

Chapter DCF 252

DAY CAMPS FOR CHILDREN AND DAY CARE PROGRAMS
ESTABLISHED BY SCHOOL BOARDS**Subchapter I — Day Camps for Children**

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Note: Sections HSS 55.01 to 55.44 as they existed on October, 1984 were repealed and new sections HSS 55.01 to 55.44 were created effective November 1, 1984. Corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HSS 55 was renumbered chapter HFS 55 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1997, No. 494. Chapter HFS 55 was renumbered to chapter DCF 252 under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635.

Preface

Section 48.65, Stats., requires that persons who provide, for compensation, care and supervision for 4 or more children under 7 years of age for less than 24 hours a day must be licensed by the department.

The same statute directs the department to establish rules which must be met for a person to qualify for a license and which protect and promote the health, safety and welfare of the children in a day care center. Chapter DCF 252 represents the minimum level of acceptable care that a licensee is to provide to children in a day camp in Wisconsin. Chapter DCF 250 represents the minimum level of acceptable care that a licensee is to provide to children in a family day care center serving 4 to 8 children. Chapter DCF 251 represents the minimum level of acceptable care that a licensee is to provide to children in a group day care center serving 9 or more children. The rules should not be confused with accreditation by professional organizations which is based upon conformity with ideal rather than minimal standards.

Chapter DCF 252 also references standards and procedures for determining compliance of day care programs established by school boards with licensing standards.

Clearly, the fact that a day camp is licensed in no way diminishes the responsibility of parents for vigilance in seeing that their children are receiving care which protects their physical well-being and encourages healthy intellectual and emotional development.

Subchapter I — Day Camps for Children

DCF 252.01 Scope. Sections DCF 252.01 to 252.44 apply to day camps for children.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; am. Register, August, 1989, No. 404, eff. 9–1–89; am. Register, January, 1997, No. 493, eff. 8–1–97; correction made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 252.02 Authority and purpose. (1) AUTHORITY. This subchapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for child care centers and day camps for children.

(2) PURPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of children being cared for in day camps in Wisconsin.

(3) CONSTRUCTION. This chapter shall be liberally construed to effect the objectives in sub. (2).

(4) EXCEPTION TO A REQUIREMENT. The department may grant an exception to a requirement of this chapter when it is demonstrated to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of the children served. A request for an exception shall be in writing, shall be sent to the department, and shall include justification for the requested action and an explanation of the alternative provisions planned to meet the intent of the requirement.

Note: A request for an exception to a requirement of this chapter should be sent to the appropriate regional office of the Department's Division of Early Care and Education. See Appendix A for addresses of those regional offices.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1989, No. 404; am. (1), Reg-

ister, January, 1997, No. 493, eff. 2–1–97; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; CR 07–102: am. (1), (2) and (4) Register December 2008 No. 636, eff. 1–1–09.

DCF 252.03 Included and excluded care arrangements. This chapter applies to all day camps but it does not include family child care centers regulated under ch. DCF 250, group child care centers regulated under ch. DCF 251 or to any of the following:

Note: Section 48.65, Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for a license. As specified under s. 49.155 (4), Stats., or s. DCF 201.04 (1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy.

(1) Group lessons to develop a talent or skill, such as dance or music lessons, social group meetings and activities, and group athletic activities.

(1m) Care and supervision of children in a program, including religious education classes, which operates no more than 4 hours a week.

(2) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities.

(3) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible school and holiday child care programs.

(4) Care and supervision in emergency situations.

(5) Care and supervision while the parent is employed on the premises if the parent's child receives care and supervision for no more than 3 hours a day.

(6) Care and supervision at the site while the parent who is a recipient of temporary assistance to needy families or Wisconsin Works is involved in orientation, enrollment or initial assessment prior to the development of an employability plan.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; emerg. am. eff. 4–22–85; am. Register, August, 1985, No. 356, eff. 9–1–85; am. (intro.), Register, August, 1989, No. 404, eff. 9–1–89; am. (intro.), Register, January, 1997, No. 493, eff. 2–1–97; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 07–102: am. (intro.) and (1) to (4), cr. (1m) and (6) Register December 2008 No. 636, eff. 1–1–09.

DCF 252.04 Definitions. In this subchapter:

(2) "Base camp" means the permanent or temporary premises, public or private, on which the day camp is operated.

(3) "Camp director" means the individual on the campsite who is responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.

(3g) "Camp-provided transportation" means transportation provided in a vehicle owned, leased or contracted for by the center or transportation provided in volunteer or staff-owned vehicles

regardless of whether the driver is reimbursed for the use of the vehicle.

(4) “Care” means providing for the safety and the developmental needs of a child in a day camp.

(4m) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. DCF 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the camp.

(5) “Complaint” means an allegation that a provision of this chapter or of ch. 48, Stats., has been violated.

(8) “Counselor” or “camp counselor” means a staff member who works directly with children.

(9) “Day camp” or “camp” means a program regulated under this chapter that provides care and supervision to 4 or more children 3 years of age and older in a seasonal program oriented to the out-of-doors for periods less than 24 hours a day.

(11) “Department” means the Wisconsin department of children and families.

(11m) “Division” means the department’s division of early care and education.

(12) “Emergency” means a situation requiring immediate attention, such as fire; tornado; flood; extreme heat or cold; loss of building service, including, no heat, water, electricity, or telephone; threats to the camp or its occupants; lost or missing children; medical emergency, or illness.

(13) “Field trip” means any experience a child has away from the premises of the camp while under the care of camp staff whether the child walks or is transported.

(13m) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. DCF 12.

(c) Exercise of unsound judgment.

(d) A history of civil or criminal offenses or any other actions that demonstrate an inability to manage financial resources or the activities of a camp.

(14) “Group” means a specific number of children who have a regularly assigned counselor responsible for the children’s well-being and meeting the children’s basic needs.

(15) “Hazard” means a potential source of harm that can jeopardize the health, safety or well-being of children in care.

(15m) “In care” means enrolled in the camp, with the camp providing supervision, either on or off the premises, for the safety and developmental needs of the child or children.

(16) “Inclement weather” means stormy or severe weather such as any of the following:

(a) Heavy rain.

(b) Temperatures above 90 degrees Fahrenheit.

(c) Wind chills of 0 degrees Fahrenheit or below.

(17) “Licensee” means the corporation, individual, partnership or non-incorporated association or cooperative which has legal and financial responsibility for the operation of a day camp and for meeting the requirements of this chapter.

(18) “Licensing representative” means a department employee responsible for licensing day camps.

(19) “Parent” means either “parent” as defined in s. 48.02 (13), Stats., or “guardian” as defined in s. 48.02 (8), Stats.

(21) “Parochial or private school” means an educational program which meets all the criteria specified under s. 118.165 (1), Stats., or as determined by the superintendent of public instruction under s. 118.167, Stats.

(21g) “Pet” means an animal kept for amusement or companionship.

(21r) “Physical restraint” means the use of physical force to restrict the free movement of all or part of a child’s body.

(22) “Physician” has the meaning prescribed in s. 448.01 (5), Stats.

(22m) “Pre-camp training” means a program developed by the licensee containing the elements specified in s. DCF 252.42 (2) (a) and attended by camp staff prior to the opening of each year’s camp session.

(23) “Premises” means a tract of land on which the camp is located, including all buildings, structures, or shelters on that land.

(23m) “Regularly assigned counselor” means a person who meet the requirements of a counselor under s. DCF 252.42 and who is assigned to a specific group of children.

(24) “Shaken baby syndrome” or “SBS” means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

(25) “Supervision of children” means guidance of the behavior and activities of children for their health, safety and well-being by counselors who are close enough to prevent harm and assure safety.

(26) “Supervision of staff” means guidance of the behavior and activities of camp employees which may include provision of instructions to carry out activities for limited periods of time out of sight or hearing of the supervisor.

(27) “Universal precautions” mean measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health services centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

Note: “Standard precautions” for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA website at <http://osha.gov>. Information is also available from the Child Care Information Center, 1-800-362-7353.

(28) “Volunteer” means a person who agrees to give time, with or without reimbursement for expenses, to provide transportation or to work in a day camp.

(29) “Waterfront supervisor” means an adult present in a water activity area during times when children are using the water and who meets the requirements under s. DCF 252.44 (7) (b).

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; am. (18), r. (24), renun. (25) to (29) to be (24) to (28), Register, August, 1989, No. 404, eff. 9–1–89; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1989, No. 404; am. (4), (12) and (15), r. (6) and (18), Register, January, 1997, No. 493, eff. 2–1–97; corrections in (intro.), (15) and (19) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; correction in (12) made under s. 13.93 (2m) (b) 7., Stats., Register December 2004 No. 588; correction in (11) made under s. 13.92 (4) (b) 6., Stats., Register November 2008 No. 635; CR 07–102: r. (1), (7), (10) and (20), am. (2), (3), (8), (9), (11), (13), (14), (17), (23), (25), (26) and (28), cr. (3g), (4m), (11m), (13m), (15m), (18), (21g), (21r), (22m), (23m) and (29), r. and recr. (5), (12), (15), (16), (24) and (27) Register December 2008 No. 636, eff. 1–1–09; corrections in (4m), (13m) (b), (22m), (23m) and (29) made under s. 13.92 (4) (b) 7., Stats., Register December 2008 No. 636; **correction in (4m), (13m) (b) made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.**

DCF 252.05 Licensing administration. (1) LICENSING PROCEDURES. (a) A person making an inquiry to the department about obtaining a license to operate a day camp shall be provided with all of the following:

1. A copy of this chapter.
2. Written procedures on how to obtain a day camp license.
- 2m. A copy of the Background Information Disclosure form.
3. An opportunity to meet with a licensing representative to discuss the materials.
4. The necessary forms if licensing is desired.
5. Assistance to complete the licensing process by a licensing representative.

Note: A packet of materials, including the License Application — Day Camp for Children form, is available from any of the regional offices listed in Appendix A.

