

WISCONSIN ADMINISTRATIVE CODE



Division of Early Care and Education

DCF 252

**LICENSING RULES FOR
DAY CAMPS FOR CHILDREN
WITH COMMENTARY**

effective December 2020

PREFACE

Chapter DCF 252 LICENSING RULES FOR DAY CAMPS FOR CHILDREN WITH COMMENTARY

Section 48.65, Stats., requires that persons who provide 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 statutes also require the Department of Children and Families to establish rules which must be met in order to qualify for a license and which protect and promote the health, safety, and welfare of the children in the care of the child care center.

Chapter DCF 252 is the administrative rule governing day camps for children, which provide care and supervision to 4 or more children 3 years of age and older for less than 24 hours a day.

Although prepared primarily as a tool for licensing specialists, the purpose of the DCF 252 Group Child Care Rules with Commentary is to help all users of DCF 252 understand the intent and application of the rule. An attempt has been made to offer commentary for those rules where experience indicates clarification would be helpful. However, commentary cannot be written to cover every situation encountered. Providers who require additional information should contact their regional licensing specialist.

The portion of this publication that is numbered and in regular print is the administrative code DCF 252. The portion of the publication that is within boxes and in *italicized print* is commentary that was prepared by staff of the Bureau of Early Care Regulation.

There is a header on each page that contains the rule cite for the section of the rule beginning on that page. A table of contents and an index are also included, as are appendices that contain key statutes related to the child care rules, a copy of DCF 13 (administrative rules governing child care background checks), and other appendices referenced in the rule.

This publication may be duplicated and is also available on the department's website:
<https://dcf.wisconsin.gov/cclicensing>.

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DCF 252.02 Authority and purpose.

(1) **AUTHORITY.** This chapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for 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.

The Request for Exception form is the preferred format for the request. A request in the form of correspondence will be accepted as an alternative. The exception request must include the rule number for which the exception is being requested; the signature of the licensee or the person previously delegated in writing by the licensee to have the authority to sign official documents or correspondence; and the alternative plan to meet the intent of the rule.

The exception to the rule may not be implemented until the exception request has been approved by the department.

Failure to comply with the conditions of the exception may result in withdrawal of the exception and/or initiation of other enforcement actions, such as forfeiture or revocation of the license.

DCF 252.03 Included and excluded care arrangements. This chapter applies to all day camps but it does not apply to family child care centers regulated under ch. DCF 250, group child care centers regulated under ch. DCF 251, or 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, villages, 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.

Camps offering an overnight activity for children enrolled in the camp that occurs on the premises of a licensed day camp may do so if parents are informed that the camp is not licensed during that time period. If the camp wishes to operate during this time as a licensed facility, an exception must be requested. Camps should also check with their insurance company to ensure coverage during this time.

Residential camps are licensed under ATCP 78. A program must be licensed as a residential camp if the children stay overnight for 4 or more consecutive nights.

(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.

Non-working parents on the premises means a care situation in which a parent of every child in care is on the premises at all times. Day camps serving industry, colleges, universities, or employer-based day camps where parents may be employed or attending classes on the same premises must be licensed.

(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.

DCF 252.04 Definitions. In this subchapter:

(1) "Background check request form" means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, Background Check Request, is available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

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

See DCF 252.43 (1) (a) – BASE CAMP ENVIRONMENT.

(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 camp 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) "Child care background check" means the requirements in s. 48.686, Stats., and ch. DCF 13.

(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.

See s.48.65., Wis. Stats.

Camps may operate year-round if the programming is primarily oriented to the out-of-doors.

See DCF 252.44 (1) (a) – PLANNED PROGRAM OF ACTIVITIES.

(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 unforeseen circumstances that require immediate attention.

252.04(13)

(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 a civil or criminal conviction or administrative rule violation that is substantially related to the care of children, as determined under s. DCF 13.05.
- (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, including during camp-provided transportation, for the safety and developmental needs of the child or children.

Junior counselors or counselors in training are considered in care when parents pay the camp for the child to attend. Junior counselors/counselors in training may assist with activities but may not be responsible for the supervision of children.

See DCF 252.09 (7) (a) – CENTER RESPONSIBILITY FOR CHILD DURING TRANSPORTATION.

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

The air quality index (AQI) is an index for reporting daily air quality. It tells you how clean or polluted the air around you is and what associated health effects might be a concern. The higher an AQI value is the higher the level of air pollution present and the greater the health concern. For example, children who have asthma may be affected playing outdoors when the index reaches 101 – 150.

See DCF 252.44 (1) (b) 4. – PROVIDE DAILY OUTDOOR PLAY OPPORTUNITIES.

See Appendix D Resources List, Child Care Weather Watch – Wisconsin.

- (a) Heavy rain.

(b) Temperatures above 90 degrees Fahrenheit.

The heat index (HI) is an index that combines air temperature and relative humidity in an attempt to determine the human-perceived equivalent temperature – how hot it feels – termed the felt air temperature.

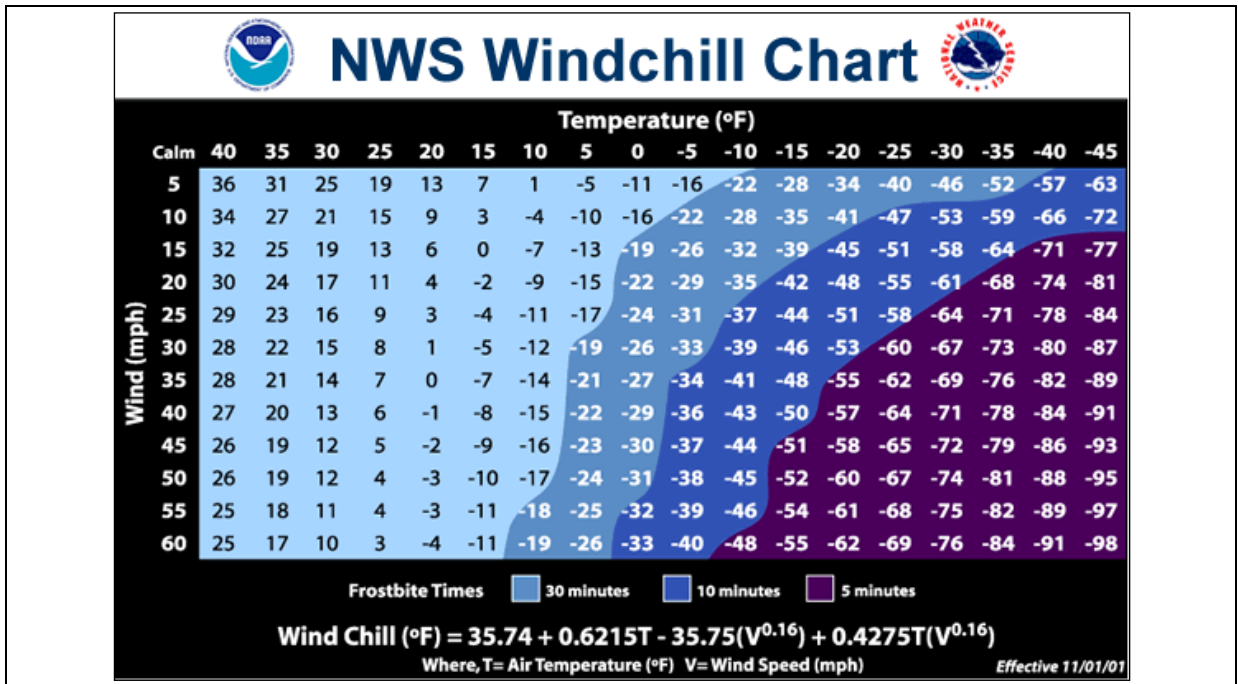
NOAA's National Weather Service Heat Index

		Temperature (°F)															
		80	82	84	86	88	90	92	94	96	98	100	102	104	106	108	110
Relative Humidity (%)	40	80	81	83	85	88	91	94	97	101	105	109	114	119	124	130	136
	45	80	82	84	87	89	93	96	100	104	109	114	119	124	130	137	
	50	81	83	85	88	91	95	99	103	108	113	118	124	131	137		
	55	81	84	86	89	93	97	101	106	112	117	124	130	137			
	60	82	84	88	91	95	100	105	110	116	123	129	137				
	65	82	85	89	93	98	103	108	114	121	128	136					
	70	83	86	90	95	100	105	112	119	126	134						
	75	84	88	92	97	103	109	116	124	132							
	80	84	89	94	100	106	113	121	129								
	85	85	90	96	102	110	117	126	135								
	90	86	91	98	105	113	122	131									
	95	86	93	100	108	117	127										
	100	87	95	103	112	121	132										

Likelihood of Heat Disorders with Prolonged Exposure or Strenuous Activity

Caution Extreme Caution Danger Extreme Danger

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



(16m) "Licensed hours" means the authorized hours specified on the license certificate and letter of transmittal within which the day camp may provide child care services.

252.04(17)

(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.

A licensee may also include a Limited Liability Company (LLC).

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

A person monitoring a day camp for purposes of child care subsidy is also considered a licensing representative.

(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.

s. 118.165, Wis. Stats., Private Schools

(1) An institution is a private school if its education program meets all of the following criteria:

(a) The primary purpose of the program is to provide private or religious-based education.

(b) The program is privately controlled.

(c) The program provides at least 875 hours of instruction each school year.

(d) The program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. The subsection does not require the program to include in its curriculum any concept, topic or practice in conflict with the program's religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program's religious doctrines.

(e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under s. 188.15(1)(a) and (am), Wis. Stats.

(f) The pupils in the institution's educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation, or the institution is licensed as a child welfare agency under s. 48.60(1), Wis. Stats.

