</u> indicating that the person is qualified to act as a pre-kindergarten, kindergarten, or early childhood regular or special education teacher. The license may not be a one-year license with stipulations (formerly known as an emergency license); a 3-year, short-term substitute license; or a 5-year long-term	No additional training required

substitute license, as defined by the Wisconsin department of public instruction-	
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TABLE 251.05B	
Director of a center licensed to care for 51 or more children	
Preservice training	Additional training
Four courses for credit from an institution of higher education. <u>Eight credits in early childhood education from an institution of higher education.</u> Up to 2 courses in the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential series may be used to meet the early childhood education requirement if taken prior to beginning to work as a center director-	Within 3 years of assuming the position the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential
The Wisconsin Registry <u>Wisconsin Registry</u> Program Development Credential	Within 3 years of assuming the position, the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential
The Wisconsin Registry <u>Wisconsin Registry</u> Preschool Credential	Within 3 years of assuming the position, the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential
The Wisconsin Infant-Toddler Registry <u>Wisconsin Infant-Toddler Registry</u> Infant Toddler Credential	Within 3 years of assuming the position, the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential
A combination of 4 courses for credit and non-credit <u>2 noncredit</u> department-approved courses in early childhood education. Up to 2 courses in the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential series may be used to meet the early childhood education requirement if taken prior to beginning to work as a center director-	Within 3 years of assuming the position the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential
A certificate from The <u>the Wisconsin Registry</u> indicating that the person is preliminarily qualified as a director for a center licensed to care for 51 or more children	Within 3 years of assuming the position, the Wisconsin Child Care Registry <u>Wisconsin Child Care Registry</u> Administrator Credential
An associate degree in early childhood education or child care from an institution of higher education-	No additional training required
A bachelor's degree in early childhood education, education, or child development from an institution of higher education	No additional training required
A license issued by the Wisconsin department of public instruction or the appropriate authority in another state to be a pre-kindergarten, kindergarten, or early childhood regular or special education teacher. The license may not	No additional training required

<p>be a one-year license with stipulations (formerly known as an emergency license); a 3-year, short-term substitute license; or a 5-year long-term substitute license, as defined by the Wisconsin department of public instruction;</p>	
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SECTION 63. DCF 251.05 (3) (e) 5., (f) 2. c. and 3. a., bm., c., d., and e., and (g) 2. a. and c. are amended to read:

DCF 251.05 (3) (e) 5. a. Notwithstanding subd. 3. d., a person is not required to complete preservice training under Table 251.05A if the person was employed as the director of a center licensed to serve 50 or fewer children prior to September 30, 2019, and met the preservice training requirement with a certificate from ~~The~~ the Wisconsin Registry indicating the person was on Registry Level 12 or above.

b. Notwithstanding subd. 4. d., a person is not required to complete preservice training specified in Table 251.05B if the person was employed as the director of a center licensed to serve 51 or more children prior to September 30, 2019, and met the preservice training requirement with a certificate from ~~The~~ the Wisconsin Registry indicating the person was on Registry Level 14 or above.

(f) 2. c. Have at least ~~320~~ 240 hours of experience as an assistant child care teacher in a group child care center, as a licensed family child care provider, or ~~other~~ in another approved early childhood setting.

3. a. ~~Two courses for credit~~ Four credits in early childhood education or its equivalent ~~from an institution of higher education~~.

bm. ~~One course for credit~~ Two credits in early childhood education and one ~~non-credit~~ noncredit department-approved course in early childhood education.

c. ~~Certificate~~ A certificate from The the Wisconsin Registry indicating that the person is qualified as a child care teacher.

d. ~~A Wisconsin~~ The Registry Preschool Credential.

e. ~~A Wisconsin Infant Toddler~~ The Registry Infant Toddler Credential.

(g) 2. a. Be at least 18 years old and have satisfactorily completed ~~one course for credit~~ 2 credits in early childhood education or its equivalent ~~at an institution of higher education~~ within 6 months after assuming the position.

c. ~~Have~~ Be at least 17 years of age and have satisfactorily completed an assistant child care teacher training program approved by the Wisconsin department of public instruction, 2 credits in early childhood education or its equivalent, or a noncredit department-approved course in early childhood education.

SECTION 64. DCF 251.05 (3) (gm) and (Note) and (gr) are created to read:

DCF 251.05 (3) (gm) Program aide. 1. A program aide shall work under the direction and supervision of a child care teacher.

2. A person who is a program aide shall be at least 16 years of age.

3. A person hired as a program aide shall have satisfactorily completed at least one of the following within 6 months after assuming the position:

a. An assistant child care teacher training program approved by the Wisconsin department of public instruction.

b. At least 10 hours of department-approved training in early childhood education.

c. A noncredit department-approved course in early childhood education.