(b) An applicant shall submit an application and other materials required for day camp licensure and license continuation on forms provided by the department at least:

1. Sixty days prior to the date proposed for the camp to begin operating.

2. Thirty days prior to the end of the current license continuation period.

(c) An applicant for an initial day camp license or a licensee continuing a regular license shall submit all of the following materials to the department:

1. A clearly defined statement of purpose as it relates to the provision of child care services.

2. A signed statement by the applicant or licensee accepting legal responsibility for complying with this chapter.

3. The articles of incorporation and by-laws if the camp is organized as a corporation, association or cooperative.

4. A signed authorization which permits the department to make whatever investigation it considers necessary for the verification of pertinent application information.

5. A general description of the camp area, geographic location and size of the base camp or the proposed itinerary of field trips if a program will consist primarily of field trips.

6. A written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the camp and identify by position or name those persons on the premises in charge of the camp for all hours of operation.

7. The name, address, and telephone number of the person to be contacted by the licensing representative for the pre-camp licensing review.

8. A statement from the state laboratory of hygiene or a state approved laboratory indicating that the water from a private well providing drinking water has been tested and found to be safe.

9. The license fee required under s. 48.65 (3) (a), Stats.

10. A completed Background Information Disclosure form provided by the department for the applicant and if the camp will be located in a residence, any household member aged 10 and above.

Note: The form, Background Information Disclosure, is used for reporting background information. Information on how to obtain the form is available on the department's website <http://dcf.wisconsin.gov>, or from any of the regional offices in Appendix A.

11. A statement from the applicant that indicates the camp is in compliance with this chapter.

12. A copy of all the policies required under s. DCF 252.41 (1) (f) and (g) and a completed copy of the day camp policy checklist on a form provided by the department.

Note: Information on how to obtain a copy of the form, Policy Checklist — Day Camp, is available on the department's website <http://dcf.wisconsin.gov>, or from any of the regional offices in Appendix A.

13. The test results from the water on any beach on the premises of the camp that will be used for waterfront activities by the children in care.

14. A report indicating that any building used primarily for day camp purposes is in compliance with applicable commercial building codes.

15. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, a licensing representative shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant for an initial license is eligible for a license, the department shall issue a probationary license having a 6-month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application for an initial license does not comply with the applicable requirements of

this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(g) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(h) If the department determines that the licensee continuing a regular license has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(2) AMENDMENT TO LICENSE. A written request for an amendment to the license shall be submitted to the department by the licensee before changes are made in the conditions of the current license such as a change in the licensed capacity of the camp, age range of children, hours, days of the week, months of the year in operation or change in the name of the camp.

(3) TERMS OF LICENSE. (a) The number of children under 7 years of age in care of the center at any one time may not exceed the number for which the center is licensed.

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

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

(4) ADDITIONAL LICENSE. A licensee seeking licensure for an additional day camp or child care center location shall demonstrate compliance with applicable parts of this chapter in the operation of the existing center. The licensee shall pay any fines, forfeitures or other fees due to the department under s. 48.715, Stats., on other facilities licensed by the department before the department issues an additional license.

(5) CONDITION OF LICENSURE. The department may deny a license or may suspend or revoke a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the licensee, applicant or proposed or current employee, volunteer, household member or any other person having regular contact with children is, or has been any of the following:

(a) The subject of a pending criminal charge if the charge substantially relates to the care of children or activities of the camp.

(b) Convicted of a felony, misdemeanor or other offense which substantially relates to the care of children or activities of the camp.

(c) Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the camp.

(d) The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

(e) The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. DHS 129.10.

(f) Had a child care center license, day camp license or certification revoked or denied within the last 5 years.

(g) Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

(h) Made false statements or withheld information.

(6) SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. 227.51 (3), Stats., the department may order the summary suspension of a license and, therefore, close a day camp when the department finds the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of the requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer, a household member or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily injury.

3. The licensee, an employee, a volunteer, a household member or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense or has a pending criminal charge which substantially relates to the circumstances of caring for children or activities of the camp.

4. The licensee, an employee, a volunteer, a household member or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protected services agency or law enforcement agency to have abused or neglected a child.

Note: Examples of actions the department will consider in making determinations under s. DCF 252.05 (5) and (6), are: abuse and neglect of children; sexual assault; abuse of residents of facilities; crimes against life and bodily security; kidnapping; abduction; arson of buildings or property other than buildings; robbery; receiving property from children; crimes against sexual morality, such as enticing a minor for immoral purposes or exposing minors to harmful materials and interfering with the custody of a child. The list is illustrative. It is not all-inclusive of the types of offenses that may be considered.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the day camp that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An initial order summarily suspending the license and closing a day camp may be a verbal order by a licensing representative. The department shall within 72 hours of the closing either permit the reopening of the center or initiate proceedings in accordance with s. 227.51 (3), Stats., for the revocation of the license to operate. A preliminary hearing on the revocation shall be conducted by the department of administration's division of hearings and appeals within 10 working days after the date of the initial order to close on the issue of whether the license shall remain suspended during revocation proceedings.

(7) LICENSE DENIAL OR REVOCATION. (a) The department may deny or revoke a license, initiate other enforcement actions specified under this chapter or under ch. 48, Stats., or place conditions on a license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children, is any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the camp.

2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the camp.

3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the camp.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. DHS 129.10.

5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Determined to have had a child care center license, day camp license or certification revoked or denied within the last 5 years.

7. Determined to have violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Determined to have made false statements or withheld information.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (10) (a).

Note: See DCF 252.04 (13m) for the definition of fit and qualified. Examples of charges, actions or offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children include but are not limited to: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials, interfering with the custody of a child; or civil or criminal actions demonstrating an inability to manage financial resources or activities of the camp. The list is illustrative. Other types of offenses may be considered.

(c) The department may not license a person if the department has received certification pursuant to s. 49.857 (2), Stats., from the department of workforce development that the applicant or licensee has failed to pay court-ordered payments of child or family support or expense related to the support of a child or former spouse or has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency related to paternity or child support proceedings. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided under s. 49.857, Stats., and not as provided in s. 48.72, Stats.

(d) The department may not license a person if the department has received certification pursuant to s. 73.0301, Stats., from the department of revenue certifying that the applicant or licensee has a delinquent tax liability. An action taken under this paragraph is subject to review only as provided under s. 73.0301 (5), Stats., and not as provided in s. 48.72, Stats.

(8) EFFECT OF NOTICE TO REVOKE OR DENY A LICENSE. (a) 1. If the department decides under sub. (7) to deny a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the notice, based on the criteria under s. 48.715 (4m) (a) and (b), Stats., unless the decision is appealed under sub. (9).

(b) Upon receipt of the notice under par. (a) and during any revocation or denial procedures which may result, a day camp may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(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.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, Wisconsin. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate regional licensing office listed in Appendix A.

(10) GENERAL CONDITIONS FOR APPROVAL OF A LICENSE. (a) Persons licensed to operate a day camp shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to care of children by the applicant, owner, manager, representative, employee, camp resident, or other individual directly or indirectly participating in the operation of the day camp. A determination of being unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not it results in a criminal charge or conviction.

(b) The department shall issue a day camp license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

Note: See DCF 252.04 (13m) for the definition of “fit and qualified.”

(c) A facility that provides care on a regular basis to 4 or more children under the age of 7 years shall be deemed to be providing care for compensation and shall be licensed.

(d) Prior to receiving a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures due to the department.

(e) The department may refuse to issue or continue a license if another program operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures.

(f) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the camp or any household member of the camp might endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that shall certify the condition of the individual and the possible effect of that condition on the day camp or children in care.

(g) The department may deny or revoke the license if the examination specified under par. (f) gives the department reasonable concern for the care of children.

(h) The department may not process an application for a license if the applicant has had a license or certification to operate a day camp or child care center revoked or denied within the last 2 years. An applicant is deemed ineligible to submit an application for a license and a licensee may not hire an employee within 2 years from the date an applicant or employee had a child care or day camp license or certification revoked or denied.

(i) The department shall consider a licensee who fails to submit any of the materials described in sub. (1) (c) by the expiration or continuation date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the day camp.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; r. (1) and (2) (c) 7., renum. (2) (a) to (c) 6. and 8. and (d) to (h) and (3) to (8) to be (1) (a) to (c) 6. and 8. and (d) to (h) and (2) to (7) and am. (1) (a) (intro.), (b) (intro.) and 5. a., Register, August, 1989, No. 404, eff. 9–1–89; CR 07–102: am. (1) (a) (intro.), 1. to 5., (b) (intro.), 1., 2., (c) (intro.), 1. to 4., 6., (d) (intro.), (2), (4), (5) (intro.), (a) to (d), (6) (a) (intro.), 1. to 4. and (b), cr. (1) (a) 2m., (c) 7., 9. to 15., (5) (e) to (h), (6) (a) 5. and (8) to (10), r. (1) (b) 3. to 5., (c) 8. (intro.), b. and (d) 1. to 5., r. and recr. (1) (c) 5., (e) to (h) and (7), renum. (1) (c) 8. a. to be (1) (c) 8. and am. Register December 2008 No. 636, eff. 1–1–09; corrections in (1) (c) 12., (5) (e) and (7) (a) 4. made under s. 13.92 (4) (b) 7., Stats., Register December 2008 No. 636.

DCF 252.06 Complaints, inspections and enforcement actions. **(1) COMPLAINTS.** Anyone having a complaint about a licensed or illegally operating day camp may submit that complaint to the department by telephone, letter, e-mail, fax or personal interview. Every complaint shall be investigated by a licensing representative. A written report of the findings of the investigation shall be sent to the complainant upon request.

Note: A complaint should be sent, phoned or delivered to the appropriate regional licensing office listed in Appendix A.

(2) INSPECTION. (a) Pursuant to s. 48.73, Stats., the department may visit and inspect any day camp at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises, either temporary or permanent, identified in the license; children served; staff records and any other materials or other individuals as determined by the department.