(2) An institution may request the state superintendent to approve the institution's educational program as a private school. The state superintendent shall base its approval solely on the criteria under sub. (1).

s. 118.167, Wis. Stats., Private school determination by state superintendent. If an association that regulates or accredits private education institutions in this state submits an affidavit to the state superintendent attesting that the institution meets or exceeds all of the criteria under s. 118.165 and the state superintendent finds that the institution does meet or exceeds all of the criteria under s. 118.165, the state superintendent shall determine that the institution is a private school. If at any time the state superintendent finds that an institution determined to be a private school under this section no longer meets the criteria under s. 118.165, the state superintendent may withdraw the determination.

(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 (3) 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 ensure 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 <https://www.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).

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 check request 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 Initial License Application – Day Camps for Children, 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 complete all forms truthfully and accurately, pay all fees and forfeitures due to the department, and submit all of the following materials to the department:

The licensee of a camp is required to sign any documents. The licensee may designate another individual to sign on the licensee's behalf.

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 or, if the licensee is a limited liability company, a copy of the articles of organization and the operating agreement, if any.
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, Stats., applicable fees for child care background checks under s. 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats.

252.05(1)(c)10.

10. For an initial license application, a completed background check request form for the applicant and if the camp will be located in a residence, any household member 10 years of age and above.

Note: The background check request form is used for reporting background information. Information on how to request a background check is available on the department's website <http://dcf.wisconsin.gov>.

The board president of a corporation or all members of a limited liability company (LLC) are considered the licensee for the purposes of a child care background check (CBC). A CBC will be conducted on the board president unless s/he designates another member of the board as the individual who will have the CBC completed on behalf of the corporation. A CBC will be conducted on all members of an LLC unless the operating agreement specifies an individual who will have the CBC completed on behalf of the LLC.

See Appendix C Chapter DCF 13 Child Care Background Checks and the department's website <https://dcf.wisconsin.gov/ccbgcheck> for additional information regarding background checks.

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 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.

*The camp must comply with any local ordinances related to the testing of water on a beach.
See DCF 252.44 (7) (a) – DEFINITION – WATERFRONT.*

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

See DCF 252.43 (1) (d) – BASE CAMP BUILDINGS.

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. The department shall review a regular license every 2 years after the date of issuance.

(h) If the department determines that the licensee continuing a regular license has met the minimum requirements for a license under this chapter, has paid the applicable fees referred to in ss. 48.65 and 48.686, Stats., any unpaid forfeiture under s. 48.715 (3) (a) or 49.155 (7m) (a) 3., Stats., and any unpaid penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

252.05(1)(i)

(i) The department may refuse to issue or continue a license if another child care center or day camp operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding forfeiture or penalty.

(j) The department may not process an application for a license if the applicant has had a child care license under s. 48.65, Stats., or a child care certification under s. 48.651, Stats., revoked or denied within the last 2 years. No person may submit an application for a licensee and no licensee may hire a person who had a child care license revoked or denied within the previous 2 years.

(k) The department shall consider a licensee who fails to submit any of the materials described in par. (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.

(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.

Licensed capacity may not be exceeded at any time. If a camp over-enrolls based on an absentee rate or has an occasional drop in, the camp must be sure that over-enrollment will not result in the camp being over capacity.

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

Section 48.65, Wis. Stats., requires programs that provide care to 4 or more children under age 7 to be licensed. Camps who serve a mix of children both under and over age 7 must decide whether to license the entire program or only the portion of the program that serves children under age 7. If the camp chooses to license the entire program, the entire program is subject to the licensing rules. If the camp chooses to license only the portion of the program that serves children under age 7, the groups of children under age 7 and the groups of children age 7 and over must have separate spaces and staff.

If children 7 years of age and older are served in the same space with children less than 7 years of age, a license for the actual age range to be served within the licensed capacity is issued. Developmentally appropriate equipment and supplies must be available.

Regulated and non-regulated portions of a day camp may be combined during transportation; however, the appropriate licensing rules must be met during transportation. See DCF 252.09 – TRANSPORTATION.

A license may be granted for the care of children through age 17. If a provider wishes to care for a child above or below the specified age on the license, an exception should be requested. For example, a provider who is licensed up to age 12 and wishes to care for one child age 14. The exception must be granted prior to caring for a child above or below the ages specified on the license; however, a camp may not care for children under age 3.

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

Licensed Hours: Authorized hours specified on the license certificate within which the camp may provide child care services.

Hours of Operation: Hours within the term of the license during which children are actually in the care of the camp.

(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.

252.05(6)(a)3.

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.

252.05(7)(b)

(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 that may result, a day camp may not accept for care any child not enrolled and in care 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.

252.05(10)**(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.

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. Pursuant to s. 48.73, Stats., the department may visit and inspect any day camp at any time during licensed hours. A department licensing representative shall have unrestricted access to the premises, whether temporary or permanent, which are identified in the license, children in care, staff and child records, and any other materials or individuals with information on the camp's compliance with this chapter.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.686, 48.715, or 48.76, Stats.

DCF 252.07 Non-discrimination, confidentiality, and reporting child abuse or neglect.**(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.

The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Office at 608-422-6889 or the US Department of Health and Human Services, Office for Civil Rights 800-368-1019 (voice) or 800-537-7697 (TDD) or see the ADA website https://www.ada.gov/filing_complaint.htm to file a complaint.

(2) CONFIDENTIALITY OF RECORDS.

It is recommended that the camp have a policy regarding the use of photos and social or electronic media involving children in care.

(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 child's parent.

2. Any person, business, school, social services provider, medical provider, or other agency or organization if written parental consent has been given.

3. An agency authorized under s. 48.78, Stats., to have access to children's records.

A day camp may share confidential information regarding an individual in care to a public school, social welfare or law enforcement agency, or the Department of Children and Families. A social welfare agency is a county department of social or human services, an Indian tribal social services agency or agent, or a licensed child welfare agency under contract with the county department. A law enforcement agency is a sheriff or police department.

(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.

Every parent has a right to their child's school, medical, and dental records, and any video recordings of their child. The only exception to this rule is if a court specifically orders that a parent does not have access to the records. To prohibit or restrict access, the camp must have a copy of the court order on file at the camp.

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

(3) REPORTING CHILD ABUSE OR NEGLECT.

(a) A licensee, employee, or volunteer at a day camp who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.02 (1) or (12g), Stats., shall immediately contact the county department of social services under s. 46.22, Stats., the county department of human services under 46.23, Stats., or local law enforcement agency in compliance with s. 48.981, Stats.

Licensees, employees, and volunteers are mandated reporters under the law.

- *A mandated reporter who witnesses or who has reasonable knowledge to suspect that a child has been abused or neglected is required to immediately contact the proper authority (county department of social or health and human services or law enforcement).*
- *The witness or the person who has reasonable knowledge to suspect that a child has been abused or neglected should be the person to make the report.*
- *When in doubt, report the suspected abuse or neglect.*
- *Because child-to-child contact may be determined to be abuse, child-to-child sexual contact must be reported.*

A report to the licensing specialist does not meet this requirement.

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

Beginning on 1/1/2023, the Department will no longer accept a review of the brochure "It Shouldn't Hurt to Be a Child" to meet this requirement.

The Department's online training, "Mandated Reporter Online Training," may be used to meet this requirement. "Strengthening Families" or "Darkness to Light" (also known as Stewards of Children) training may also be used to meet this requirement.

Training may also be obtained from local child protective services, law enforcement, or other agencies that provide continuing education experiences. Training may be counted as continuing education.

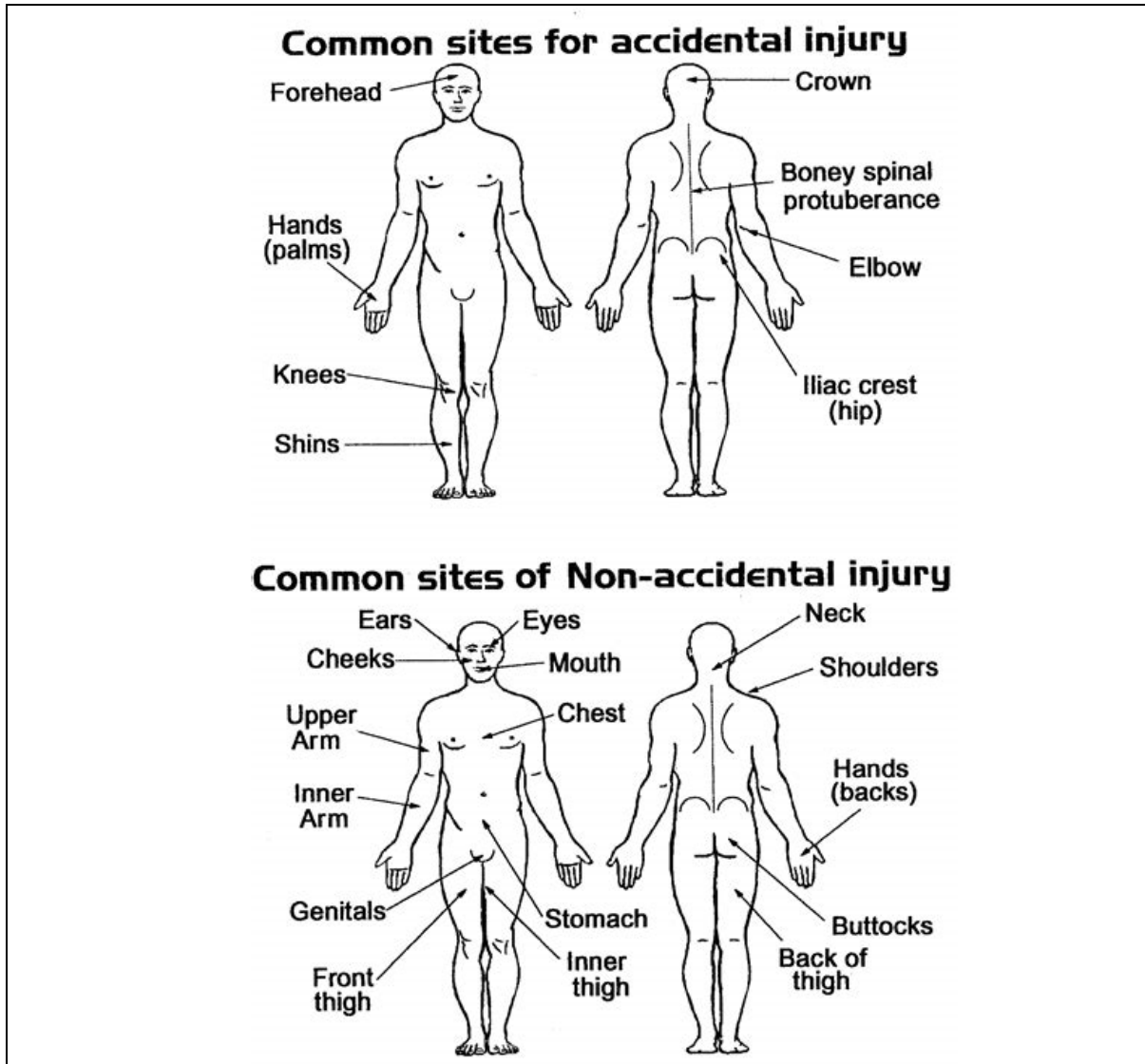
The Department-approved, entry-level course called Introduction to the Child Care Profession contains training in the identification and reporting of child abuse and neglect and may be used to meet the requirement for 2 years after the completion date of the course.