Note: *Introduction to the Child Care Profession* is the noncredit course approved by the department to meet the entry-level training requirements for a program aide.

(gr) *Meal preparation personnel*. Personnel who help prepare meals shall meet all of the following conditions:

1. Be at least 17 years of age.

2. Participate in the orientation under sub. (4) (a).

3. a. Except as provided in subd. 3. b., complete and document at least 4 hours of training in kitchen sanitation, food handling, and nutrition prior to beginning work, and one hour of training in kitchen sanitation, food handling, and nutrition annually thereafter.

b. Staff in a school-age only program who help prepare meals shall complete one hour of annual training in kitchen sanitation, food handling, and nutrition.

SECTION 65. DCF 251.05 (3) (h) (Note), (i) 2., (j) 2., and (Note) are amended to read:

DCF 251.05 (3) (h) Note: Information on the process for obtaining department approval for ~~non-credit~~ noncredit courses may be obtained from ~~The the~~ Wisconsin Registry at ~~www.the-registry.org~~ http://www.wiregistry.org or 608-222-1123. A list of agencies approved to offer ~~non-credit~~ noncredit department-approved courses is available on the department's website at http://dcf.wisconsin.gov.

(i) 2. A substitute who is employed by the same licensee for more than 240 hours shall ~~have completed~~ complete at least ~~one course for credit~~ 2 credits or one non-credit, department-approved course in early childhood education before completing 240 cumulative hours of work as a substitute.

(j) 2. A volunteer who is used to meet a center's required staff-to-child ratios under s. DCF 251.055 shall complete at least ~~one course for credit~~ 2 credits or one non-credit, department-approved course in early childhood education before completing 240 cumulative hours of work as a volunteer.

Note: The ~~3-credit~~ course for credit called *Health, Safety and Nutrition* offered by a Wisconsin technical college or the department-approved, ~~non-credit~~ noncredit course called *Introduction to the Child Care Profession* may be used to meet this requirement and if taken after 7/1/05 also contain the department-approved training in shaken baby syndrome prevention.

Information on agencies offering the department-approved course is available on the department's website at <http://dcf.wisconsin.gov>.

SECTION 66. DCF 251.05 (4) (a) 10. is repealed.

SECTION 67. DCF 251.05 (4) (c) 1. is amended to read:

DCF 251.05 (4) (c) 1. Each administrator, center director, ~~and child care worker who works more than 20 hours a week,~~ school-age administrator, or school-age director shall participate in at least ~~25~~ 15 hours of continuing education annually.

SECTION 68. DCF 251.05 (4) (c) 2. is repealed.

SECTION 69. DCF 251.05 (4) (c) 2m. is created to read:

DCF 251.05 (4) (c) 2m. Each administrator, center director, child care worker, school-age administrator, or school-age director who works fewer than 8 months per year shall participate in at least 2 hours of continuing education per month of employment as an administrator, center director, child care worker, school-age administrator, or school-age director.

SECTION 70. DCF 251.05 (4) (c) 6. e. is amended to read:

DCF 251.05 (4) (c) 6. e. Web-based training ~~that results in a certificate of completion.~~

SECTION 71. DCF 251.05 (4) (c) 6. f., g., and h. are created to read:

DCF 251.05 (4) (c) 6. f. Independent reading.

g. Viewing educational materials, including videos, lesson plans, and websites.

h. For participants in the YoungStar program, technical assistance under s. 48.659, Stats.

SECTION 72. DCF 251.05 (4) (c) 8. is repealed.

SECTION 73. Table DCF 251.055 is amended to read:

<p>TABLE DCF 251.055 Maximum Group Size and Minimum Number of Child Care Workers in Group Child Care Centers</p>

Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 2 Years	1:4	8
2 years to 2½ Years	1:6	12
2½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	26
5 Years to 6 Years	1:17	34
<u>6</u> Years and Over	1:18	36

SECTION 74. DCF 251.055 (1) (b) is amended to read:

DCF 251.055 (1) (b) At least one child care teacher shall supervise each group of children, except as provided in par. (c).

SECTION 75. DCF 251.06 (1) (b) is repealed.

SECTION 76. DCF 251.06 (2) (p) and (Note) are created to read:

DCF 251.06 (2) (p) 1. A group child care center that is located in a commercial building shall be tested for radon levels as follows:

a. A center licensed on or after the effective date of this subd. 1. a. [LRB inserts date], shall be tested within 6 months prior to caring for children and every 5 years thereafter.

b. A center licensed prior to the effective date of this subd. 1. b. [LRB inserts date], shall be tested by 6 months after the effective date of this subd. 1. b. [LRB inserts date], and every 5 years thereafter.