(b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 252.09 (5) (a) to determine whether the child safety alarm is in good working order.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; CR 07–102: am. (title), renum. to be (1) and am., cr. (2) and (3) Register December 2008 No. 636, eff. 1–1–09; CR 14–028: renum. (2) to (2) (a), cr. (2) (b) Register July 2016 No. 727, eff. 8–1–16.

DCF 252.07 Non-discrimination, confidentiality and reporting child abuse. **(1) DISCRIMINATION PROHIBITED.**

(a) The licensee shall ensure that the day camp does not discriminate in employment against properly qualified individuals in a manner prohibited in ss. 111.31 to 111.395, Stats.

(b) The licensee shall ensure that the day camp does not discriminate against any enrolled child and family or any applicant for enrollment in admission, privilege of enrollment, or discharge condition on the basis of age, race, color, sex, sexual orientation, creed, disability, national origin, or ancestry as provided in s. 106.52, Stats.

(2) CONFIDENTIALITY OF RECORDS. (a) The licensee is responsible for the day camp’s compliance with s. 48.78, Stats., and this subsection.

(b) Persons who have access to children’s records may not discuss or disclose personal or other information about a child or a child’s relatives. This paragraph does not apply to any of the following:

1. The parent or a person authorized in writing by the parent to receive such information.
2. An agency that is assisting in planning for the child if the parent has given consent.
3. An agency authorized under s. 48.78, Stats., to have access to children’s records.

(c) If a parent requests a record or report on the parent’s child, the day camp shall make the record or report accessible to the parent upon request.

(d) All records required by the department for licensing purposes shall be made available to licensing representatives upon request.

(3) REPORTING CHILD ABUSE. (a) A licensee who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.981 (1), Stats., shall immediately contact the county welfare agency, or local law enforcement agency in compliance with s. 48.981, Stats.

(b) The licensee shall ensure that every day camp worker who comes in contact with the children at the day camp has received annual pre-camp training in all of the following:

1. Child abuse and neglect laws;
2. Identification of children who have been abused or neglected; and
3. The process for reporting known or suspected cases of child abuse or neglect.

Note: Failure of the licensee to report known or suspected incidents of child abuse or neglect does not lessen the legal duty of the child care worker to report known or suspected cases of child abuse or neglect.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; CR 07–102: r. and recr. (1) and (2), am. (3) (b) (intro.) Register December 2008 No. 636, eff. 1–1–09.

DCF 252.08 Pets and other animals. (1) Pets that are kept on the premises of a day camp shall be maintained in good health and appropriately vaccinated against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(2) A pet that is suspected of being ill, or infested with external lice, fleas, ticks or internal worms shall be removed from the camp.

(3) In the event that an animal bites a child, the parent shall be notified and a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children shall be followed. Parents shall be notified of any action taken by the veterinarian.

(4) Turtles, skunks, exotic animals, wild animals and poisonous reptiles may not be kept as pets on the premises of the day camp.

(5) Animal pens shall be kept clean.

(6) All contact between pets or animals and children shall be under the supervision of a camp counselor who is close enough to remove the child immediately if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately. Pets shall be kept and handled in a manner which protects the well-being of both children and pets.

(7) Pets in rooms used by children shall be confined in cages while food is being prepared or served. Pets, cages and litter boxes are prohibited in kitchens, lunch rooms and other food storage areas. Pet and animal feeding dishes and litter boxes may not be placed in areas accessible to children.

(8) No horses or other livestock may be permanently quartered closer than 500 feet from any building in which the day camp is located.

(9) Pets that pose any risk to the children shall be restricted from the areas used by children.

(10) Procedures to be followed when children have contact with animals, other than pets, while in the care of the camp shall be included in the camp's health policy.

Note: Service animals used by a person with a disability to assist that person are not considered pets under this rule while they are working as a service animal.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84; CR 07-102: am. (title), (1), (2), (4), (6) and (8), r. and recr. (7), cr. (9) and (10) Register December 2008 No. 636, eff. 1-1-09.

DCF 252.09 Transportation. The following requirements apply to all camp-provided transportation of children, including both regularly scheduled transportation to and from the camp and field trip transportation:

(1) **GENERAL.** (a) The camp shall assume responsibility for a child between the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

(c) 1. Whenever the camp contracts with a firm for the provision of transportation, the camp shall ensure that the firm complies with all applicable requirements of this subsection.

2. When services for transportation are contracted, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the camp.

(d) When children are transported in school buses as defined in s. 340.01 (56), Stats., the school buses shall comply with ch. Trans 300.

(e) When regularly scheduled transportation is provided by the camp, the name of each driver, type of license held and the date of expiration of the license shall be on file at the camp.

(f) The camp shall maintain a written plan for regularly scheduled transportation of children between the children's homes or camp pick-up and drop-off locations and the camp, which shall include:

1. A list of children transported and the method of taking daily attendance;

2. The transportation route and scheduled stops;

3. The name and address of the person authorized to receive the child if the child is dropped off at a place other than the child's residence; and

4. Procedures to be followed when the parent or designated authorized adult is not at home to receive the child.

(g) The camp shall have written safety precautions to be followed when transporting children with disabilities or children who have a limited ability to respond to an emergency.

(h) The following information shall be carried in the vehicle for each child being transported:

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

2. The name, address, and telephone number of the child's physician or medical facility.

3. Written consent from the child's parent for emergency medical treatment.

Note: The licensee may use either the department's form, Child Care Center Transportation Permission, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Forms may be obtained from the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(i) Smoking is prohibited in the vehicle while children are being transported.

(2) **DRIVER.** (a) The driver of a vehicle used to transport children enrolled in the camp shall have a valid Wisconsin operator's license for the type of vehicle being driven.

(b) The camp shall have a copy of the driver's driving record on file before that person may drive a camp-provided vehicle. The licensee shall annually obtain and review each driver's driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

Note: Information on how to obtain driver license records can be obtained by calling the Department of Transportation at 608-261-2566 or via the Internet at <http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm>.

(c) The driver of a vehicle shall be at least 18 years of age and have at least one year of experience as a licensed driver.

(3) **VEHICLE.** (a) All vehicles used to transport children shall be registered by the state of Wisconsin.

(b) All vehicles used to transport children shall be in safe operating condition, and at 12-month intervals the licensee shall provide the department with evidence of the vehicle's safe operating condition on a form provided by the department.

Note: Form, Vehicle Safety Inspection, may be obtained from the department's website at <http://dcf.wisconsin.gov> or from any regional office listed in Appendix A.

(c) Vehicles used to transport children shall be equipped with a first aid kit.

(d) All vehicles shall be clean, uncluttered, and free of obstructions on the floors, aisles and seats.

(e) All vehicles shall be enclosed. Children may not be transported in a truck except in the cab.

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

(g) 1. Each child under 4 years of age or who weighs less than 40 pounds being transported in a vehicle shall be properly restrained in a forward-facing child car safety seat as specified in s. 347.48, Stats.

2. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat before being transported in a vehicle as specified in s. 347.48, Stats.

3. Each child not required to be transported in an individual child car safety seat or booster seat shall be properly restrained by

a seat belt. Each adult in a vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

(h) Doors shall be locked at all times when the vehicle is moving.

(i) A copy of any accident report shall be submitted to the department within 5 days after the occurrence of an accident involving a vehicle transporting children.

(4) VEHICLE CAPACITY AND SUPERVISION. (a) Children may not be left unattended in the vehicle.

(b) When children are transported in a vehicle there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who have a disability or limited ability to respond to an emergency.

(c) There shall be at least one adult supervisor in addition to the driver when there are more than 10 children under 5 years of age in the vehicle.

(d) There shall be at least one adult supervisor in addition to the driver when there are more than 17 children 5 years and older in the vehicle.

(e) After transporting a child to his or her destination, the driver shall wait until the child enters the building or is in the hands of an adult designated by the parent, unless otherwise authorized by the parent.

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 authorization. Information on how to obtain the department's form is on the department's website at <http://dcf.wisconsin.gov> or from any regional office in Appendix A.

(f) A seat shall be provided for each child. In a vehicle not required to have seat belts, the camp shall follow the manufacturer's recommendation regarding the capacity of the vehicle.

(g) The driver or adult supervisor shall be responsible for seeing that children remain seated while the vehicle is in motion.

(h) Children under age 13 may not ride in the front seat.

(i) The camp shall implement a procedure to ensure that all children exit the vehicle after transportation to a destination.

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

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

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

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

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

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

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at <http://dcf.wisconsin.gov>.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84; correction in (1) (h) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 07-102: am. (intro.), (1) (a), (e), (f) (intro.), 2., (g), (2) (a), (c), (3) (a) to (c), (f), (4) (b) and (e), r. (1) (b), (2) (b) 1. and 2., renum. (1) (c), (h), (2) (b) (intro.) and (3) (g) to be (1) (c) 1., (h) (intro.), (2) (b) and (3) (g) 1. and am., cr. (1) (c) 2., (h) 1. to 3., (3) (g) 2. and 3., r. and recr. (4) (f), (h) and (i) Register December 2008 No. 636, eff. 1-1-09; CR 14-028: cr. (5) Register July 2016 No. 727, eff. 8-1-16.

DCF 252.40 Scope. Sections DCF 252.40 to 252.44 apply to all licensed day camps for children.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 252.41 Operational requirements for day camps. (1) **ADMINISTRATION.** The licensee shall do all of the following:

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

(b) Comply with all requirements in this chapter.

(c) Designate, in writing, as part of the application under s. DCF 252.05 (1), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with all requirements in this chapter, if the licensee resides in another state.

(d) Meet, upon request, with the licensing representative on matters pertaining to licensing.

(e) Provide documentation of insurance coverage by the submission of a certificate of insurance reflecting current dates of coverage for:

1. General liability insurance which provides coverage with limits of not less than \$25,000 for each person and total limits of \$75,000 for each occurrence.

2. Vehicle liability insurance, when transportation is provided, with minimums no less than those specified in s. 121.53, Stats.