See DCF 252.42 (3) (a) 10. – PRE-CAMP TRAINING – CHILD ABUSE & NEGLECT LAWS, REPORTING.

1. Child abuse and neglect laws;

252.07(3)(b)2.

2. Identification of children who have been abused or neglected; and



3. The process for ensuring that known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

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.

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.

Dogs, cats, and ferrets must be vaccinated against rabies as documented by a current vaccination certificate. Other immunizations frequently given to dogs and cats are to prevent disease that is not communicable to children. Initial rabies immunization for dogs should be administered by five months of age and within one year after the initial immunization. Initial rabies immunization for cats should be administered at 8 – 12 weeks of age and within one year after initial immunization. Initial rabies immunization for ferrets should be administered at 12 weeks of age. Subsequent immunizations are to be administered at intervals stated on the certificate of vaccination. If no date is specified, a dog shall be vaccinated within three years of the previous vaccination, as specified in s. 95.21 (2), Wis. Stats. Wisconsin law does not allow persons to vaccinate their own animals for rabies.

(2) A pet that is suspected of being ill, or infested with external lice, fleas, ticks, or internal worms shall be inaccessible to children.

(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.

See DCF 252.41 (2) (a) – REPORT – INCIDENT OR ACCIDENT and DCF 252.41 (2) (ar) – REPORT – ANIMAL INJURY.

(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.

Examples of aggressive behaviors include showing teeth, growling, hissing, excessive barking, hair standing up on the animal's back, or tail between their legs.

See DCF 252.44 (6) (i) 1. – PERSONAL CLEANLINESS – CHILD HANDWASHING. Whenever children handle a pet or another animal, they shall wash their hands afterwards with soap and water. If soap and water is not available, the children may use soap and water-based wet wipes or hand sanitizer to clean hands until soap and water is available.

Petting zoos are permitted; however, it is recommended that the camp's policy indicates what animals/pets are maintained at the camp and that parents are notified in advance of the animal's presence and which types of animals / pets children will be able to have direct contact with. Example: The children may touch a horse, but not a llama.

252.08(7)

(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.

Examples of aggressive behaviors include showing teeth, growling, hissing, excessive barking, hair standing up on the animal's back, or tail between their legs.

(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.

It is recommended that the following items be included in the health policy:

- *How supervision will be maintained when children interact with animals.*
- *Whether children will touch or handle animals.*
- *How an injury caused by an animal, such as a bite, will be handled.*
- *How sanitation will be maintained, including handwashing when handling animals.*

DCF 252.09 Transportation.**(1) APPLICABILITY.**

(a) Except as provided in par. (b), this section applies to all transportation of children in care, including both regularly scheduled transportation to and from the camp and field trip transportation, if any of the following apply:

If a camp contracts (either verbally or in writing) with a bus company or other agency and the driver and vehicle are regulated under ch. Trans 300 Transportation of School Children, the driver and vehicle do not need to meet the requirements under subsections (4) DRIVER and (5) VEHICLE. Subsection (8) (a) below will be monitored annually for compliance. A written contract between the center and the transportation company is recommended. The licensee is responsible for ensuring that all applicable rules are met.

This rule does not apply when a center contracts for regularly scheduled transportation to and from the local school district school with the local school district bus company. The Alternate Arrival / Release Agreement form may be used to obtain authorization from the parent to have the local school bus company provide the transportation.

See Appendix D Resources List, Instructions for Obtaining Forms – Day Camps for Children.

See DCF 252.04 (3g) – DEFINITION – CAMP-PROVIDED TRANSPORTATION.

See DCF 252.41 (4) (c) – CURRENT, ACCURATE DAILY ATTENDANCE RECORD.

1. The licensee owns or leases the vehicle used.
2. The licensee contracts with another individual or organization that owns or leases the vehicle used.
3. Employees, parents, or volunteers are transporting children at the direction, request, or on behalf of the licensee.

(b) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the counselor-to-child ratios in Table DCF 252.425:

1. The requirement that a licensee obtain a copy of the driver's driving record under sub. (4) (c).
2. The requirement to provide evidence that the vehicle is in safe operating condition at 12-month intervals under sub. (5) (b).
3. The requirements related to child care vehicle safety alarms under sub. (8).

(c) The licensee shall document in their policies that transportation provided through a written or verbal contract with another individual or organization meets the requirements of this section.

(2) PERMISSION AND EMERGENCY INFORMATION. Before transporting a child, a licensee shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include the following information:

(a) The purpose of the transportation and the parent or guardian's permission to transport the child for that purpose.

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

(c) The name, address, and telephone number of the child's health care provider.

252.09(2)(d)

(d) Written consent from the child's parent or guardian for emergency medical treatment.

A copy of the child's current enrollment form will also contain the information required under this rule.

Note: The licensee may use the department's form, Child Care Enrollment, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(3) REQUIRED INFORMATION FOR EACH TRIP. The licensee shall ensure that written documentation of all of the following is maintained at the camp and in any vehicle transporting children while the children are being transported:

- (a) A list of the children being transported.
- (b) A copy of the completed permission and emergency information form under sub. (2) for each child being transported.
- (c) For transportation to or from a child's home or school, the transportation route and scheduled stops.

(4) DRIVER .

(a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid driver's license for the state where the driver resides and for the type of vehicle driven.

This is in conformity with Wisconsin Statutes 121.555, which prohibits anyone under 18 years old from driving children. No exceptions will be granted.

A person may have a driver's license card that has not expired but still have the license suspended or revoked. The only way to ensure that a driver's license has not been suspended or revoked (and is still valid) is through a check of the person's driving record maintained by the Wisconsin Department of Transportation, <https://wisconsindot.gov>, or by the department of transportation for the person's state of residence.

See DCF 252.04 (3g) – DEFINITION – CAMP-PROVIDED TRANSPORTATION.

(b) Before a driver who is not the licensee first transports children the licensee shall provide the driver with a training. The licensee shall review, document and update the training as necessary with each driver annually. The training shall include all of the following:

The department's form Driver Training Checklist – Child Care Centers may be used for documenting training.

1. The procedure for ensuring that all children are properly restrained in the appropriate child safety seat.
2. The procedure for loading, unloading, and tracking of children being transported.
3. The procedure for evacuating the children from a vehicle in an emergency.
4. Behavior management techniques for use with children being transported.
5. A review of this section and the applicable statutes under s. 347.48, Stats.
6. A review of applicable camp policies.
7. First aid procedures.
8. A review of child abuse and neglect laws and center reporting procedures.
9. Information on any special needs a child being transported may have and the plan for how those needs will be met.
10. A review of the use of the vehicle alarm, if applicable.
11. Any other job responsibilities as determined by the licensee.

252.09(4)(c)

(c) 1. Prior to the day a driver first transports children in care and annually thereafter, the licensee shall obtain a copy of the driving record for each driver and place the record in the staff file. The licensee shall review each 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.

2. In determining whether a driver may pose a threat to the children, the licensee shall consider the totality of the driver's record, any other relevant facts, and all of the following factors in combination:

- a. The seriousness of any accidents or violations.
- b. How much time has passed since an accident or violation occurred.
- c. The number of accidents or violations.
- d. The likelihood that a similar incident will occur.

3. A driver whose driving record indicates that the driver poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the department of transportation at (608) 261-2566 or <http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm>.

(d) 1. Except as provided in subd. 2., a driver of a vehicle that is transporting children in care may not use a cellular phone or other wireless telecommunication device while loading, unloading, or transporting children except when the vehicle is out of traffic, not in operation, and any of the following applies:

- a. The phone or device is used to call 911.
- b. The phone or device is used to communicate with emergency responders.
- c. The phone or device is used to communicate with the camp regarding an emergency situation.