2. A group child care center that is located in a residential building shall be tested for radon levels as follows:

a. A center licensed on or after the effective date of this subd. 2. a. [LRB inserts date], shall be tested within 6 months prior to caring for children and every 2 years thereafter.

b. A center licensed prior to the effective date of this subd. 2. b. [LRB inserts date], shall be tested by 6 months after the effective date of this subd. 2. b. [LRB inserts date], and every 2 years thereafter.

3. Each center shall submit a copy of the radon test results to the department within 5 days after receipt.

4. If radon levels are higher than determined safe by the U.S. environmental protection agency, the licensee shall do all of the following:

a. Post the results next to the child care license.

b. Install and operate a remediation system according to manufacturer instructions within one year after the date of the test results.

c. After installation of the remediation system, conduct all follow-up testing or monitoring as instructed by the contractor.

Note: More information regarding radon testing can be found by contacting your local radon information center at <https://www.dhs.wisconsin.gov/radon/infocenters.htm>.

SECTION 77. DCF 251.06 (4) (j) is amended to read:

DCF 251.06 (4) (j) Fire detection and prevention systems, including smoke detectors, heat or flame detectors, pull stations, and sprinkler systems, shall be installed according to the manufacturer's instructions and maintained in good working order. ~~A signaling device, such as a smoke, heat, or flame detector shall be used to conduct monthly fire evacuation drills. The licensee shall either document that the fire detection and prevention systems are monitored by a fire prevention agency or that the detectors and alarms have been tested monthly.~~

SECTION 78. DCF 251.06 (4) (jm) is created to read:

DCF 251.06 (4) (jm) A signaling device, such as a smoke, heat, or flame detector, shall be used to conduct monthly fire evacuation drills. The licensee shall document either that the fire

detection and prevention systems are monitored by a fire prevention agency or that the detectors and alarms have been tested monthly.

SECTION 79. DCF 251.06 (6) (a), (b) 1. (Note), 2., 3., and (Note) are amended to read:

DCF 251.06 (6) (a) A safe supply of drinking water shall be available to children at all times from a drinking fountain of the angle jet type or by use of disposable or reusable cups or water bottles. Common use of ~~drinking cups~~ drinkware is prohibited.

(b) 1. **Note:** Group child care centers ~~with a non-transient, non-community served by a water system that is designated as transient or non-transient~~ are notified by the Department of Natural Resources of the required testing time frames.

2. A The center ~~servicing children under 6 months of age~~ shall have the water tested annually for nitrate levels.

3. If water test results indicate the water contains high levels of lead or is bacteriologically ~~unsafe~~ positive, the water shall be appropriately treated and re-tested until it is determined to be safe negative. Bottled water shall be used until the water is determined to be safe negative. If the water tests above the maximum allowable level of nitrates, bottled water shall be used for infants under 6 months of age and any person who is or may become pregnant.

Note: Centers using a private well should contact their regional Department of Natural Resources (DNR) office to determine whether they need to be in compliance with additional water test requirements. Child care centers ~~that serve at least 25 of the same people over 6 months of the year are considered to have a non-transient non-community water system (NTNC) and served by a water system that is designated as transient or non-transient~~ must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest Department of Natural Resources from the list at: <https://dnr.wi.gov/Contact/SSbyCounty.html> <https://dnr.wisconsin.gov/topic/DrinkingWater>.

SECTION 80. DCF 251.06 (9) (g) 1. a. and d. are repealed.

SECTION 81. DCF 251.06 (10) (h) is created to read:

DCF 251.06 (10) (h) The hot water temperature may not exceed 120 degrees Fahrenheit for sinks, showers, or bathtubs used by or accessible to children in care.

SECTION 82. DCF 251.06 (12) (a) is repealed and recreated to read:

DCF 251.06 (12) (a) 1. Aboveground and in-ground swimming pools on the premises may not be used by children in care.

2. Swimming pools shall be enclosed by a 5-foot fence with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 4 inches or less.

3. If access to the pool is through a gate, the gate shall be closed and visibly locked during the licensed hours of the center.

4. 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.

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

6. The free-standing wall of an aboveground pool may not serve as an enclosure unless it is at least 5 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.

7. 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.

SECTION 83. DCF 251.06 (12) (am) is created to read:

DCF 251.06 (12) (am) A beach on the premises may not be used by children in care. Access to a beach shall be controlled so that children may not enter the area.

SECTION 84. DCF 251.07 (1) (a) (intro.) and (Note), (2) (a) 1. and (c), and (6) (g) 4. are amended to read:

DCF 251.07 (1) (a) (intro.) Each group child care center shall have a written program of daily activities which posted that are suitable for the developmental level of each child and each

group of children. The program shall provide each child with experiences ~~which~~ that will promote all of the following:

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.