3. Non-owned vehicle liability insurance when transportation is provided by other than camp-owned vehicles.

4. Specific adventure-based activities identified in s. DCF 252.44 (13) when offered as part of the camp program.

(f) Develop written policies and procedures on the following subjects, submit them to the department for review and implement them:

1. Discharge of enrolled children.

2. Fee payments and refunds.

3. Personnel policies including job descriptions, hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures and the disciplinary process. The personnel policy shall also contain a procedure requiring staff to notify the licensee and the licensee to notify the department as soon as possible but no later than the next working day when any of the following occurs:

a. The employee has been convicted of a crime.

b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

c. The employee has a governmental finding substantiated against them of abuse or neglect of a child or adult or of misappropriation of a client's property.

d. When a professional license held by a provider has been denied, revoked, restricted or otherwise limited.

(g) Develop, submit to the department for approval, and implement approved written policies and procedures on all the following subjects:

1. Admission, including a procedure to contact a parent if a child is absent from the camp without prior notification from the parent.

2. Program objectives and a description of activities designed to carry out the program objectives.

3. Transportation if children may be transported to and from the camp or for field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.

4. Plans to be followed in the event of a fire, tornado, missing child or other emergency. If an open-sided shelter is used as a base camp, the plan shall identify the location of a designated tornado shelter and the procedure to ensure the camp receives information about tornado watches or warnings. The plan shall include a procedure to ensure that children reach the tornado shelter in a timely fashion.

5. The plan for providing pre-camp training to staff.

6. The plan for supervising children during water activities and waterfront activities including emergency procedures to be

carried out if a child participating in water activities cannot be found.

7. Child guidance, including ways to manage crying, fussing or distraught children.

8. Health, including procedures to be followed when there is contact with animals.

9. Nutrition.

(h) Make available to the parents, on request, a copy of the applicable parts of this chapter and a copy of the child care policies of the camp. Personnel, in–service training and orientation policies need not be included.

(i) Ensure that all published statements such as brochures and publicity are accurate.

(j) Include a reference to the religious component in any publicity and program objectives if religious training is part of the camp program. This information shall be shared with parents.

(k) Post the day camp license at the base camp in an area visible to parents and the public.

(L) Post next to the day camp license the results of the most recent licensing inspection, including any rule violations cited by the department and any notice of enforcement action, including license revocation or denial, and any stipulations, conditions, or exceptions that affect the license.

(m) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the day camp does not adversely affect the health, safety or welfare of any child under the care of the licensee.

(n) Submit to the department by the department’s next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when there is a change in board chairperson or a person aged 10 and above becomes a camp household member.

(o) Submit to the department by the department’s next business day a completed Background Information Disclosure form for each current camp household member who turns age 10.

Note: For more information about caregiver background checks refer to the administrative rule under ch. DCF 12. Information on how to obtain a copy of the Background Information Disclosure form is available from the department’s website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

(p) Submit a written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the camp and identify by position or name, those person on the premises of the camp who are in charge of the camp for all hours of operation.

(2) REPORTS. The licensee shall report to the department all of the following. If the report was made via telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days. Fax, e–mail and letter are acceptable ways of filing a written report:

(a) The death of a child in care or any accident or incident that occurs while the child is in the care of the camp that results in professional medical treatment, within 48 hours of the licensee becoming aware of the medical treatment.

Note: The licensee may use either the department’s form, Child Care Accident Report, or the licensee’s own form to report accidents. Information on how to obtain forms is available from the department’s website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

(b) Any damage to the base camp which may affect compliance with this chapter within 24 hours after the occurrence.

(d) A change of the day camp director, within 7 days after the change.

(e) Statistical data required by the department on forms provided by the department.

(f) Any known convictions, pending charges or other offenses of the licensee, day camp employees or other persons subject to a caregiver 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.

(g) Any suspected abuse or neglect of a child by a staff member that was reported under s. DCF 252.07 (3) (a) or any inappropriate discipline of a child, including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, by a staff member during the child’s hours of attendance, within 24 hours after the occurrence.

(h) Any incident involving law enforcement within 24 hours after the occurrence in which any of the following occurs:

1. A licensee, a household member or an employee of the camp is involved in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the camp.

2. A person responsible for transporting children is involved in a traffic–related incident.

(i) Any change in room usage in the base camp, such as using rooms or areas not previously approved for use by children at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(j) Any incident related to a child who leaves the premises of the camp without the knowledge of a counselor or any incident which results in a counselor not knowing the whereabouts of a child in attendance at the camp within 24 hours after the occurrence.

(k) If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and the plan shall be approved by the department licensing representative.

Note: The licensing representative will notify the licensee if a plan of correction is required and provide the plan of correction format with the notification.

(L) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be in writing before the construction or remodeling begins.

Note: It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

(3) STAFF RECORDS. The licensee shall:

(a) Maintain a file on each employee which is available for examination by the licensing representative. Each employee’s file shall include all of the following:

1. The employee’s name, address, date of birth, education, position, previous 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, Staff Record — Child Care Centers, or the licensee’s own form for recording staff information. Information on how to obtain the department’s form is available from the department’s website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

2. Documentation of any pertinent certification or training required for the position; including department–approved training in shaken baby syndrome prevention and the effects of shaking an infant or young child, taken before to beginning to work with children, if the person will provide care to children under age 5 years.

3. A Background Information Disclosure form, completed before the employee’s first day of employment and every 4 years thereafter.

Note: The department’s form, Background Information Disclosure is used for reporting background information. Information on how to obtain the form is available from the department’s website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

4. A complete caregiver background check as specified in s. 48.685, Stats., and ch. DCF 12 including the results of any subsequent investigation related to information obtained as part of the background check within 60 days of employment and every 4 years thereafter.

5. Documentation of successful completion of pre–camp training.

Note: The licensee may use the department's form, Pre–camp Training Documentation — Day Camps, or the licensee's own form to document the successful completion of pre–camp training. Information on how to obtain the department's form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

6. Documentation of the days and hours worked when the person was included in the counselor–to–child ratio.

(b) Maintain a listing at the base camp of the name, address, and telephone number of the person to be notified in the event of an emergency involving an employee.

(c) Maintain a staff record which meets the requirements specified in par. (a) 1. to 6. for each student teacher or person who works at the camp and is compensated from sources other than the camp.

(4) CHILDREN'S RECORDS FILES. (a) The licensee shall maintain at the camp, a current written record for each child enrolled at the camp. The record shall be on file before the child's first day of attendance and updated annually. The licensee shall make the record available to the licensing representative. Each child's file shall include all of the following:

1. Pre–admission and enrollment information consisting of:
 - a. The name and birthdate of the child.
 - b. Names and contact information for the child's parents.
 - c. The child's home address and telephone number.
 - d. Address and telephone number where a parent can be reached while the child is in care.
 - e. Name, address, telephone number and relationship to the child of the person to be notified in an emergency, when a parent cannot be reached immediately.
 - f. Names, address and telephone number of the physician or medical facility caring for the child.
 - g. Names, addresses and telephone numbers of persons authorized to pick–up the child or to accept the child who is dropped off.
 - h. Dates of camp session in which the child is enrolled.
2. Consent from the parent for emergency medical care or treatment;

Note: The licensee may use either the department's form, Child Care Enrollment, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

3. Authorization from the parent to transport the child to and from the camp, when transportation is provided;

Note: The licensee may use either the department's form, Transportation Permission — Child Care Centers, or the licensee's own form to obtain authorization to transport children to and from the camp. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

4. Authorization from the parent for the child to participate in and be transported for field trips and other activities, if these are part of the camp program;

Note: The licensee may use either the department's form, Field Trip or Other Activity Permission/Notification — Child Care Centers, or the licensee's own form for securing parental information. The department's form, Child Care Enrollment, also contains an authorization from the parent to participate in field trips if the camp chooses to use that form. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

5. Specific written informed consent from the parent for each incident of participation by a child in any research or testing project. The day camp shall obtain and make available to the department and to the parent a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each project;

Note: The licensee may use either the department's form, Informed Consent for Observation or Testing by an Outside Agency — Child Care Centers, or the licensee's own form for securing the parent's written consent. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

6. The child's health history and any other matters relating to the child's health; on a form provided by the department.

Note: The department's form, Health History and Emergency Care Plan, is used for health history information. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

7. Authorization from the parent outlining the plan for a child to come to the camp from school, home or other activities and to go from the camp to school, home or other activities unless the child is accompanied by a parent or other authorized pick–up person.

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 forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

8. Assessment of the child's swimming ability, if swimming is included in the program of activities.

Note: Either parents or the camp may assess the child's swimming ability.

(b) 1. The licensee shall record in a medical log any medication dispensed to a child by a camp employee and any injury received by a child enrolled in the program on the day the medication is dispensed or the injury is received.

2. The medical log shall be a book with stitched binding and lined and numbered pages. Each entry shall be recorded in ink and signed or initialed by the person making the entry. The pages in the log may not be skipped or removed.

3. The log shall be maintained for the length of time the child is enrolled in the camp.

Note: See DCF 252.44 (6) (a) 2. for information on recording entries in the center medical log book.

(c) The licensee shall maintain a current, accurate, written record of the daily attendance and birthdate for each child enrolled in the program. If the hours of arrival and departure of the children vary, the actual time of arrival and departure for each child shall be recorded. Each record shall be maintained as long as the child is enrolled in the program.

Note: The department form, Daily Attendance Record — Child Care, may be used to document a child's daily attendance. Information on how to obtain the department's form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

(5) NOTIFICATIONS TO PARENTS. (a) The camp director shall notify the parents of an enrolled child of all of the following:

1. Exposure of the child to a diagnosed or suspected communicable disease reportable under ch. DHS 145. Notification shall occur when the information becomes known to the camp director.

2. Illness or injury to the child that requires professional medical treatment. Notification shall occur immediately.

3. Minor injury to the child. Notification shall occur when a parent picks up a child or when the child is delivered.

4. When the child participates in a field trip. The camp shall provide parents with a current and accurate schedule of all the field trips prior to the trips. Changes in the schedule of trips shall be communicated to parents.