2. A navigation device may be used during transportation of children if the device is programmed to a destination when the vehicle is out of traffic and not in operation.

(5) VEHICLE.

(a) The licensee shall ensure that each vehicle that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.
2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.
3. In safe operating condition.

(b) At 12-month intervals, the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

Note: The department's form, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Forms are available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

The Vehicle Safety Inspection form is to be signed by the owner/employee of a bona fide repair business such as garage, auto repair shop or service station. Name of repair business should appear on vehicle inspection form in addition to signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If inspection report indicates needed repairs, vehicle must be repaired, and inspection form must note the indicated repair or replacement has been completed. See Appendix D Resources List for information on obtaining forms.

New and used vehicles purchased from an authorized dealer with inspection report will be accepted for one year.

The State Patrol conducts safety inspections of school buses and a sticker issued by the inspector will be accepted in lieu of the Vehicle Safety Inspection form.

252.09(5)(b) continued

If a vehicle used to transport children has been involved in an accident, the department may request evidence that the vehicle is in safe operating condition.

The use of a 9- to 15-passenger van to transport children is not recommended. Federal law prohibits schools and school systems from purchasing or leasing a new 15-passenger van if it will be used significantly by the school or school system to transport preschool and school-aged children to or from school or school-related events. More information is available on the National Highway Transportation Safety Administration website:

<https://www.nhtsa.gov/road-safety/15-passenger-vans>. See Appendix D Resources List, Transporting Children in 10+ Passenger Vehicles to and From School.

See DCF 252.04 (3g) – DEFINITION – CAMP-PROVIDED TRANSPORTATION.

(c) At least once per year, the licensee shall make available to the department each vehicle that is required to have a child safety alarm under sub. (8) (a) to determine whether the child safety alarm is in good working order.

(d) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

(6) SEAT BELTS AND CHILD SAFETY RESTRAINTS.

(a) No person may transport a child under 8 years of age in a motor vehicle, unless the child is restrained in a child safety restraint system that is appropriate to the child's age and size and in accordance with s. 347.48 Stats., and ch. Trans 310.

Most child safety seats have an expiration date embossed in plastic on the bottom of the seat. Child safety seats may not be used past their expiration date.

An integrated child safety seat may be used by children who meet the age, height, and/or weight requirements identified by the manufacturer of the vehicle.

LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety (715) 843-1890 or from the web site www.safekidswi.org.

All child safety restraints sold in the USA are required to comply with the dynamic testing requirements of the Federal Motor Vehicle Safety Standard (FMVSS) #213, Child Restraint Systems. The National Highway Traffic Safety Administration (NHTSA) has developed an ease of use rating system of child safety restraints to help provide information about which child safety seat may be most appropriate for a child. See

<http://www.nhtsa.gov/Safety/CPS> for more information on child safety restraints. Most child safety seats have an expiration date embossed in plastic on the bottom of the seat. Seats may not be used past their expiration date.





Information on Recalled Car Safety Seats can be found at <http://www-odi.nhtsa.dot.gov/owners/SearchChildSeats>.

An integrated car safety seat may be used by children who meet the age, height and/or weight requirements identified by the manufacturer of the vehicle.

Information on the Wisconsin Child Passenger Safety Law can be found on the Department of Transportation website: <http://wisconsindot.gov/Documents/safety/education/child-safety/cps-law-card.pdf>.

See Appendix D Resources List, Car Safety Seat Information.

Wisconsin child passenger safety

Type of seat	Wisconsin law	Safest practice
Rear-facing Car Seat 	Children must ride in a rear-facing car seat until they are 1 year old and weigh 20 pounds.	Children should ride in a rear-facing car seat until at least the age of 2. Keep children rear facing as long as they are within the height and weight requirements for the car seat.
Forward-facing Car Seat 	Children must ride in a forward-facing car seat with a harness until they are 4 years old and weigh 40 pounds.	Children should ride in a forward-facing car seat with a harness as long as they are within the height and weight requirements for the car seat.
Booster Seat 	Children must ride in a booster seat until they are 8 years old or weigh 80 pounds or are 4 feet 9 inches tall (4'9").	Children should ride in a booster seat until they are tall enough to sit on the vehicle seat without slouching, and the seat belt fits snugly across the top of the thighs and across the shoulder.
Seat Belt 	Children must be restrained in a seat belt when they outgrow the requirements of a booster seat.	Children should ride using a lap and shoulder belt once they have outgrown their car or booster seat.
Back Seat	Children required to ride in a rear-facing or forward-facing car seat must be restrained in the back seat.	Children under 13 years of age should ride in the back seat using a lap and shoulder belt.

Note: For further information on child safety restraints, see <https://wisconsindot.gov/Pages/safety/education/child-safety/default.aspx>.

(b) 1. Each child who is not required to be in an individual child car safety seat or booster seat when being transported under par. (a) shall be properly restrained by a seat belt in accordance with 347.48, Stats., and ch. Trans 315.

2. Each adult in the vehicle shall be properly restrained by a seat belt in accordance with 347.48, Stats., and ch. Trans 315.

3. Seat belts may not be shared.

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

If a center owns, leases, or contracts for a school bus, seat belts or car safety seats are not required because these vehicles were constructed to carry children without such devices.

For additional information, contact the NHTSA Vehicle Safety Hotline at (888) 327-4236.

(d) Children under 13 years of age who are in the care of the camp may not ride in the front seat of a vehicle.

252.09(7)**(7) VEHICLE CAPACITY AND SUPERVISION.**

(a) The camp shall be responsible for a child from 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. A parent of a school age child may authorize a child to enter a building unescorted.

See DCF 252.41 (4) (c) – CURRENT, ACCURATE DAILY ATTENDANCE RECORD. If the camp picks up the children from his / her home or a designated pick-up or drop-off point, the daily attendance record must indicate at the actual time the child was picked up or/and dropped off.

See DCF 252.41 (1) (f) 4. – POLICY SUBMITTED & IMPLEMENTED – ADMISSION. If the camp provides transportation services from home to camp, procedure should address how the camp is to be notified that a child is not attending that day (i.e. sign in the window of the home that child is not attending, prior notification to the center that child not attending, a second adult on the vehicle walks to the door to pick up the child, told at the door that child is not attending, etc.). If the center is not notified that a child will not attend, the parent must be notified if the child does not arrive at the camp as expected.

Note: The form, Transportation Permission - Child Care Centers, may be used to designate an adult to receive a child being transported. Forms are available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(b) Children may not be left unattended in a vehicle.

(c) 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 that limits their ability to respond to an emergency.

When evaluating the need to have an adult supervisor (in addition to the driver) present in the vehicle, the center needs to consider the ability of the child with a disability to evacuate the vehicle with limited additional help from the driver, the number and ages of other children being transported, and whether any children being transported have a behavioral history that might be disruptive during transportation.

(d) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(e) No child may be in a vehicle for transport to or from the camp, a field trip, or other camp activity for more than 60 minutes each direction.

(8) CHILD CARE VEHICLE SAFETY ALARM.

This section also applies to hired or contracted school buses.

(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 center.

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>.

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.

(bm) Ensure that all information provided to the department is current and accurate.

(br) Comply with all conditions placed on the license.

(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.

In circumstances where Migrant Councils operate licensed programs in Wisconsin on a seasonal basis, the person representing the Migrant Council may be considered to be a Wisconsin resident during the period of time that program operates in Wisconsin. The Wisconsin residence address must be provided.

(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:

A licensee must submit proof of insurance coverage to the department prior to a license being issued. An insurance binder has the same intent as a certificate of insurance but may be issued by the insurance company prior to initial licensing and be accepted until the certificate is issued.

The department may be listed as a certificate holder so automatic notice will be sent to the department if coverage is canceled by the insurance firm or subsequent coverage is not obtained through failure of the licensee to pay the premiums. If required insurance coverage is not maintained, a non-compliance statement will be issued.

Day camps operated by the University of Wisconsin system are not required to submit certificates of insurance to the department since coverage is provided by statute for programs, employees, and agents.

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.

See DCF 252.04 (3g) – DEFINITION – CAMP-PROVIDED TRANSPORTATION.

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

Examples of non-owned vehicle transportation are:

- *Children transported in personal vehicle of employee for field trip, portal-to-portal, or for emergencies.*
- *Children transported in personal vehicles of parents or other persons for field trips.*
- *Children transported in vehicles donated by other agencies, but not owned by the center, such as churches, community groups, or the Red Cross.*
- *Children transported in vehicles that are owned by a bus or private transportation company.*

The Commissioner of Insurance has recommended that camps carry a non-owned vehicle liability policy/rider even when the camp only uses public transportation for field trips or portal-to-portal transportation.

252.41(1)(e)3. continued

Non-owned insurance coverage may be obtained as a rider to vehicle insurance coverage or may be obtained as an extension to general liability coverage without vehicle insurance coverage but must specifically appear on the certificate as such. A common practice of insurance carriers is to issue a multi-peril policy covering general liability, property, and non-owned vehicle coverage.

A written contract between a private transportation or bus company is recommended.

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

(f) Develop, submit to the department, and implement written policies and procedures consistent with this chapter on all of the following subjects:

The Policy Checklist – Day Camps is available to assist in writing policies and contains items that are both required and recommended to be included in camp policies. The policy checklist is available on the department’s website <https://dcf.wisconsin.gov>.

Camps should periodically review their existing policies and procedures to determine whether they conflict with the licensing rules; any conflicts must be resolved.

Copies of policy changes must be submitted to the department at the time the policy is changed. Licensees are reminded at continuation that if they have not previously submitted policy changes, they should do so with the continuation materials. The Policy Checklist – Day Camps must be sent to the department at the time the policies are submitted.