Note: The standards of quality for school-age programs are addressed in the School-Age Curricular Framework course. More information on this course is available at <https://www.wiafterschoolnetwork.org/en/Courses>.

(2) (a) 1. ~~“Time-out~~ A “time-out period” means an interruption of unacceptable behavior by removing the child from the situation in a non-humiliating manner and placing the child in a designated location in order to interrupt the child’s unacceptable behavior, not to isolate the child, but to allow the child an opportunity to pause and, with support from the caregiver, reflect on behavior and gain self-control.

(c) If a center uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 3 minutes, and the procedure shall be included in the center’s child guidance policy. ~~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.~~

(6) (g) 4. Children shall be clothed to ensure body warmth and comfort. ~~Wet or soiled clothing shall be changed promptly from an available supply of clean clothing.~~

SECTION 85. DCF 251.07 (6) (g) 7. and 8. are created to read:

DCF 251.07 (6) (g) 7. Wet or soiled clothing shall be changed promptly from an available supply of clean clothing.

8. The center shall maintain a selection of warm clothing and outer garments for a child's use when appropriate clothing is not provided by the child's parent.

SECTION 86. DCF 251.09 (1) (j) is amended to read:

DCF 251.09 (1) (j) Cribs and playpens shall contain a tight-fitting mattress and ~~any a~~ mattress covering ~~shall fit~~ that fits snugly over the mattress. ~~Water beds may not be used by children under age 2.~~

SECTION 87. DCF 251.09 (1) (m) and (n) and (3) (a) 2m. are created to read:

DCF 251.09 (1) (m) An electronic monitoring device shall be used in any area or room where children under one year of age are placed to sleep.

(n) Water beds may not be used by children under 2 years of age.

(3) (a) 2m. Ensure each infant and toddler is correctly fed the food, breastmilk, or formula labeled with the infant's or toddler's name.

SECTION 88. DCF 251.09 (3) (a) 7. is amended to read:

DCF 251.09 (3) (a) 7. Discard leftover milk or formula within 2 hours after each feeding and rinse bottles after use.

SECTION 89. DCF 251.094 are created to read:

DCF 251.094 Staff in school-age programs. (1) APPLICABILITY. (a) This section applies to group child care centers that serve only school-age children and group child care centers that serve school-age children in groups separate from children who are under 5 years of age.

(b) Except for s. DCF 251.09, all requirements under ss. DCF 251.04 to 251.12 apply to school-age programs in addition to or except as specified in this section and s. DCF 251.095.

(2) SCHOOL-AGE ADMINISTRATOR. (a) The licensee may act as a school-age administrator. If the licensee does not act as the school-age administrator, the licensee shall designate a person or persons to be the school-age administrator. The school-age administrator shall be responsible for overall organizational management, including personnel, finance, physical plant, and the implementation of policies and procedures.

(b) A school-age administrator, including a licensee that is a school-age administrator, shall meet either the qualifications of an administrator under s. DCF 251.05 (3) (d) 2. to 5. or the qualifications in this subsection.

(c) A school administrator shall be at least 21 years of age and have completed high school or its equivalent, as determined by the Wisconsin department of public instruction.

(d) 1. Before a person assumes the position of school-age administrator, the person shall have all the following,

a. At least one year of experience as a manager or satisfactory completion of a department-approved course in business or program administration.

b. One year of experience as a school-age director or satisfactory completion of a noncredit department-approved course or course for credit in school-age child growth and development.

2. Notwithstanding subd. 1., a person is not required to complete the preservice training specified in subd. 1. if the person was employed as a school-age administrator prior to the effective date of this paragraph [LRB inserts date], and met the preservice training requirements at that time.

(e) Within one year after assuming the position, each school-age administrator shall complete at least 10 hours of training in supervision or personnel management if the school-age

administrator has not previously received that training. The training may be counted as part of the annual continuing education requirement.

(3) SCHOOL-AGE DIRECTOR. (a) A school-age director shall be responsible for the management and implementation of the program for the school-age children; supervision of the staff, including recruitment, hiring, and training; oversight for regulatory compliance; and development of policies and procedures.

(b) No person may act as the school-age director for more than 5 school-age program sites.

(c) A school-age director shall meet either the qualifications of a center director under s. DCF 251.05 (3) (e) 3. to 5. or all of the following qualifications:

1. Be at least 21 years of age.
2. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.
3. Have at least 240 hours of experience as a school-age program leader, public or private school teacher, student teacher, coach, camp counselor, mentor in a community-based organization, or equivalent experience in another approved setting.
4. Have completed at least one of the preservice training requirements in Table 251.094 prior to beginning work as a school-age director, except as specified in par. (d). The school-age director shall also complete any additional training requirements in Table 251.094 as provided.