5. When a child is missing.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; correction in (3) (a) 1. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 07–102: am. (1) (intro.), (b) to (d), (e) 1. to 3., (f) (intro.), (g) 2., (i), (2) (intro.), (b), (d), (3) (a) (intro.), 1., 2., (4) (title), (a) (intro.), 1. a. to h. and 6., r. and recr. (1) (a), (f) 1. to 3., (g) (intro.), 1., 3. to 6., (2) (a), (4) (a) 7. and (b), cr. (1) (e) 4., (f) 3. a. to d., (g) 7. to 9., (k) to (p), (2) (f) to (L), (3) (a) 3. to 6., (c), (4) (a) 8., (c) and (5), r. (2) (c) Register December 2008 No. 636, eff. 1–1–09; corrections in (1) (c), (e) 4., (2) (g), (3) (a) 4. and (5) (a) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2008 No. 636; correction in (3) (a) 4. made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.

DCF 252.42 Personnel. (1) STAFF: PAID AND VOLUNTEER.

(a) Each day camp shall have a person designated as camp director on the premises at all times. If the camp director is not on the premises, a similarly qualified adult shall be present. The camp director shall be responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.

(b) The camp director shall be at least 21 years of age and shall meet one of the following criteria:

1. Have at least 2 years of supervisory or administrative experience in an organized camp or children’s program; or

2. Have a bachelor’s degree in outdoor education, recreation, social work, psychology, child development or education or in another camp–related field.

(c) Counselors, whether paid or unpaid, who are counted in determining the counselor–to–child ratio shall be at least 18 years of age and have completed high school or the equivalent as determined by the department of public instruction.

(d) Counselors who are considered in determining counselor–to–child ratio may not provide care to children more than 10 hours in any 24–hour period. Camps providing an occasional overnight activity for children enrolled in the camp may allow a counselor to exceed the maximum 10–hour per day work schedule to permit the counselor to remain with the children during the overnight session.

(e) In the absence of a regular staff member, there shall be a similarly qualified substitute.

(2) STAFF TRAINING. (a) Each day camp shall develop a written pre–camp training plan. A copy of the plan shall be submitted to the department for approval and implemented as approved. The plan shall include all of the following:

1. A review of the applicable parts of this chapter.
2. A review of camp policies and procedures are required under s. DCF 252.41 (1) (f) and (g).
3. Job responsibilities in relation to job descriptions.
4. Training in the recognition of childhood illnesses and infectious disease control, including handwashing procedures and universal precautions for handling body fluids.

Note: A copy of the universal precautions may be obtained from the Child Care Information Center by calling 800–362–7353 or from the Occupational Health Section, Bureau of Public Health, Department of Health Services, 1 W. Wilson St. Madison, WI 53703.

5. Daily activity plans and schedules.
6. Emergency first aid.
7. Review of plans required under ss. DCF 252.41 (1) (g) and 252.43 (2) including the plan for what happens if a child is missing, fire and tornado plans and the supervised swim plan if applicable.
8. The procedure for ensuring that camp counselors know the children assigned to their care and their whereabouts at all times.
9. Training in the use of fire extinguishers and recognition of local poisonous plants, snakes and other potential hazards on the premises, and procedures to be followed to protect the children from these hazards.
10. Review of child abuse and neglect laws, and the camp reporting procedures.
11. Information on the care of children with disabilities enrolled in the camp and the procedure for sharing information related to a child’s special health care needs including any physical, emotional, social or cognitive disabilities with any person who may be assigned to care for that child throughout the day.
12. Child management techniques.
13. Department–approved training in shaken baby syndrome prevention and appropriate ways to manage crying, fussing or distraught children for any person who will be providing care and supervision to children under 5 years of age.

(b) All counselors, whether paid or unpaid, who are counted in determining the counselor–to–child ratio shall have pre–camp training. The pre–camp training shall be for a minimum of 24 hours and shall include orientation at the base camp.

(c) Campers’ parents serving as counselors and volunteers who are not used to meet the counselor–to–child ratio, may be exempted from the 24 hour pre–camp training if the following conditions are met:

1. The parent or volunteer receives at least 4 hours of training in day camp programming required under par. (a), including orientation at the base camp.

2. The parent or volunteer works under the supervision of a counselor who has met the training requirements specified in par. (b).

(d) The camp director shall plan and implement monthly staff meetings which will provide ongoing supervision and in–service training for the staff.

(e) All camp staff in regular contact with the children, including the camp director and counselors shall obtain and maintain a current certificate of completion for child and adult cardiopulmonary resuscitation (CPR) including department–approved training in the use of an automatic external defibrillator prior to working with children. The CPR training may be included in pre–camp training.

(f) The camp director shall coordinate the volunteer program and keep on file documentation of the hours worked for volunteers who are included in determining the counselor–to–child ratio.

(g) Camp staff, including the camp director, camp counselors, and volunteers counted in the counselor–to–child ratio shall be physically, mentally and emotionally able to provide responsible care for children.

(3) STAFFING AND SUPERVISION. (a) Each child shall be closely supervised at all times to guide the child’s behavior and activities, prevent harm and assure safety.

(b) The ratio of counselors to children may not be less than the minimum number of counselors to children specified in Table DCF 252.42. When there is a mixed–age group, the counselor–to–child ratio shall be adjusted on a prorata basis, according to age.

Note: The department’s form, Counselor–to–Child Ratio Worksheet may be used to prorate the staff–to–child ratio for mixed age groups. The department form is available from any of the regional licensing offices in Appendix A or from the department’s website, <http://dcf.wisconsin.gov>.

TABLE DCF 252.42
COUNSELOR–TO–CHILD RATIO
FOR CHILDREN IN A DAY CAMP

Age of Children	Minimum Number of Counselors to Children
3 Years to 4 Years	1:4
4 Years to 5 Years	1:6
5 Years and 6 Years	1:12
7 Years and Over	1:18

(c) Support staff, such as maintenance, clerical, housekeeping and food service staff, may only be considered in determining counselor–to–child ratios under the following circumstances:

1. During those hours when the support staff give full attention to the care and supervision of children.
2. If the support staff meet the qualifications of a camp counselor.

(d) The camp director shall be at the camp during the hours of operation, unless the children are on a field trip in which case the camp director shall accompany the children. When some of the children are on a field trip and others are at the base camp, the camp director may accompany the children on the field trip if there is a reliable method of communicating easily with the camp. If the camp director is not present either at the base camp or on a field trip, another qualified person shall be identified in a written delegation of administrative authority, present at the camp and authorized to make decisions for the camp.

(e) When 9 or more children are present at the camp, there shall be at least 2 adults available at all times and at least one of the adults shall be a counselor.

(f) When children 7 years of age and older are served in the same group with children ages 3 and 4, the ratio of counselors to children in the group shall be consistent with the requirements for the youngest children in the group as specified in Table DCF 252.42.

(g) All children in care shall be assigned to a counselor. The camp shall implement a procedure to ensure that the number, names, and whereabouts of children in care are known to the assigned camp counselor at all times.

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

(i) Camp counselors shall not engage in any duties that are not related to caring for children when they are counted in meeting the counselor-to-child ratios.

(j) Children of staff who attend the camp and who are on the premises for supervision and care shall be included in determining counselor-to-child ratios.

(k) When 9 or more children are on a field trip at least 2 adults shall accompany the children. The counselor-to-child ratios in Table DCF 252.42 shall be met on field trips.

(4) HEALTH. (a) No licensee, employee, volunteer, visitor or parent with symptoms of communicable disease, reportable under ch. DHS 145, or serious illness, which presents a safety or health risk to children may be in contact with the children in care.

(b) 1. No licensee, employee, volunteer, visitor, or parent whose behavior gives reasonable concern for the safety of the children may be in contact with the children in care.

2. The department may require a licensee, employee or other person in contact with the children in care, whose behavior gives reasonable concern for the safety of children, to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

(c) No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal disease may work in a camp until it is determined by appropriate tests that the person is not a carrier of the disease.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; CR 04–040: cr. (2) (a) 11, Register December 2004 No. 588, eff. 1–1–05; correction in (2) (a) 7, made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 07–102: am. (1) (a), (c), (d), (2) (a) (intro.), 1. to 4., (b), (c) (intro.), 1., 2., (d), (3) (title), (a), (b), (d), (e) and (4) (title), r. and recr. (2) (a) 7. to 11., (3) (c) and (f), cr. (2) (a) 12., 13., (e) to (g), (3) (g) to (k), (4) (b), (c) and Table, renum. (4) to be (4) (a) and am. Register December 2008 No. 636, eff. 1–1–09; corrections in (2) (a) 2., 7., (3) (b), (f), (k), (4) (a) and Table made under s. 13.92 (4) (b) 7., Stats., Register December 2008 No. 636.

DCF 252.43 Base camp and facilities. (1) SITE AND BUILDING. (a) The licensee shall identify a base camp that provides an environment that allows the program to be oriented to the out-of-doors. The base camp shall be maintained in a clean and sanitary condition at all times.

(b) The base camp shall have a building or shelter for use by the camp during inclement weather. If the shelter is not enclosed, the camp shall implement a procedure for ensuring that children are protected from the elements.

(c) The base camp shall be located on a well-drained site not subject to flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the property or to the health or safety of the occupants. No camp may be located in an area that is situated so that drainage for any source of filth, such as garbage or animal waste disposal, can be deposited on the site.

Note: Local authorities should be consulted to obtain any required zoning clearances or building permits. Chapter NR 115 and s. NR 116.12 (2) (b) may affect the camp's location with regard to flood plains and shore land areas.

(d) Buildings and shelters on sites used or constructed primarily for day camp purposes shall comply with the applicable Wisconsin Commercial Building Code and applicable local ordinances. A copy of the building inspection report shall be on file with the department.

Note: Inspections can be obtained from a commercial building inspector certified by the Department of Safety and Professional Services in accordance with chapter SPS 305, "Licenses, Certifications, and Registration," or a Wisconsin architect registered in accordance with chapter A–E 3, Architect Registration, or a Wisconsin engineer registered in accordance with chapter A–E 4, Professional Engineer Registration. Local authorities should be consulted to obtain any required zoning clearances or building permits.