It is recommended that policy revisions be dated.

Parent contracts are recommended but not required. If contracts are used, submit a copy with the written policies and procedures.

1. Discharge of enrolled children.

The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Office at 608-422-6889 or the U.S. Department of Health and Human Services, Office for Civil Rights 800-368-1019 (voice) or 800-537-7697 (TDD) or see the ADA website https://www.ada.gov/filing_complaint.htm to file a complaint.

2. Fee payments and refunds.

It is recommended that centers utilize a contract that includes the requirements for payment of fees.

Per DCF 201.038 (5) (a), a provider must have a written payment agreement with each parent that receives Wisconsin Shares Child Care Subsidy.

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.

252.41(1)(f)3.c.

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.

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

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

6. 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.

At a minimum, the transportation policy must include the following:

- *Procedure to ensure that no child is left unattended in a vehicle*
- *Method of taking daily attendance*
- *The transportation route and scheduled stops*
- *Name and address of person authorized to receive the child if child is dropped off anywhere other than the child's residence*
- *Procedure for loading, unloading, and tracking of children being transported*
- *Procedure for evacuating children from a vehicle in an emergency*
- *Procedure to ensure that all children exit the vehicle after transportation to a destination*

7. 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.

See DCF 252.04(12) – DEFINITION – EMERGENCY. For more information on emergency plans, see:

- *Wisconsin Department of Military Affairs, Division of Emergency Management <https://dma.wi.gov/DMA/wem>.*
- *Child Care Information Center, <https://dcf.wisconsin.gov/ccic> or 1-800-362-7353.*

8. 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.

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

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

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

Whenever children handle a pet or animal, they shall wash their hands afterwards with soap and water. If soap and running water is not immediately available, soap and water-based wet wipes or hand sanitizer may be used until running water is available.

See DCF 252.44 (6) (e) 5. – AUTHORIZATION FOR CHILD TO CARRY MEDICATION; DCF 252.41 (4) (b) 1. – MEDICAL LOG – RECORDING TIME FRAME; DCF 252.41 (4) (b) 2. – MEDICAL LOG – REQUIREMENTS; and DCF 252.44 (6) (e) 6. – SUNSCREEN, INSECT REPELLENT AUTHORIZATION.

12. Nutrition.

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

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

252.41(1)(L)

(L)1. Post next to the day camp license all of the following:

- a. The current licensing statement of compliance or a noncompliance statement and correction plan, including rule violations the department has not verified as corrected and in compliance.
- b. Any notice from the department regarding rule violations, such as a warning letter or enforcement action.
- c. Any stipulations, conditions, temporary closures, exceptions, or exemptions that affect the license.
- 2. All items posted as required under this paragraph shall be visible to parents.
- (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 check request form for any of the following:

The Background Check Request (BCR) form, DCF-F-5296, is required for individuals age 10 and older. Licensees submit a BCR for themselves and others through the Child Care Provider Portal (CCPP).

Per s. 48.686 (2) (ab), Wis. Stats., each child care program shall submit a request to the department for a background check prior to the date on which the individual becomes a caregiver, non-caregiver employee, or household member.

Per s. 48.686 (4m) (c) individuals may not begin working or residing at the child care center until they receive preliminary eligibility. New employees or new household members may begin working or residing at a licensed day camp with preliminary eligibility results but must be under supervision of someone with final eligibility until the new employee or household member receives final eligibility.

Licensees are reminded to remove an individual from their facility's profile in the CCPP when the individual no longer resides at the center. Failure to do so may result in continued background checks being conducted on the individual.

- 1. There is a change in the board president or chairperson.
- 2. A corporation or limited liability company designates a new person to be subject to the child care background check.
- 3. A household member turns 18 years of age, unless the household member has previously submitted a background check request form.
- 4. A household member turns 10 years of age.

Individuals who reside on the day camp premises are household members and a DCF background check is required. Licensees should enter all household members into the Child Care Provider Portal (CCPP). When a household member turns 10 years of age, DCF will then contact the licensee and request a Background Check Request form be completed. Licensees should verify that Background Check Request form information for all household members age 10 years and older are entered in the CCPP.

(o) Submit to the department a completed background check request form for each potential household member prior to the date on which the individual becomes a household member, unless the person is less than 10 years of age.

(p) Submit a current delegation of administrative authority signed by the licensee that describes the organizational structure of the camp. The delegation of administrative authority shall identify by position or name those persons that will be on the premises and in charge of the camp for all hours of operation.

252.41(2)

(2) REPORTS. The licensee shall report all of the following to the department via fax, email, or letter or via telephone with a follow-up written report to the appropriate regional licensing office within 5 business days:

(a) Any accident or incident that occurs while the child is in the care of the camp that results in professional medical evaluation, within 24 hours of the licensee becoming aware of the medical evaluation.

Note: The licensee may use either the department's form, Incident Report – Regulated Child Care, 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.

Examples of details that should be included in this report are date and time, a detailed description of what caused the injury, any witnesses, and what action was taken by the provider at the time of the incident or accident.

(am) Any death of a child in care, within 24 hours after the death.

(ar) Any injury caused by an animal to a child in care, within 24 hours after the incident.

If an animal bites a child, the parent shall be notified and procedures for treatment of an injury shall be followed. It is recommended a veterinarian be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. It is also recommended parents be notified of any action taken by the veterinarian, as well as the name, address, and telephone number of the veterinarian who was consulted.

(b) Any damage to the base camp that may affect compliance with this chapter, or any incident at the base camp that results in the loss of utility services, 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), 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.

(gm) Any prohibited actions specified in s. DCF 252.44 (2) (c) by a staff member to a child during the child's hours of attendance, within 24 hours after the incident.

(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.

252.41(2)(k)

(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.

Note: Alterations, additions, 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 before commencing construction. It is recommended that an architect or engineer be consulted prior to the beginning of any construction or remodeling to determine whether plans must be submitted.

Remodeling that involves a kitchen or remodeling that includes any mechanical modification may require a plan review by the Department of Safety and Professional Services plan reviewers.

The addition or removal of large playground structures is considered remodeling or construction that must be reported.

(m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled at the day camp or any person in contact with children at the camp, within 24 hours after the camp is notified of the diagnosis. The licensee shall also notify the local health department within 24 hours after the camp is notified of the diagnosis.

See DCF 252.41 (5) (b) – PARENT NOTIFICATION – COMMUNICABLE DISEASE and DCF 252.44 (6) (d) – COMMUNICABLE DISEASE. See Appendix D Resources List, Communicable Disease Chart, which identifies the diseases that must be reported to the local health department. The Department of Health Services' website also contains the current list of reportable diseases: <https://www.dhs.wisconsin.gov/disease/diseasereporting.htm>.

Names of children with communicable diseases may not be shared with other families. There are penalties for disclosure of HIV antibody test results without consent. See s. 146.025, Wis. Stats. A person's HIV status is confidential and may not be shared with others.

The camp must work with the health department to ensure that all necessary measures are taken to protect the children in care.

(n) Any change in meal preparation arrangements, at least 5 calendar days prior to the change. Camps adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals.

(o) Any change in transportation services, at least 5 calendar days prior to the change.

(4) CHILDREN'S RECORDS FILES.

(a) The licensee shall create and maintain at the camp a current written record for each child before the child's first day of attendance or subsequent re-enrollment. The licensee shall make the record available to the licensing representative. Each child's file shall include all of the following:

See Appendix D Resources List, Instructions for Obtaining Forms – Day Camps for Children. Forms are also available from the DCF website: <https://dcf.wisconsin.gov/cclicensing/ccformspubs>. In some instances, the rule allows camps to develop and use their own forms. If a camp chooses to develop its own forms, all the information specified in the rule is required to be collected.

252.41(4)(a) continued

Licensees wishing to maintain electronic files on children should ensure all of the following: the files must be available for review by the licensing specialist during a licensing visit; electronic files must contain all the required information including the appropriate department-required forms; emergency contact information and any pertinent health information is immediately available to all staff without having to access electronic information.

Administrative rules do not relate to the office management or record-keeping practices of a camp. Required records must be maintained for the length of time the child is enrolled, be on the premises for children in care, and be available to the licensing specialist for review.

It is recommended that the date of discharge be added to the child's record and that the camp retain records for 3 years after a child is discharged.

See Wis. Stat. s. 49.155 (6m); Wisconsin child care subsidy rules require child care providers retain the written daily attendance records for at least 3 years after the child's last day of attendance.

A file is required when a child is considered a "junior counselor" or "counselor-in-training" and the parents are paying for the child to attend.

1. Enrollment information consisting of all of the following:
 - a. The name and birthdate of the child.
 - b. Names and contact information for the child's parents.

Enrollment information should include both parents, if applicable. When access is prohibited or restricted by court order, permission to call for the child is also affected. To prohibit or restrict access, the center must have a copy of the court order on file at the center.

- 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.

If no one is authorized to pick up a child, a notation of "none" should be indicated.

A center may not stop a non-custodial parent from picking up a child. If parental access is denied, a current copy of the court order must be on file at the center.

- 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.

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

Note: The licensee may use either the department's forms Field Trip or Other Activity Permission / Notification – Child Care Centers and Child Care Enrollment or the licensee's own form for securing parental information. Forms are available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

Emergency information should be carried for the children during walking field trips.

252.41(4)(a)5.

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.

The camp's procedure for sharing a child's health history may include keeping a copy of the form with the child.

6m. Documentation of each child's immunization history that indicates compliance with s. 252.04, Stats., and ch. DHS 144.