TABLE 251.094	
Director of a school-age program	
Preservice training	Additional training
A combination of 2 noncredit department-approved courses in school-age care and 6 credits from an institution of higher education in leadership, management, education, physical education, community health, child guidance, recreation, psychology, social work, or juvenile justice	Within one year of assuming the position, at least 10 hours in staff supervision or coaching and mentoring-

Twelve credits from an institution of higher education in leadership, management, education, physical education, community health, child guidance, recreation, psychology, social work, or juvenile justice	Within one year of assuming the position, at least 10 hours in staff supervision or coaching and mentoring-
Forty-eight credits from an approved institution of higher education with at least 2 credits in school-age child growth and development	Within one year of assuming the position, at least 10 hours in staff supervision or coaching and mentoring-
The Registry Afterschool & Youth Development Credential	No additional training required
The Registry Child Care Administrator Credential	No additional training required
An associate degree from an institution of higher education	No additional training required
A bachelor's degree from an institution of higher education	No additional training required
An educator license issued by the Wisconsin department of public instruction or the appropriate authority in another state to be a kindergarten, early childhood, middle school, or high school regular or special education teacher-	No additional training required

Note: The noncredit courses approved by the department to meet the entry-level training requirements for a director are *Introduction to the School-Age Care Profession* and *Skills and Strategies for the School-Age Teacher*. Directors may also meet this requirement by completing both *Guiding Behavior of Children in School-Age Programs* and *School-Age Curricular Framework* in place of *Skills and Strategies for the School-Age Teacher*.

(d) A person employed as a school-age director prior to the effective date of this paragraph [LRB inserts date], is not required to complete the preservice training specified in par. (c) 4.

(4) SCHOOL-AGE PROGRAM LEADER. (a) A school-age program leader shall plan, implement, and supervise the daily activities for a group of children, and is also responsible for communication with families, relations with the community, and coordination with other school-age staff.

(b) A school-age program leader shall meet either the qualifications of a child care teacher under s. DCF 251.05 (3) (f) 2. and 3. or all the following conditions:

1. Be at least 18 years of age.

2. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

3. Have at least 240 hours of experience as a group leader, school-age assistant, public or private school teacher, student teacher or practicum, coach, camp counselor, mentor through a community-based organization, or in another approved setting.

(c) Prior to assuming the position, a person hired to be a school age program leader shall complete or obtain one of the following:

1. Four credits in school-age child growth and development or its equivalent from an institution of higher education.

2. The first 2 courses of the Registry Afterschool & Youth Development Credential.

3. Two noncredit department-approved courses for a school-age program and group leaders.

Note: The noncredit courses approved by the department to meet the entry level training requirements for a school-age program leader are *Introduction to the School-Age Care Profession* and *Skills and Strategies for the School-Age Teacher*. Program leaders may also meet this requirement by completing both *Guiding Behavior of Children in School-Age Programs* and *School-Age Curricular Framework* in place of *Skills and Strategies for the School-Age Teacher*.

4. A combination of 2 credits from an institution of higher education in education, physical education, community health, child guidance, recreation, psychology, social work, juvenile justice, and one noncredit department approved course.

Note: The noncredit course approved by the department to meet the entry level training requirements for a school-age program leader *Skills and Strategies for the School-Age Teacher*. Program leaders may also meet this requirement by completing both *Guiding Behavior of Children in School-Age Programs* and *School-Age Curricular Framework* in place of *Skills and Strategies for the School-Age Teacher*.

(5) SCHOOL-AGE GROUP LEADER. (a) A school-age group leader shall work under the supervision of a school-age program leader.

(b) A school-age group leader shall work with the program leader to plan, implement, and supervise the daily activities for a group of children.

(c) A school-age group leader shall meet either the qualifications of an assistant child care teacher under s. DCF 251.05 (3) (g) 2. and 3. or meet all the following conditions:

1. Be at least 18 years of age.

2. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

3. Have satisfactorily completed one of the following within 6 months after assuming the position:

a. A noncredit department-approved course in school-age care.

Note: *Introduction to the School-Age Care Profession* is the noncredit course approved by the department to meet the entry level training requirements for a school-age group leader.

b. Two credits in school-age child growth and development or its equivalent at an institution of higher education.

c. The first course of the Registry Afterschool & Youth Development Credential.

(6) SCHOOL-AGE PROGRAM AIDE. (a) A school-age program aide shall work under the direction and supervision of a school-age program leader.

(b) A person who is a school-age program aide shall be at least 16 years of age.

(c) A school-age program aide shall either meet the qualifications of a program aide under s. DCF 251.05 (3) (gm) 3. or have satisfactorily completed at least one of the following within 6 months after assuming the position:

1. An assistant child care teacher training program approved by the Wisconsin department of public instruction

2. At least 10 hours of training approved by the department in the care of school-age children.

3. A noncredit department-approved course in school-age care.

Note: *Introduction to the School-Age Care Profession* is the noncredit course approved by the department to meet the entry-level training requirements for a school-age program aide.