(e) All buildings and structures used by children for day camp purposes shall have not less than 2 plainly marked exits that are free of obstruction.

(f) The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of the changes.

Note: Alterations or changes of use to commercial buildings may require submittal of plans to and approval by the department of safety and professional services or its agent prior to the commencement of construction. For information on plan submittal, please see the department of safety and professional services website at <http://dsp.s.wi.gov/SB/SB-DivPlanReview.html>.

(g) If the base camp includes an enclosed building used by children, the inside temperature of the building may not be less than 67 degrees Fahrenheit. If the inside temperature exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with fans or by other means.

(2) SAFETY. (a) *Protective measures.* 1. Each camp shall have a written plan for dealing with emergency situations, including but not limited to fire, natural disaster, lost campers, lost swimmers, accident and illness.

2. Staff shall be informed of and knowledgeable about the following:

a. His or her duties in the event of an emergency;

b. Evacuation routes; and

3. All equipment and facilities used by the children and staff, whether or not it is owned by the camp, shall be in safe operating condition and shall not present undue risk to children.

4. A licensee, employee, volunteer or other individual in contact with children may not consume alcoholic beverages or any non-prescribed controlled substances specified in ch. 961, Stats., on the premises of the camp or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the camp's operation.

5. Children shall be protected from indoor and outdoor hazards and the premises shall be maintained in a clean, neat condition and free from refuse, insects and rodents.

6. Substances which may be toxic if ingested, inhaled, or handled, including drugs, chemicals and pesticides, shall be stored in the original, covered and labeled container and shall be stored in areas not accessible to children.

7. A motor vehicle shall be immediately available at the camp in case of emergency if a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call.

8. Smoking is prohibited anywhere on the premises when children are present.

9. The camp shall have a working telephone at the camp during the hours of operation. A list of emergency telephone numbers, including fire, law enforcement and poison control shall be immediately available to staff. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

(b) *Fire protection.* 1. All fire protection facilities and equipment, including fire extinguishers, shall be operable and maintained in working order by a qualified person. Fire extinguishers shall be inspected once per year by a qualified person, and bear a label indicating its present condition and the date of the last inspection.

2. Flammable and combustible liquids shall be in original, covered and labeled containers and stored in areas accessible only to designated adults.

3. Before camp opens, written notification of the camp operation shall be given to the nearest fire department or forest ranger service for protection in case of fire. The notification shall include the dates the camp will be operational and the number and ages of children in care.

4. Any necessary permits required for operation of incinerators or for open fires shall be secured and available for review by the licensing representative.

Note: It is recommended that the licensee contact the local municipality and the department of natural resources prior to camp opening to determine what permits are required.

5. The clearing around open fires shall be free of burnable materials for a radius of 6 feet.

(3) **SANITATION.** (a) *General.* 1. The base camp premises and any structures used by children on the premises shall be free of litter, safe, well maintained, in good repair and clean.

2. Furnishings, toys and other equipment shall be safe, in good repair and clean.

3. Toilet facilities shall be in sanitary condition.

4. Painted exterior and interior surfaces accessible to children shall be free of flaking or deteriorating paint and finished with lead-free paint or other non-toxic material.

5. Garbage and refuse at the base camp shall be kept in rigid, watertight and leak-proof containers with tight-fitting covers and disposed of as necessary to prevent decomposition and overflow.

6. The areas around garbage and rubbish containers shall be clean and dry.

7. Solid waste disposal sites on the premises must be licensed by the department of natural resources.

(b) *Insect, rodent, and weed control.* 1. The growth of brush, weeds, grass and plants shall be controlled in the base camp area to prevent the harborage of noxious insects, rodents, and any other animals.

2. The base camp area shall be maintained to prevent growth of ragweed, poison ivy and other noxious plants considered detrimental to health.

3. Buildings and structures shall be maintained to control insect and rodent harborage and infestations. Chemical insect and rodent control measures shall be applied according to label instructions. Control measures shall be used in a safe manner.

(c) *Food preparation, service and storage.* 1. The kitchen area shall be equipped with a microwave or stove, a refrigerator, a sink and utensils that are necessary to prepare and serve meals.

2. All equipment and utensils used for preparing, serving or storing food shall have smooth hard surfaces, be easily cleanable, in good repair, durable, non-toxic and free of cracks, seams, chips, and roughened areas, and shall be maintained in a clean and sanitary condition.

4. Single-service utensils and food containers shall be made from non-toxic materials and shall not be reused.

5. Foods shall be stored at temperatures which protect against spoilage. Milk shall be maintained at or below 40 degrees Fahrenheit.

6. Food shall be protected from potential contamination and adulteration, including dirt, insects, rodents or animals. Dry foods, such as cereals, crackers and pasta shall be stored in bags with zip-type closures or metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled. In this paragraph, "food-grade plastic" means any plastic material used in the manufacture of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

7. Raw fruits and vegetables shall be washed before being served or cooked.

8. Meals shall be prepared at the base camp, in a central kitchen operated by the camp or in another location that has been inspected by a representative of a state agency. Food delivery vehicles shall be equipped with clean containers, or cabinets to

store food while in transit. Containers for cold food shall be capable of maintaining the temperature at or below 40 degrees Fahrenheit and containers for hot food shall be capable of maintaining the temperature at or above 140 degrees Fahrenheit.

Note: Chapter ATCP 75, subch. III, of the administrative rules addresses restaurants and other public eating establishments. Chapter ATCP 75, subch. II, of the administrative rules addresses retail food establishments.

(d) *Water.* 1. A supply of safe drinking water shall be available to children at all times from disposable cups, covered water bottles labeled with the child's name, or angle jet type drinking fountains. Common use of drinking cups is prohibited.

Note: It is recommended that single-use disposable water bottles not be reused.

2. When a public water system is not available, a private well may be used if it is approved by the department of natural resources. Water samples from an approved well shall be tested for lead and bacteria by a laboratory certified under ch. ATCP 77 annually and at least 2 weeks prior to the camp opening. The water supply shall be bacteriologically safe. The laboratory report shall be available to the department upon request.

2m. If the water test results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used on a temporary basis until the water is determined to be safe.

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 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 <http://dnr.wi.gov/org/caer/cs/ServiceCenter/locations.htm>.

3. Where running water is not available, a covered drinking water container that is easily distinguishable from other containers, constructed of a food grade material that does not permit the water to become contaminated by dirt, insects, or animals, and suitable for pouring or equipped with a faucet shall be provided. Dipping into water from the container is prohibited. The container shall be cleaned and sanitized daily. The water source shall be a public water supply or as specified in subd. 2.

(e) *Washrooms and toilet facilities.* 1. Handwashing and toileting facilities shall be provided and accessible to children.

2. Single-use disposable towels shall be provided and accessible to children.

3. Soap, toilet paper and wastepaper container shall be provided and accessible to children.

4. Outdoor toilets, when used, shall be constructed according to the requirements of the applicable Wisconsin commercial building codes and maintained in good repair.

Note: Ch. Comm 9 was repealed eff. 3-1-08.

5. If devices other than plumbed toilets or outdoor toilets are used, they shall be subject to local ordinances and required permits shall be obtained.

6. Plumbing shall comply with all applicable sections of Wisconsin plumbing codes.

7. Liquid waste disposal shall be connected to a public sewer, if available. If not available, liquid waste disposal shall be in accordance with chs. SPS 382, 383 and 384.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84; corrections in (1) (d) and (3) (e) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; CR 04-040: am. (1) (d) and cr. (2) (a) 8. Register December 2004 No. 588, eff. 1-1-05; correction in (3) (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 07-102: r. and recr. (1) (a) to (c), (2) (a) 4., 5. and (3) (c) 1., am. (1) (d), (e), (2) (a) 3., 6., 7., (b) 1. to 4., (3) (a) 1., 2., 4., 5., (b) 1. to 3., (c) 2., 5., (d) 1., 2., 3., (e) 2., 4., 6. and 7., cr. (1) (f), (g), (2) (a) 9., (3) (c) 6. to 8. and (d) 2m., r. (2) (a) 2. c. and (3) (c) 3. Register December 2008 No. 636, eff. 1-1-09; correction in (3) (d) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2008 No. 636; correction in (3) (d) 2. made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668; correction in (3) (e) 7. made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673.

DCF 252.44 Program. (1) **PROGRAM PLANNING AND IMPLEMENTATION.** (a) Each day camp shall have a 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 program-

ming and activities for enrolled children. The program of activities shall focus on the out-of-doors and the natural environment and shall reflect the camp's written policies. The program shall provide each child with experiences which will promote all of the following:

1. An appreciation and understanding of the natural environment.
2. Large and small muscle development.
3. Intellectual growth.
4. Self-esteem and positive self-image.
5. Opportunities for recreation.
6. Social interaction.
7. Creative expression.
8. Self-expression and communication skills.
9. Literacy skills.

Note: With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

(b) The program shall:

1. Protect the children from excessive fatigue and from overstimulation.
2. Encourage spontaneous activities.
3. Be planned to provide a flexible balance each day of:
 - a. Active and quiet activities.
 - b. Individual and group activities.
4. Provide daily opportunities for children to play outdoors except during inclement weather or when not advisable for health reasons.
5. Provide reasonable regularity in eating, resting and other routines.
6. Provide daily periods when a variety of experiences are concurrently available for the children to select their own activities.
7. Limit the amount of time that children are kept waiting in lines or assembled in large groups during routines such as toileting and eating and intervals between activities.

(2) CHILD GUIDANCE. (a) Each day camp shall have a written policy on guiding children's behavior which provides for positive guidance, redirection and the setting of clear-cut limits. The policy shall be designed to help each child develop self-control, self-esteem, and respect for the rights of others.

(b) If a camp uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes and the procedure shall be included in the camp's child guidance policy as specified in par. (a).