The Student Immunization Law, s. 252.04, Wis. Stats, sets minimum immunization requirements for children attending a day camp. The immunization history must indicate that the child has received at least the first dose of each required immunization (if appropriate for the age of the child) or that the immunization requirement is to be waived for that child by a compliance alternative.

If a parent claims a religious or personal conviction exemption, the parent may check the appropriate box and sign the Child Care Immunization Record form in lieu of providing an immunization history. Immunization requirements may also be waived upon signature of a physician that the child should not be immunized for health reasons as indicated on the Child Care Immunization Record.

When children are "in the process" of being immunized (i.e., the child has received some DPT and Polio doses but not all that are required for the child's age), the center should request a note from the child's health care provider that the child is "on schedule" for immunizations and the date for the next scheduled dose. This note should be attached to the child's child care center immunization record.

In situations where one of the following conditions exists – (A) Children do not submit an immunization record within 30 school days (6 weeks) of admission; (B) Children whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; (C) Children who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date)—there are two courses of action that a camp may take.

- *The camp may notify the district attorney that the child has failed to comply with immunization requirements as authorized by Wisconsin law and administrative rule.*
- *The child who fails to comply with immunization requirements may be discharged (excluded) from the camp until such time as immunization requirements are met.*

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.

252.41(4)(a)7. continued

A parent may authorize other persons to drop-off or pick-up a child through a note or on the Child Enrollment form. If a child is transported by a school bus, taxi, or transportation company that may have various individuals providing the transportation, then the written agreement should specify the transportation agency as the authorized pick-up or drop-off "person."

Children coming to the camp from school or going from the camp to school within the same school building do not need this authorization. Going to and from any other activity within the school requires an authorization.

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.

The camp should be able to demonstrate to the licensing specialist how they have assessed the child's swimming ability.

(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.

See DCF 252.425 (1) (b) – CHILD TRACKING PROCEDURE.

See DCF 252.41 (1) (f) 4. – POLICY SUBMITTED & IMPLEMENTED – ADMISSION.

A child must be signed in when the child arrives and signed out when the parent arrives to pick up the child. The camp is responsible for children (i.e., knowing their whereabouts) from the time the parent, guardian, or responsible person brings the child to a counselor. Parents or legal guardians are responsible for the child until the child is safely in the camp or received by camp staff.

When the camp provides transportation, attendance must be kept for each child that reflects the time of transportation and the time a child is at the camp. There may be 2 attendance records kept when children are transported. One record could reflect attendance during transportation and the other could reflect attendance while the child is at the camp. Attendance records must include the actual time of pick-up and/or drop-off.

If the child is transported by means other than camp-provided transportation, the transporter is responsible for the child until the child is received by or placed in the vehicle by camp staff. If a child is not received directly by camp or school staff, an authorization for the time the child is moving between the transporter and camp staff must be signed by the parent/legal guardian.

Birthdates are not required to be on the daily attendance record but must be readily accessible to the licensing specialist.

The daily attendance record could be a sign-in / sign-out book completed by either the parents or the center; however, the center is responsible for ensuring that this record is accurate. Camps may have a central sign-in/sign-out book and another method to track children by group or counselor.

For questions related to attendance reporting for WI Shares child care subsidy, contact the local child care coordinator.

252.41(5)**(5) PARENTS.**

(a) The camp director shall notify the parents of a child in care immediately if any of the following occurs:

1. The child becomes ill.
2. The child needs professional evaluation of an injury.
3. The child experiences a head injury, has a seizure, consumes incorrect breastmilk, consumes food or drink that may contain the child's allergen, consumes or comes in contact with poisonous materials, or is given incorrect medication. For purposes of this subdivision, a "head injury" means a bump, blow, or jolt to the head.
4. The child is missing.

(b) If a child in care has been exposed to a confirmed case of a communicable disease reportable under ch. DHS 145 and transmitted through normal contact, the camp director shall notify the child's parents when the information becomes known to the camp.

See DCF 252.41 (2) (m) – COMMUNICABLE DISEASE – REPORTING. Some of these diseases must be reported to the local public health department. Parents of children exposed to any reportable communicable diseases appearing on this chart must be notified of the exposure. Names of children with communicable disease may not be shared with other families.

Examples of those diseases not transmitted through normal contact are HIV/AIDS, Hepatitis B and C, and sexually transmitted diseases.

Contact the local health department for further information.

See Appendix D Resources List, Communicable Diseases Chart.

(c) If a child in care has sustained a minor injury that does not appear to require professional medical evaluation, the camp director shall notify the child's parents when the child is picked up at the camp or delivered to the parent or other authorized person.

(d) The camp shall notify the parents of any religious training that is part of the camp program. The reference to the religious component shall be included in any publicity and program objectives and activities.

(e) A copy of this chapter shall be posted or made available in an area of the camp where parents are likely to see it.

(f) A copy of the child care policies of the camp shall be made available to the parents in an area of the camp accessible to parents. Personnel policies do not need to be available to parents.

DCF 252.42 Personnel.**(1) STAFF RECORDS.**

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

Files for staff must be available on the employee's first day of work. When a camp utilizes substitutes from an agency that is not the licensee, the agency may be responsible for collecting and maintaining the required staff file information on the substitute. The licensee is responsible for ensuring that the required information is present in the file and that the file is available for review by the licensing representative.

Information contained in a staff file may be transferred with a staff person if s/he started to work at a new/different location operated by the same licensee.

At the time of initial licensure, staff files including documentation of educational requirements are required for the person who is camp director.

Background check information required under subdivision 3. below, and documentation of the days and hours a person is included in the counselor-to-child ratios required under 5. below are not required to be kept in the individual's personnel file; however, these records must be readily available for review by the licensing specialist.

Licensees wishing to maintain electronic files on staff should ensure all of the following: the files must be available for review by the licensing specialist during a licensing visit and the files must contain all the required information, including the appropriate department-required forms.

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. The form is available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

See s. 111.31 – 111.395 Wis. Stats., Wisconsin Fair Employment Law. It is not illegal to ask for age or date of birth on an employment form. Employers are prohibited from using age as a basis for discharging or failing or refusing to hire an individual and are prohibited from discriminating in compensation, terms, conditions, or privileges of employment because of age. See <http://www.dwd.wisconsin.gov> for more information.

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 in care, if the person will provide care to children under 5 years of age.

As of September 1, 2020, the new training will be titled Abusive Head Trauma Prevention Training for Child Care Providers. Providers who completed Shaken Baby Syndrome Prevention training prior to September 1, 2020 are not required to complete the new AHT Prevention training.

A certificate of completion used to document the required SBS/AHT prevention training must contain all of the following: printed (typed) name of student; printed (typed) name of training agency; printed (typed) date the training was completed; printed (typed) name of approved trainer; printed (typed) name of training; and signature of trainer.

252.42(1)(a)3.

3. Documentation of a completed child care background check that indicates the person is eligible to work in a child care program.

Note: Information on child care background checks is available on the department's website, <https://dcf.wisconsin.gov/ccbgcheck>.

Providers submit a Background Check Request (BCR) for themselves and others through the Child Care Provider Portal (CCPP). The digital form must be submitted initially and reviewed every five years at the time the five-year fingerprint check is due. The CCPP may be accessed here: <https://mywchildcareproviders.wisconsin.gov/>.

Per s.48.686 (4m) (c), Wis. Stats., individuals may not begin working or residing at the child care center until they receive preliminary day camp with preliminary eligibility results but must be supervised by someone with final eligibility until the employee or household member receives final eligibility.

The Preliminary Eligibility Determination and Final Eligibility Determination notices are the documentation accepted as the results of a complete child care background check after 9/30/2018.

4. 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. The form is available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

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

Documentation includes the group of children with whom the staff person worked.

6. Documentation of a high school diploma or its equivalent as determined by the Wisconsin department of public instruction.

(b) The licensee shall 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) The licensee shall maintain a staff record that 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.

(2) CAMP STAFF

(a) Camp staff members, including the camp director, counselors, and volunteers, shall be physically, mentally, and emotionally able to provide responsible care for all children, including children with disabilities.

(b) 1. Each day camp shall have a person designated as camp director. 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.

2. A camp director shall be at least 21 years of age and shall have at least one of the following:

- a. The Wisconsin Afterschool and Youth Development Credential.
- b. A bachelor's degree in outdoor education, recreation, coaching, juvenile justice, social work, psychology, child development, or education, or another camp-related field.
- c. Two or more years of supervisory or administrative experience in an organized camp or children's program.

252.42(2)(d)

(d) Counselors who are counted in determining the counselor-to-child ratio shall be at least 18 years of age and have a high school diploma or the equivalent, as determined by the department of public instruction.

A General Education Diploma (GED) or High School Equivalency Diploma (HSED) are diplomas that are equivalent to a high school diploma.

Junior counselors or counselors in training are considered in care when parents pay the camp for the child to attend.

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

(3) 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 and implemented. 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, as required under s. DCF 252.41 (1) (f).
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 bodily 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. First aid procedures.

Procedures that should be addressed include:

- *Emergency procedures followed in obtaining emergency medical care.*
- *Routine procedures for treatment of minor injuries.*
- *First aid measures for serious accidents.*
- *Planned source of emergency medical care.*

Training in first aid procedures does not mean a formal first aid course is required.

Appropriate training tools include the First Aid Guide for Parents and Caregivers created by the American Academy of Pediatrics, available at <https://www.healthychildren.org/English/safety-prevention/at-home/Pages/First-Aid-Guide.aspx>, or the First Aid Chart prepared by the Committee on Accident Prevention and the Subcommittee on Accidental Poisoning, American Academy of Pediatrics, available at www.aap.org/bookstore.