SECTION 90. DCF 251.095 is repealed and recreated to read:

DCF 251.095 Additional requirements, modifications, and exceptions for school-age programs. (1m) APPLICABILITY. (a) This section applies only to group child care centers that serve only school-age children and group child care centers that serve school-age children in groups separate from children who are under 5 years of age.

(b) All requirements under ss. DCF 251.04 to 251.08 and 251.094 to 251.12 apply to school-age programs in addition to or except as specified in this section and s. DCF 251.094.

(2m) SUPERVISION. All of the following modify or are in addition to the requirements in s. DCF 251.055 (1):

(a) A school-age program shall be responsible for the health, safety and well-being of a school-age child between the time the child arrives at the school-age program and the time the child is released to the child's parent or to another activity that is specifically authorized in writing by the child's parent.

(b) Notwithstanding s. DCF 251.055 (1) (a), each school-age child shall be supervised by a school-age program leader or child care teacher who is within sight or sound of the child to guide the child's behavior and activities, prevent harm, and ensure safety, except as provided in pars. (d) to (f).

Note: DCF 251.055 (1) (a) requires sight and sound supervision.

(c) Notwithstanding s. DCF 251.055 (1) (b), at least one school-age program leader or child care teacher shall supervise each group of school-age children, except as provided in pars. (d) and (e).

(d) Notwithstanding s. DCF 251.055 (1) (c), a school-age group leader who has completed the training required under s. DCF 251.094 (5) (c) 3. or an assistant child care teacher who has completed the training required under s. DCF 251.05 (3) (g) 2. and is age 18 or over may provide sole supervision for a group of school-age children for no more than 45 minutes if there is a qualified school-age program leader or child care teacher on the premises.

(e) A child 8 years of age or older may be authorized by the child care worker supervising the child to participate in program-sponsored activities in a school-age program away from the direct supervision of the assigned child care worker.

(f) A child 8 years of age and older may move between groups of children if a tracking method is implemented to ensure that the assigned child care worker knows the whereabouts of the child.

(g) When 9 or more children are on a field trip, there shall be at least 2 child care workers accompanying the children and the staff-to-child ratios in Table DCF 251.055 shall be maintained. Notwithstanding s. DCF 251.055 (2) (j), at least one of the child care workers shall be a school-age program leader or a child care teacher.

(h) A school-age program shall have on file an agreement, signed by the parent, that specifies the attendance schedule to be followed and authorizes the child's release to activities away from the school-age program.

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

(3m) ADDITIONAL REQUIREMENTS FOR MEALS AND SNACKS. In addition to the requirements on meals, snacks, and food service in s. DCF 251.07 (5), the following provisions apply to school-age programs:

(a) All children attending a school-age program when a meal or snack is served shall be offered the meal or snack.

(b) School-age children present after school shall be served a snack.

(4m) EXCEPTIONS FOR SCHOOL-AGE PROGRAMS. The following provisions do not apply to school-age programs:

(a) Section DCF 251.06 (2) (b), only regarding protection of electrical outlets. All other protective measures in s. DCF 251.06 (2) (b) apply.

(b) Section DCF 251.06 (11) (b) 7., regarding a permanent enclosure of outdoor play space. If hazards exist, such as traffic or bodies of water, the boundaries of outdoor play space shall be made known to the children.

(c) Section DCF 251.07 (3) (e) and (h), regarding shelves and storage space for clothing and personal belongings.

(5m) EXCEPTIONS AND MODIFICATIONS FOR SCHOOL-AGE PROGRAMS IN SCHOOL BUILDINGS.

(a) *Exceptions.* The following requirements do not apply to school-age programs in school buildings that are currently in use as school buildings:

1. Section DCF 251.04 (6) (a) 6m., relating to documentation of a school-age child's immunization records, only if the school-age program has approved access to the school's vaccination records.

2. Section DCF 251.06 (1) (a), relating to maintaining a building inspection report.

3. Section DCF 251.06 (2) (n), relating only to the requirement that garbage containers be covered. All other requirements of s. DCF 251.06 (2) (n) shall be met.

4. Section DCF 251.06 (2) (o), relating to the requirement that windows and doors used for ventilation be screened.

5. Section 251.06 (2) (p), relating to radon testing.

6. Section DCF 251.06 (4) (a), relating to fire extinguishers.

7. Section DCF 251.06 (4) (j), relating to testing smoke detectors and fire alarms.

8. Section DCF 251.06 (6) (b), relating to testing well water.

9. Section DCF 251.06 (11) (b) 5., relating to the requirement for an energy absorbing surface on playgrounds to a depth of at least 9 inches.