(c) Actions that may be psychologically, emotionally or physically painful, discomfoting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include:

1. Spanking, hitting, pinching, shaking, slapping, twisting, throwing or inflicting any other form of corporal punishment.
 2. Verbal abuse, threats or derogatory remarks about the child or the child's family.
 3. Physical restraint, binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.
 4. Withholding or forcing meals, snacks or naps.
 5. Actions that are aversive, cruel, frightening or humiliating.
- (d) Children shall not be punished for lapses in toilet training.

(3) EQUIPMENT. (a) The camp shall provide program equipment in a variety and quantity which will allow staff to implement activities outlined in the written policy on program objectives and activities required under s. DCF 252.41 (1) (g) 2. and which meets the following criteria:

1. Provides for large muscle development.

2. Provides construction activities and for the development of manipulative skills.

3. Encourages social interaction.
4. Provides intellectual stimulation.
5. Encourages creative expression.

(b) All equipment shall be:

1. Scaled to the developmental level, size and ability of the children.

2. Of sound construction with no sharp, rough, loose or pointed edges, in good operating condition, and anchored when necessary.

3. Placed to avoid danger of accident and collision and to permit freedom of action.

(c) Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

(d) Children using play equipment shall be closely supervised to prevent injuries.

(4) REST. When a session is more than 4 hours in length, there shall be a rest period or period of quiet activities of at least 30 minutes for all children under 5 years of age.

(5) FOOD. (a) Food shall be provided in accordance with Table DCF 252.44 which is based on the amount of time children are present. Food may be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

TABLE 252.44
MEAL AND SNACK REQUIREMENTS FOR EACH
CHILD AT A DAY CAMP

Time Children Are Present	Number of Meals and Snacks
2½ to 4 hours	1 snack
4 to 8 hours	1 snacks and 1 meal
8 to 10 hours	2 snacks and 1 meal
10 hours or more	2 meals and 2 or 3 snacks

(b) Camp-provided transportation time shall be included in determining the total number of hours a child is present for the purpose of par. (a).

(c) Food allergies of specific children shall be reported to cooks, counselors and substitutes having direct contact with children.

(d) Menus for meals and snacks provided by the camp shall:

1. Be posted in the kitchen and in a conspicuous place accessible to parents.
2. Be planned at least one week in advance, dated and kept on file for 3 months.
3. Be available for review by the department.
4. Include diverse types of food.

(e) Each meal and snack provided shall meet the U.S. department of agriculture child care food program minimum meal requirements.

Note: See Appendix B for information on the U.S. department of agriculture child and adult care food program minimum meal requirements.

(f) Enough food shall be prepared for each meal so that second portions of vegetables or fruit, bread and milk are available to children.

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

(h) Children's hands shall be washed with soap and water before eating.

(6) HEALTH. (a) *Observation.* 1. Each child upon arrival at the camp shall be observed by a staff person for symptoms of ill-

ness. For an apparently ill child, the procedure under par. (c) shall be followed.

2. Any evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of camp care shall be recorded in the camp medical log book and reported immediately to the camp director.

(b) *Health supervision.* There shall be an adult at the camp at all times who is responsible for health supervision. The on-site health supervisor shall be one of the following:

1. A physician licensed in Wisconsin.
2. A registered nurse or practical nurse licensed in Wisconsin.
3. A physician assistant licensed in Wisconsin.
4. An emergency medical technician.
5. A person currently certified as having completed the American Red Cross Standard First Aid course or equivalent.

(bm) If a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call, a person who is certified by the department as a first responder under ch. DHS 110 must be on the premises during the hours when children are present. This person may serve as the camp health supervisor.

(c) *Isolation.* 1. There shall be an isolation or first aid area for the care of children who become ill. If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means.

2. When an apparently ill child is observed in the day camp, the following procedures shall apply:

a. A child with symptoms of illness or a condition such as vomiting or diarrhea, shall be isolated and shall be made comfortable, with a place to lie down available, with a staff member within the sight or hearing of the child. Isolation shall be used until the child can be removed from the camp.

b. The child's parent, or a designated responsible person when parents cannot be reached, shall be contacted as soon as possible after the illness is discovered to take the child from the camp.

(d) *Communicable disease.* 1. When it is determined that a person in contact with children or a child enrolled in a day camp has a reportable communicable disease under ch. DHS 145, such as German measles, infectious hepatitis, measles, mumps, or meningitis, the local public health officer, the department, and parents of exposed children shall be notified.

3. A person in contact with children or a child may be allowed to return to a camp if the person's physician provides a written statement that the condition is no longer contagious or the person has been absent for a period of time equal to the longest usual incubation period of the disease as specified by the department.

Note: The Division of Public Health in the Wisconsin Department of Health Services has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child must be excluded from the camp. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines are available from the Child Care Information Center, 2109 S. Stoughton Rd., Madison WI 53716; phone 1-800-362-7353.

(e) *Medication.* 1. Camp staff may give prescription and non-prescription medication to a child only under the following conditions:

a. A signed, dated, written authorization that includes the child's name and birthdate, name of the medication, administration instructions, medication intervals, and the length of the authorization from the parent is on file. Blanket authorizations that exceed the length of time specified on the label are prohibited.

Note: The department's form, Authorization to Administer Medication, or the provider's own form may be used to obtain the parent's authorization to administer medication. Information on how to obtain the form is available on the department's website, <http://dcf.wisconsin.gov>, or from any of the regional licensing offices in Appendix A.

b. The medication is in the original container and labeled with the child's name, and the label includes the dosage and directions for administering.

d. The person administering the medication makes an entry into the medical log book as required under s. DCF 252.41 (4) (b) that includes the type of medication given, dosage, time, date of administration and name or initials of the person administering the medication.

2. All medications shall be stored so that they are not accessible to the children.

3. Medications shall be stored at the appropriate temperature as indicated on the label.

4. No medication may be kept at the camp without a current authorization from the parent.

5. Bee sting medication, inhalers, an insulin syringe, or other medication or device used in the event of a life-threatening situation may be carried by a child over the age of 7 years with written authorization from the parent and the child's physician.

6. Sunscreen and insect repellent may only be applied on the written authorization of the parent. The authorization shall include the ingredient strength of the sunscreen or repellent. If parents provide the sunscreen or insect repellent, the sunscreen or repellent shall be labeled with the child's name. Children may apply their own sunscreen or insect repellent with written parental authorization. The recording of the application of sunscreen or insect repellent is not required.

7. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.

(f) *Injury.* 1. Written procedures for the treatment of children who are in accidents or otherwise injured shall be available and made known to staff and shall be carried out as follows:

a. Written permission from the parent to call the family physician or refer the child or medical care in case of emergency shall be on file at the camp. This permission shall be used only when the parent or the designated responsible person cannot be reached.

Note: The camp may use the department's form, Child Care Enrollment, or its own form for obtaining medical consent from the parent. Information on how to obtain forms is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

b. Prior to the opening of camp, a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed medical facility, shall be designated and made known to staff and parents.

c. There shall be written procedures to be followed for bringing a child to emergency medical care.

d. First aid equipment shall be available at a designated location at the base camp.

f. Standard first aid procedures shall be followed for injuries.

h. Superficial wounds may be cleaned with soap and water only and protected.

i. Suspected poisoning shall be treated only after consultation with a poison control center.

2. A daily record of injuries shall be kept in the medical log. Records of injuries shall be reviewed monthly by the camp director and staff to ensure that all preventive measures are being taken. There shall be documentation in the medical log book required under s. DCF 252.41 (4) (b) that reviews have taken place.

(g) *Health history.* A written health history on a form prescribed by the department shall be obtained from the parent before the child's first day of camp. This shall be kept on file at the base camp and be available to staff. Information contained on the health history form shall be shared with any person assigned to care for the child.

Note: The department's form, Health History and Emergency Care Plan, is used to record a child's health history. Information on how to obtain forms is available from the department's web site, <http://dcf.wisconsin.gov>, or from any regional office listed in Appendix A.

(h) The camp shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. DHS 144.

Note: The form, Day Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Reg-

istry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record. Information on how to obtain forms is available from the department's web site, <http://dcf.wisconsin.gov>, or from any regional office listed in Appendix A.

(i) *Personal cleanliness.* 1. A child's hands shall be washed with soap and running water before and after meals and snacks and after toileting or diapering.

2. Persons working with children shall wash their hands with soap and running water before handling food, after assisting with toileting and after wiping bodily secretions from a child.

3. Soap and water-based wet wipes may be used to wash hands when there is no running water immediately available. Disinfecting hand sanitizers may not replace the use of soap and water when washing hands.

4. Cups, eating utensils, toothbrushes, combs and towels may not be shared and shall be kept in a sanitary condition.

5. Wet or soiled clothing and diapers shall be changed promptly from an available supply of clean clothing.

6. There shall be a supply of dry and clean clothing and diapers sufficient to meet the needs of all children at the camp.

(j) *Diapering.* When children are diapered, the camp counselor shall do all of the following:

1. Consult with the child's parent to develop a toilet training plan so that a child's toilet routine is consistent between the camp and the child's home, if the child is in the process of becoming toilet trained.

2. Change wet or soiled diapers and clothing promptly.

3. Change each child on an easily cleanable surface which is cleaned with soap and water and a disinfectant solution after each use with a chlorine bleach solution of one tablespoon bleach to one quart of water, made fresh daily or a quaternary ammonia product prepared according the manufacturer's recommendation.

4. If the diapering surface is above floor level, provide a barrier or restraint to prevent falling. A child may not be left unattended on the diapering surface.

5. Place disposable soiled diapers and gloves, if used, in a plastic-lined, hands-free, covered container immediately.

6. Remove soiled diapers from containers as needed but at least daily for washing or disposal. Containers shall be washed and disinfected daily.

7. Apply lotions, powders or salves to a child during diapering only at the specific written direction of the parent or the child's physician. The directions shall be posted in the diapering area. The application of diapering lotions, powders or salves is not required to be recorded in the camp medical log.

8. Wash the child's diaper area before each diapering with a disposable or fabric towel used only once.

(7) **WATER ACTIVITY AREA.** (a) *Definitions.* In this subsection, "waterfront" means a pool or beach accessible to or used by children in care.