7. A review of plans required under ss. DCF 252.41 (1) (f) 7. and 8., and 252.43 (2), including the plans for a missing child, fire, or tornado, and for supervision when children are swimming, if applicable.

8. The procedure for ensuring that camp counselors know the children assigned to their care and their whereabouts at all times.

This includes during camp-sponsored transportation.

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.

See Appendix D Resources List, Common Plants – What's Poisonous and What's Not?

10. A review of child abuse and neglect laws and the camp reporting procedures.

See DCF 252.07 (3) (b) – ANNUAL TRAINING – CHILD ABUSE AND NEGLECT.

252.42(3)(a)11.

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. For any person who will be providing care and supervision to children under 5 years of age, department-approved training in shaken baby syndrome and abusive head trauma and appropriate ways to manage crying, fussing, or distraught children.

As of September 1, 2020, the new training will be titled Abusive Head Trauma Prevention Training for Child Care Providers. Providers who completed Shaken Baby Syndrome Prevention training prior to September 1, 2020 are not required to complete the new AHT Prevention training.

Shaken Baby Syndrome (SBS) and Abusive Head Trauma (AHT) Prevention Training must be conducted by a person who has completed a department-approved "train the trainer" session and who appears on the list of approved trainers maintained by the department on the Child Care Information Center website <https://dcf.wisconsin.gov/ccic/sbs-training>. An approved trainer could be a member of the camp staff or another agency.

A certificate of completion used to document the required SBS/AHT prevention training must contain all of the following: printed (typed) name of student; printed (typed) name of training agency; printed (typed) date the training was completed; printed (typed) name of approved trainer; printed (typed) name of training; and signature of trainer.

If a camp is licensed to care for only children age 5 and above, training in SBS/AHT is not required.

(b) All counselors and volunteers who are counted in determining the counselor-to-child ratio shall receive pre-camp training. The pre-camp training shall be for a minimum of 24 hours and shall include orientation at the base camp.

(c) Volunteers who are not counted as counselors for meeting the required counselor-to-child ratio are exempt from the 24-hour pre-camp training if all of the following conditions are met:

1. The volunteer receives at least 4 hours of training in day camp programming, as required under par. (a), including orientation at the base camp.
2. The 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 that provide ongoing supervision and in-service training for the staff.

Staff meeting dates shall be available to the licensing specialist.

(e) All camp staff in regular contact with the children, including the camp director and each counselor, 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 in care. The CPR training may be included in pre-camp training.

All staff in regular contact with children in care are required to have CPR training. For example, if a cook, maintenance person, bus driver, or administrative assistant has regular contact with children, then that cook, maintenance person, driver, or administrative assistant would need CPR training. Regular contact means that the person has contact with children on a regular basis even if a counselor is present. Volunteers who are not counted in the counselor-to-child ratio are not considered staff and do not need to have CPR training.

252.42(3)(e) continued

The Department of Health Services, Bureau of Emergency Medical Services (BEMS) approves agencies to offer CPR with Automated External Defibrillator (AED) training as required by the statutes. A list of current approved agencies is available on the BEMS website: http://www.dhs.wisconsin.gov/ems/License_certification/CPR.htm. The training must result in a certificate of completion. If the certificate of completion does not have a date specifying the length of time for which it is valid, the CPR training must be renewed every year.

See DCF 252.42 (3) (b) – PRE-CAMP TRAINING REQUIREMENT – STAFF COUNTED IN RATIOS. If CPR is included in pre-camp training, the amount of time required for pre-camp training does not need to be extended by the time it takes to complete CPR. All required components of the pre-camp training must be covered in addition to CPR.

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

The Department of Children and Families (DCF) conducts background checks for applicants, licensees, household members, and employees of a child care center. In some instances, DCF may conduct a background check on minor household members and contracted individuals.

The Preliminary Eligibility Determination and Final Eligibility Determination notices are the documentation accepted as the result of a complete child care background check after 10/1/2018. The notice should be in the staff file or made available to the licensing specialist upon request.

Per s. 48.686 (4m) (c), individuals may not begin working or residing at a child care center until they receive preliminary eligibility.

New employees or new household members may begin working or residing at a camp with preliminary eligibility results but must be supervised by someone with a DCF-approved child care background check until they receive final eligibility.

To determine child care background check requirements for volunteers, see the DCF website <https://dcf.wisconsin.gov/ccbgcheck>.

(4) HEALTH

(a) No licensee, employee, volunteer, visitor, or parent with symptoms of a communicable disease reportable under ch. DHS 145 or a serious illness that 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.

DCF 252.425 Supervision and grouping of children.**(1) SUPERVISION.**

(a) Each child shall be supervised at all times to guide the child's behavior and activities, prevent harm, and ensure safety.

See DCF 252.04 (25) – DEFINITION – SUPERVISION OF CHILDREN.

See DCF 252.425 (1) (b) – CHILD TRACKING PROCEDURE regarding implementing a procedure to ensure that the number, names, and whereabouts of children are known to the assigned counselor at all times.

(b) 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.

At any time throughout the day, during the camp's hours of operation, the camp must have a written or documented system to determine how many children are present and the names of children that are present. This includes during camp-sponsored transportation and field trips.

(c) 1. Counselors who are included for meeting the required counselor-to-child ratio may not provide care to children more than 12 hours in any 24-hour period.

2. Notwithstanding subd. 1., camps that provide an occasional overnight activity for children enrolled in the camp may allow a counselor to provide care for children for more than 12 hours in the 24-hour period to permit the counselor to remain with the children during the overnight session.

(d) No licensee, employee, volunteer, or other individual in contact with children may consume alcoholic beverages or any non-prescribed controlled substance 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.

Section 961.01 (4), Wis. Stats., defines "controlled substance" as a drug, substance or immediate precursor in schedules I through V of Subchapter II. Broadly, this covers marijuana, narcotic drugs, opium and opiates, opium poppy and poppy straw. For additional definitions of terms and list of pharmaceuticals which are specifically controlled, see Chapter 961, Wis. Stats.

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

The Department recommends the camp document any verbal authorizations. It is also recommended that camp check the photo identification of the person picking up the child.

(f) The camp shall implement a procedure to contact a parent if a child is absent from the camp without prior notification from the parent.

(g) A child may not be in care for more than 14 hours in any 24-hour period.

(h) The camp director shall be at the camp during the hours of operation, except if any of the following conditions are met:

1. The camp director is on a field trip with all of the children.

2. The camp director is on a field trip with some of the children and has a reliable method of communicating easily with the camp.

3. Another qualified person that is identified in the written delegation of administrative authority under s. DCF 252.41 (1) (p) is present at the camp and is authorized to make decisions for the camp.

252.425(1)(i)

(i) 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.

The second adult may be a cook, maintenance worker, secretary, or other person who does not normally work with children as long as the person is aware that they may be asked for assistance in case of an emergency. The waterfront supervisor may be counted as the second adult as long as children are not in the water during the time the waterfront supervisor is serving in this capacity. If children are in the water or waterfront area, the waterfront supervisor may not be used as the required second adult.

(2) GROUPING OF CHILDREN.

(a) 1. Except as provided in subds. 2., 3., and 4., the ratio of counselors to children may not be less than the minimum number of counselors to children specified in Table DCF 252.425.

TABLE DCF 252.425 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

2. When there is a mixed-age group, the counselor-to-child ratio shall be adjusted on a pro rata 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. Information on how to obtain forms is available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

See DCF 252.425 (2) (a) 1. – COUNSELOR-TO-CHILD RATIOS. When only children between the ages of 3 and 6 years are cared for in the same group, the Counselor-to-Child Ratio Worksheet may be used to determine the number of staff necessary to care for children.

3. 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 252.425.

In these situations, follow DCF 252.425 (2) (a) 2. above.

4. 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 252.425 shall be met on field trips.

(b) Support staff, such as maintenance, clerical, housekeeping, and food service staff, may only be considered in determining counselor-to-child ratios if the support staff meet the qualifications of a camp counselor and are giving full attention to the care and supervision of children.

(c) A camp counselor may not engage in any duties that are not related to caring for children while he or she is counted in meeting the required counselor-to-child ratios.

Acceptable duties could include routine daily housekeeping in the area where the children are, such as dusting, floor sweeping, table/chair washing, straightening the room, putting out bag lunches with milk, preparing snack in the room, etc., if these are part of the counselor's job responsibility prescribed by the camp and do not consume the full attention of the counselor.

252.425(2)(c) continued

In camps where space used by children is used for other purposes outside the hours of operation, prohibited duties include moving furnishings and equipment into storage before children have departed.

If support staff are used as counselors, the schedule of differing job responsibilities in relation to counselor-to-child ratios must be determined. An example may be a counselor who prepares a snack or meal which requires no more than 10 minutes time and who is immediately accessible in case of emergency is still considered to be a counselor while performing these tasks. If food preparation takes more than 10 minutes and/or removes the counselor from immediate availability, the counselor is considered to be support staff for that time period and does not count in determining counselor-to-child ratios.

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

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.

The base camp is the primary location where children will be spending their time or "home base" if children leave to go to other areas.

If field trips are the primary way the camp operates, then the base camp may change daily. For example, if the group is at the zoo one day and a park the next day, the camp will need to designate a base camp at the zoo and at the park. It could be a shelter or a specific meeting place or something similar.

(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.

The use of a one-exit basement as an emergency shelter during tornadoes and similar emergencies is allowed. Use of a one-exit level is prohibited for any other purpose.

The tornado evacuation area should be accessible and free of hazards during tornado season. Tornadoes can occur at any time of year, but peak months in Wisconsin are during the summer. The National Weather Service continuously broadcasts updated weather warnings and forecasts that can be received by NOAA Weather Radios. Television and radio are also excellent sources of warning information. Contact the local fire department, Department of Natural Resources Ranger Station, or emergency government to determine the safest place to take shelter in the area.