(b) *Modifications.* Notwithstanding ss. DCF 251.04 (3) (h) and (L) and 251.05 (2) (a) (intro.), the following modified versions of the specified provisions apply to school-age programs in school buildings that are currently in use as school buildings:

1. Section DCF 251.04 (3) (h), except that the licensee shall report 10 days prior to the change instead of 20 days.

2. Section 251.04 (3) (L), except that the licensee shall report any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license in writing at least 10 working days before the construction or remodeling begins.

3. Section 251.05 (2) (a) (intro.), except that the licensee shall maintain a file on each employee or contracted employee. The file shall be available for examination by the licensing representative at the location of the school-age program within 2 hours after the request and shall include all of the following:

SECTION 91. DCF 251.11 (2) (c) 2. is repealed and recreated to read:

DCF 251.11 (2) (c) 2. a. A background check request form completed by the applicant.

b. If the applicant is a limited liability company, background check request forms completed by all members of the limited liability company.

c. If the center is or will be located in a residence, background check request forms completed by all household members 10 years of age and above.

SECTION 92. DCF 251.11 (2) (c) 5u. and 5x. are created to read:

DCF 251.11 (2) (c) 5u. Results of water tests if the center has a private well.

5x. Results of a vehicle safety inspection if the center will transport children.

SECTION 93. DCF 251.11 (4) (b) 5g. and 5r. are created to read:

DCF 251.11 (4) (b) 5g. Results of water tests if the center has a private well.

5r. Results of a vehicle safety inspection if the center will transport children.

SECTION 94. DCF 251.11 (10) is amended to read:

DCF 251.11 (10) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. Any person aggrieved by the department's decision to deny a probationary or regular 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. (8). ~~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 transaction report that accompanies the document.~~

~~Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.~~

SECTION 95. DCF 252.04 (1) is renumbered to (1r).

SECTION 96. DCF 252.04 (1g) is created to read:

DCF 252.04 (1g) “Abusive head trauma” means a serious type of head injury, including shaken baby syndrome, that is caused by shaking, throwing, hitting, slamming, or jerking.

SECTION 97. DCF 252.04 (15m) is amended to read:

DCF 252.04 (15m) “In care” means ~~enrolled in the camp, with the camp~~ is providing supervision, either on or off the premises, including during camp-provided transportation, for the safety and developmental needs of the child or children.

SECTION 98. DCF 252.05 (9) is amended to read:

DCF 252.05 (9) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. Any person aggrieved by the department’s decision to deny a probationary or regular 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. (8). ~~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 transaction report that accompanies the document.~~

~~Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.~~

SECTION 99. DCF 252.41 (1) (e) 3. is repealed and recreated to read:

DCF 252.41 (1) (e) 3. Vehicle liability insurance for non-owned vehicles with minimums not less than the amounts specified under s. 121.53, Stats., if transportation is provided in vehicles that are not owned by the camp and are not public transportation vehicles or chartered vehicles.

SECTION 100. DCF 252.41 (2) (f) is amended to read:

DCF 252.41 (2) (f) Any known convictions, pending charges, or other offenses of the licensee, day camp employees, or other persons subject to a ~~caregiver~~ child care background check which could potentially relate to the care of children at the camp or the activities of the camp by the department's next business day.

SECTION 101. DCF 252.41 (2) (p), (q), and (r) are created to read:

DCF 252.41 (2) (p) Expected temporary closures lasting more than 2 weeks, at least 5 calendar days before the closure.

(q) Unexpected closures lasting more than 2 weeks, within 24 hours after the closure.

(r) Any change in swimming or water activities, boating, firearms and archery, horseback riding, or adventure-based activities, at least 20 working days prior to the change.

SECTION 102. DCF 252.41 (4) (a) 6. and (Note) are repealed and recreated to read:

DCF 252.41 (4) (a) 6. Health history information that includes all the following:

- a. The name and birthdate of the child.
- b. The full names of the child's parents.
- c. A telephone number where the parent can be reached while the child is in care.
- d. The name, address, and telephone number of the physician or medical facility caring for the child.
- e. Medical conditions. If the child has a milk allergy, a statement from a medical professional indicating an acceptable alternative.

f. If the child has a medical condition, triggers that may cause a problem, signs or symptoms for the child care provider to watch for, steps a child care provider should follow, when to call a parent regarding symptoms, when the condition requires emergency medical care, and identification of any child care staff who have received specialized training or instructions to help treat symptoms.

Note: The licensee may use the department's form DCF-F-CFS2345, *Health History and Emergency Care Plan*, or the licensee's own form for obtaining the information.