(am) *Swimming area.* 1. Pools and other swimming areas used by children shall be located, constructed, equipped and operated according to the requirements of chs. SPS 390 and ATCP 76 for pools and water attractions. A beach shall be in compliance with applicable local ordinances.

2. a. Swimming pools shall be enclosed with a 5 foot fence with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 3½ inches or less. In addition, all of the following restrictions apply when the pool is not in use by children.

b. If access to the pool is through a gate, the gate shall be closed and locked.

c. 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.

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

e. The free-standing wall of an above ground 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.

f. 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.

3. The swimming area used by a day camp shall have designated areas for non-swimmers, intermediate swimmers, advanced swimmers and divers. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

4. Access to a water activity area or beach shall be controlled so that children may not enter the area without the knowledge of waterfront staff and any area used for swimming shall be clearly marked.

5. Water activity areas shall be free of hazards. Equipment in water activity areas, including but not limited to docks, ladders, rafts, diving boards, boats, life jackets and paddles, shall be maintained and in good repair.

6. Rescue equipment, including a shepherd's crook type pole, a backboard, ring buoy, and rescue tube shall be maintained and immediately available at each water activity area as specified in s. ATCP 76.26.

(b) *Waterfront supervisor.* 1. Each day camp offering swimming, boating, canoeing, or other water activities whether at a pool or a beach shall designate a staff person as waterfront supervisor. All water activities, whether on or off the premises, shall be under the direction of the waterfront supervisor or an equally qualified adult who is present at the waterfront during water activities. The waterfront supervisor shall:

a. Be 18 years of age or older; and

b. Hold a current certification as a life-guard from a nationally recognized certifying agency.

2. The camp shall maintain a ratio of one person with a current Red Cross lifesaving certificate per 25 children in the water, except where a public swimming place has life-saving personnel on duty. While children are in the water, staff-to-child ratios under s. DCF 252.42 (3) (b) shall be maintained by staff who can swim.

3. The waterfront director or an equally qualified person shall be on duty at all times whenever children are in the water.

4. The waterfront supervisor shall establish and enforce a method for supervising children in the water such as the buddy system, the colored cap system or another method of supervising children. The supervision plan shall be included in the camp's written waterfront plan and reviewed during pre-camp training.

5. The waterfront supervisor shall establish and enforce a method for checking persons in and out of the water. The check-in and check-out procedures shall be included in the camp's written waterfront plan and reviewed during pre-camp training.

6. The waterfront supervisor or person acting as the waterfront supervisor may not be included in the staff-to-child ratios during any period when children are in the water.

(c) *Swimming procedures.* 1. The swimming ability of each child shall be assessed by either the parent or the camp. Documentation of the assessment shall be kept in the child's file.

2. Children shall be restricted to swimming areas within their swimming classification.

(d) *Boating prohibited in swimming areas.* Except in an emergency, no rowboat, canoe, motor boat or other craft, except a lifeboat used by lifeguards, is permitted in a swimming area, pursuant to s. 30.68 (7), Stats.

(e) *Supervision of waterfront activities.* Children shall be closely supervised when they have access to a beach or they are participating in fishing or other shoreline activities.

(8) BOATS. (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 and sailboards. Small inflatable toys such as swim rings and air mattresses are not considered “boats” under this definition.

(am) All boats shall comply with ch. NR 5.

(b) Each occupant of a boat shall wear a type I or II coast guard–approved personal flotation device which is appropriate to the weight of the person wearing it as specified in s. 30.62 (3) (a), Stats., and s. NR 5.13.

(c) There shall be at least one adult in each boat who is a competent swimmer as determined by the waterfront supervisor. When children are using single–seat boats, such as kayaks, a counselor who is a competent swimmer shall be close enough to the children to provide assistance if necessary.

(d) Children who have not demonstrated advanced swimming skills shall be limited to the use of the rowboats only.

(e) All boats, oars and paddles shall be in good repair and inspected annually for safety.

(9) FIREARMS AND ARCHERY. Firearms and archery equipment may not be used by children under 7 years of age. When firearms and archery equipment are used by children over age 7, the following precautions shall be observed:

(a) The archery or shooting range may be used only under the supervision of a trained adult instructor.

(b) Other program activities shall be in an area away from the designated archery or shooting range. The range shall be fenced in with rope or wire and marked with danger signs or flags.

(c) Firearms, ammunition, and archery equipment shall be stored under lock and key when not in use.

(d) Children shall be closely supervised to ensure that all firearms, ammunition and archery equipment is used in a safe manner and to ensure that all unused ammunition is returned to the instructor.

(10) TOOLS. (a) Power tools shall not be used by children under 7 years of age.

(b) Children under 7 years of age shall not be allowed in areas where power tools are in use.

(c) When power tools and other tools are not in use, they shall be stored in an area not accessible to children.

(11) HORSEBACK RIDING. (a) This subsection shall apply whether the camp owns, rents, or leases horses.

(b) Children may ride horseback only under close supervision in a ring or other enclosed area.

(c) The riding tack shall be maintained in good repair to provide maximum safety for children. It shall be appropriate to the age, size, and ability of the rider.

(d) Horseback riding shall be specifically covered by the camp’s liability insurance.

(12) FIELD TRIPS. For field trips away from the base camp:

(a) Staff shall carry emergency contact information and signed parental permission for the emergency medical care of all children on the field trip.

(b) The counselor–to–child ratio under Table DCF 252.42 shall be maintained, except that the number of adults accompanying children away from the base camp shall be no fewer than 2.

(c) A planned source of emergency medical care in the area to be visited shall be known to staff.

(d) A list of children participating in the field trip shall be maintained by the camp director and a counselor accompanying the children.

(e) Parents shall be notified in advance of the times and location of each field trip.

(f) First aid supplies shall be taken on all field trips.

(13) ADVENTURE–BASED ACTIVITIES. (a) This subsection applies whether the camp owns, rents, or leases equipment used in adventure–based activities. Adventure–based activities include but are not limited to experiences such as ropes or challenge courses, hiking and rock climbing.

(b) The licensee shall ensure that personnel leading and providing training to children are trained and have experience for the type of adventure–based experience they are supervising.

(c) Equipment used in adventure–based activities shall be properly installed, maintained in good condition and working order and appropriate to the size, developmental and ability level of the children using the equipment.

(d) Before a child is permitted to participate in an adventure–based activity, the licensee shall ensure that the child’s medical history does not prohibit participation in the type of activity planned. If there is a question about a child’s ability to participate for medical reasons, the licensee shall not permit participation without the written approval of the child’s physician and written authorization from the child’s parent.

(e) Counselor–to–child ratios shall be adequate to manage and supervise the adventure–based activity based upon the number of children participating and type of activity. However, at no time, shall the counselor–to–child ratio be less than that specified in Table DCF 252.42.

History: Cr. Register, October, 1984, No. 346, eff. 11–1–84; corrections in (7) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; corrections in (6) (d) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1997, No. 499; corrections in (7) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; CR 04–040: am. (5) (d) Register December 2004 No. 588, eff. 1–1–05; corrections in (2) (b), (3) (a), (5) (a), (6) (d) 1., (e) 1. d., (7) (b) 2. and (12) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 07–102: am. (1) (a) (intro.), 1., 2., 4. to 6., (b) 1., (2) (a), (c) 1. to 4., (3) (b) 1., 2., (4), (5) (a), (6) (a) 1., 2., (b) (title), (c) 1., 2. a., (d) 1., 3., (e) 1. a., b., d., 3., (f) 1. a. to d., f., 2., (g), (7) (b) (title), (intro.), (c) 1., (e), (8) (b) to (d), (9) (intro.), (a) to (c), (12) (intro.) and (a) to (d), r. and recr. (1) (a) 3., (2) (b), (c) (intro.), (5) (d) to (g), (6) (e) 1. (intro.), (7) (title), (b) 1. b., (8) (title) and (9) (d), cr. (1) (a) 7. to 9., (b) 3. to 7., (2) (c) 5., (3) (a) 1. to 5., (c), (d), (5) (d) 1. to 4., (6) (b) 1. to 5., (bm), (e) 4. to 7., (f) 1. i., (h) to (j), (7) (a), (am) 2. b. to f., 4. to 6., (b) 4. to 6., (8) (a), (e), (12) (e), (f) and (13), renum. (3) (a), (6) (b), (7) (a) 1., 3., 4. and (8) (a) to be (3) (a) (intro.), (6) (b) (intro.), (7) (am) 1., 2. a., 3. and (8) (am) and am., r. (6) (d) 2., (e) 1. c., (f) 1. e., g., 3., (7) (a) 2. and (c) 3. Register December 2008 No. 636, eff. 1–1–09; corrections in (3) (a) (intro.), (5) (a), (6) (bm), (d), (e) 1. d., (f) 2., (h), (7) (am) 1., 6., (12) (b) and (13) (e) made under s. 13.92 (4) (b) 7., Stats., Register December 2008 No. 636; correction in (7) (am) 1. made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; correction in (6) (bm) made under s. 13.92 (4) (b) 7., Stats., Register April 2015 No. 712; correction in (7) (am) 1., 6. made under s. 13.92 (4) (b) 7., Stats., Register July 2016 No. 727.

Subchapter II — Day Care Programs Established by School Boards

DCF 252.50 Definition. In this subchapter, “establish and provide” means to fund the day care program and to control the daily operation of the program.

History: Cr. Register, August, 1985, No. 356, eff. 9–1–85.

DCF 252.51 Compliance with licensing standards. (1) A day care program established and provided by a school board shall comply with applicable standards under subch. I or ch. DCF 250 or 251 governing the operation of day care centers.

(2) The department shall inspect the day care program established and provided by a school board and document in writing for the school board whether or not the day care program complies with the applicable standards for day care centers under this chapter.

History: Cr. Register, August, 1985, No. 356, eff. 9–1–85; am. (1), Register, January, 1997, No. 493, eff. 8–1–97; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; correction in (1), made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.