SECTION 103. DCF 252.41 (5) (a) (intro.) and 4. are amended to read:

DCF 252.41 (5) (a) (intro.) The camp director shall notify the parents of a child in care immediately and shall provide sufficient detail to apprise the parent if any of the following occurs:

4. The ~~child is missing~~ child's whereabouts are unknown.

SECTION 104. DCF 252.41 (5) (a) 5. is created to read:

DCF 252.41 (5) (a) 5. The child was subject to inappropriate child guidance that is prohibited under s. DCF 252.44 (2) (c) and (d).

SECTION 105. DCF 252.42 (1) (a) (intro.), 2., and 3. are amended to read:

DCF 252.42 (1) (a) (intro.) The licensee shall maintain a file on each employee and contracted employee that shall be available for examination by the licensing representative. Each employee's file shall include all of the following:

2. Documentation of any pertinent certification or training required for the position, including department-approved training in ~~shaken baby syndrome prevention~~ abusive head trauma, and appropriate ways to manage crying, fussing, or distraught children prior to ~~and the effects of shaking an infant or young child, taken before~~ beginning to work with children in care, if the person will provide care to children under 5 years of age.

3. Documentation of a ~~completed~~ from the department, either paper or electronic, that indicates a child care background check that indicates 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.

SECTION 106. DCF 252.425 (2) (a) 3. is repealed.

SECTION 107. DCF 252.43 (3m) (fm) is created to read:

DCF 252.43 (3m) (fm) Food shall be clean, wholesome, free from spoilage, free from adulteration or misbranding, and safe for human consumption. Meat, poultry, fish, molluscan shellfish, eggs, and dairy products shall be from an inspected source.

SECTION 108. DCF 252.43 (4) (a) and (b) 1., 2., and (Note) are amended to read:

DCF 252.43 (4) (a) A supply of safe drinking water shall be available to children at all times from disposable or reusable cups, covered water bottles labeled with the child's name, or angle jet type drinking fountains. Common use of ~~drinking cups~~ drinkware is prohibited.

(b) 1. When a public water system is not available, a private well may be used if it is approved by the department of natural resources. At least 2 weeks prior to the camp opening each year, water samples from an approved well shall be tested for lead and bacteria by a laboratory certified under ch. ATPC 77. The water supply shall be bacteriologically safe negative. The laboratory report shall be made available to the department upon request.

2. If the results of the water test under subd. 1. indicate the water is bacteriologically ~~unsafe positive~~, the water shall be appropriately treated and re-tested until it is determined to be safe negative. Bottled water shall be used on a temporary basis until the water is determined to be safe negative.

Note: ~~Camps using a private well that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non-community water system (NTNC) and~~

served by a water system that is designated as transient or non-transient must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest department of natural resources office from the list at <https://dnr.wi.gov/Contact/SSbyCounty.html> <https://dnr.wisconsin.gov/topic/DrinkingWater>.

SECTION 109. DCF 252.44 (1) (a) is amended to read:

DCF 252.44 (1) (a) Each day camp shall have a written program of activities that shall be planned according to the developmental level of each child and each group of children and intended to expose children to a variety of cultures. The needs of children with disabilities shall be considered when planning the programming and activities for enrolled children. The program of activities shall focus on the ~~out-of-doors~~ outdoors and the natural environment and shall reflect the camp's written policies. The program shall provide each child with experiences ~~which~~ that will promote all of the following:

SECTION 110. DCF 252.44 (6) (e) 3m. is created to read:

DCF 252.44 (6) (e) 3m. All medication for a child in care shall be administered by the camp as directed on the label and as authorized by the parent.

SECTION 111. DCF 252.44 (6) (f) 1. and (g) 4., (8) (a), and (9) (a) are amended to read:

DCF 252.44 (6) (f) 1. Written permission from the parent to call ~~the family physician or refer the child or for medical care in case of emergency~~ a child's physician or refer the child for medical care in case of injury shall be on file at the camp. ~~This permission shall be used only when the parent or the designated responsible person cannot be reached.~~ The camp shall contact the parent as soon as possible after an emergency has occurred or, if the injury is minor, when the parent picks up the child.

(g) 4. The director or a designee shall review records of injuries with staff ~~every 6 months~~ monthly during camp operations to ensure that all possible preventive measures are being taken. The reviews shall be documented in the medical ~~log book~~ logbook under subd. 1.

(8) (a) In this section, “boat” means every description of watercraft used or capable of being used as a means of transportation on water, including canoes, kayaks, large inner tubes, inflatable boats, paddleboards, and sailboards. Small inflatable toys such as swim rings and air mattresses are not considered “boats” under this definition.

(9) (a) The archery or shooting range may be used only under the supervision of a trained adult instructor who holds a certification in bowhunter or hunter safety, respectively.

SECTION 112. EFFECTIVE DATE. These rules shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.