(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.

Only those buildings used primarily for day camps are required to comply with the applicable commercial building codes. If the base camp is used primarily for other purposes, a building inspection report is not required to be on file with the department.

If a building is used primarily as a base camp, a license may not be issued until documentation of compliance with all applicable commercial building codes has been submitted to the department. Documentation could be a copy of the Building Inspection Report – Child Care Centers or a letter from a registered architect or engineer or from a commercial building inspector certified by the Department of Safety and Professional Services (DSPS).

252.43(1)(d) continued

The documentation must indicate that all applicable commercial building codes have been met. If any codes listed are designated "not met," all necessary modifications must be completed before the license is issued. Arrangements for inspections and reports are the responsibility of the applicant/licensee.

The person requesting an inspection should ask for assistance in determining whether any modifications are necessary to ensure that the building meets the applicable commercial building codes. Buildings used primarily for day camps will typically need to meet the "I-4" building codes. Under certain circumstances, a building may meet the "E" codes.

If a building is modified in any way that will affect the structural strength, fire hazard, internal circulation, or exits of the existing building or structure, building plans must be submitted to DSPS Plan Approval section prior to the modifications being made. Only plans affecting those areas being altered must be submitted for a plan review.

(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 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.

(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.

The licensing specialist may determine the temperature of a room as follows:

- *Temperature is to be measured at 24 inches above the floor level.*
- *Room without windows: Temperature taken in center of the room.*
- *Room with windows: Temperature taken one foot away from windows and at the center of the room and then averaged.*
- *All rooms designated as camp space must comply with the 67° F minimum.*

Air conditioning may be used to provide air circulation. Caution should be exercised regarding placement and condition of fans. Opening windows is not sufficient to circulate the air.

(h) 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.

The rule does not require that the whole room or total outside wall be refinished. The area of flaking or deteriorating paint should be refinished in a manner that protects the children in care.

Administrative Rule DHS 163 applies to child care centers when renovation or repair is made to any surface where 6 sq. ft. or more of interior paint or 20 sq. ft. of exterior paint is disturbed in a building that was built prior to 1978. Any renovation or repair that involves windows in a building built prior to 1978 must also be conducted in accordance with DHS 163.

See Appendix D Resources List, Guidance for Child Care Providers Regarding Lead-Based Paint Hazards in Child Care Settings.

For more information on asbestos or lead regulations, training, certification, work practices, inspections, or other related questions, please contact the Division of Public Health, Bureau of Environmental & Occupational Health, Asbestos And Lead Unit, phone: (608) 261-6876, fax: (608) 266-9711, email: dhsasbestoslead@dhs.wisconsin.gov, website: <https://www.dhs.wisconsin.gov/asbestos/overview.htm>.

252.43(1)(i)

(i) 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.

Garbage refers to food waste. Containers for non-food waste do not require covers. Containers should be impervious to vermin.

Metal containers are recommended.

(j) The areas around garbage and refuse containers shall be clean and dry.

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

(L) 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.

(m) Chemical and other insect, weed, and rodent control measures shall be used in accordance with label instructions.

If chemicals are used to control insects or rodents in the camp area, children should not be exposed to the spray or residue, if that exposure could be harmful to the children. The label instructions to prevent harm must be followed.

An integrated pest management program is recommended to reduce exposure to pesticides. See <https://www.epa.gov/managing-pests-schools/introduction-integrated-pest-management> for more information.

(2) PROTECTIVE MEASURES .

(a) Children shall be protected from indoor and outdoor hazards, including any recalled products.

Note: Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at <https://datcp.wi.gov/Pages/Publications/KeepYourKidsSafeNewsletter.aspx> or by contacting the U.S. consumer products safety commission (US CPSC) at 1-800-638-2772.

(b) Materials harmful to children, including drugs, pesticides, flammable or combustible materials, insecticides, matches, cleaning supplies, bleaches, and other hazardous, toxic, or poisonous materials shall be stored in the original, covered, and labeled container in areas not accessible to children. Power tools shall be stored so they are inaccessible to children.

Inaccessible is defined as unable to reach.

Any items labeled "poisonous" or "keep out of reach of children" and items in spray cans may not be accessible to children.

There may be times when a camp wishes to use an item labeled "keep out of reach of children" for an organized activity. These types of activities are permitted as long as the activity is closely supervised by a counselor who is readily available to assist the children if necessary. The use of these materials should be based on the ages and developmental levels of children using the materials.

(c) 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.

252.43(2)(d)

(d) Smoking is prohibited anywhere on the premises or in a vehicle used to transport children when children are in care.

2009 WI Act 12 banned smoking in all public places and workplaces, regardless of whether the building is publicly or privately owned.

Use of electronic cigarettes or other smoking devices is prohibited on the premises when children are present.

If a day camp is located in a building with other occupants, the other occupants or other persons may not smoke in rooms or areas identified as the premises of the day camp. If certain halls or passageways are used in common with other occupants of the building, smoking may not occur in these common use areas.

If a camp is located in a public area such as a park or other area open to the public and people are smoking, the counselor assigned to any children in the area of the smoker must ensure that the children are protected from the effects of smoking.

(e) 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 in a location known to all camp counselors. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

If a camp is in a community with 911 services, the only phone numbers required to be posted are 911 and poison control.

It is recommended that the street address for the camp be posted near the telephone, and it is recommended that the phone number for the local child protective services agency be available as well.

A working telephone is defined as a phone that can make and receive phone calls. Cell phones and cordless phones may be used as the only phone in a camp if the phone is charged and there are no dead spots in the camp that would prohibit calls from being received or made. All camp staff must have access to the designated phone and knowledge of the passcode, if applicable. Cell phones must remain at the camp when children are present at the camp. When all the children are on a field trip, the cell phone may be taken on the field trip.

Camps are not required to answer phone calls received during the camp's hours of operation, but they must specify the procedure for receiving information from parents if they use an answering machine or voice mail service.

It is recommended that emergency numbers be saved in the cell phone.

(3) EMERGENCY PLANS AND DRILLS.

(a) Each camp shall have a written plan for taking appropriate action in the event of an emergency situation, including a fire, tornado, or natural disaster, extreme heat or cold, lost or missing children, a missing swimmer, an accident, an illness, allergic reactions, human-caused events, such as threats to the premises or its occupants, or other circumstances requiring immediate attention. The plan shall include specific procedures that address all of the following:

The camp emergency plan should address all the emergencies identified above that might occur at the camp (e.g., if the camp is not located in an area that is subject to floods, an emergency plan does not need to address floods).

252.43(3)(a) continued

The plan should include staff member duties and responsibilities; exiting on all levels of a building used by children; and identifying items that are recommended to be with the staff, such as attendance list, emergency cards, flashlight, and battery-operated radio or cell phone. Information on developing emergency plans could be obtained from local fire departments, local emergency management, the Child Care Information Center at <https://dcf.wisconsin.gov/ccic>, or the Department's website at <https://dcf.wisconsin.gov>.

Tornados can occur at any time of year, but peak months in Wisconsin are during the summer. The National Weather Service continuously broadcasts updated weather warnings and forecasts that can be received by NOAA Weather Radios. Television and radio are also excellent sources of warning information. Local fire departments, local emergency government officials, or the Department of Natural Resources should be consulted to determine the safest place during a tornado warning.

It is recommended that at least once during a camp session, the camp conduct a fire and tornado drill to ensure that staff and children are familiar with the camp's procedure in case of an emergency.

1. Evacuation, relocation, shelter-in-place, and lock-down.
2. Procedures for ensuring that the needs of children with disabilities are met.
3. Communication with parents.
4. Connecting children with their parents if the camp is required to evacuate the premises.

(b) Each staff member shall be informed of and knowledgeable about his or her duties in the event of an emergency and appropriate evacuation routes.

Staff responsibilities during a fire, a tornado, or other emergency should be defined in the emergency plans required under DCF252.41 (1) (f) 7. Licensing specialist may verify that staff know what their duties are in a fire, a tornado, or other emergency by reviewing the pre-camp training plan or interviews with staff.

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

For questions regarding the type, number, and placement of fire extinguishers, it is recommended that the camp consult the local fire department.

It is the responsibility of the licensee to ensure that the extinguishers are inspected by a commercial fire safety company or fire department and appropriately tagged.

(d) 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.

(e) Any necessary permits required for operation of incinerators or for open fires shall be secured and available for review by a licensing representative.

Note: The department recommends that the licensee contact the local municipality and the Department of Natural Resources prior to the camp opening to determine what permits are required.

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

252.43(3m)**(3m) FOOD PREPARATION, SERVICE, AND STORAGE .**

(a) When meals are prepared or heated on the premises, 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. The sink shall be used exclusively for food preparation and dishwashing.

See DCF 252.43 (3m) (e) – FOOD STORAGE – TEMPERATURES. If the camp provides meals or snacks that require some preparation, a kitchen area is required. If meals and snacks are supplied by parents or require no preparation, a kitchen is not required. Food must be stored at temperatures that protect against spoilage.

(b) Camps preparing or serving only snacks are not required to have a sink unless dishes or utensils requiring dishwashing are used. Camps preparing or serving only snacks are not required to have a microwave or stove unless the snacks require heating.

(c) 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 be maintained in a clean and sanitary condition.

(d) Single-service utensils and food containers may not be reused.

Single-service refers to cups, containers, lids or closures, plates, knives, forks, spoons, etc. intended by the manufacturer for one-time, one-person use and then to be discarded.

(e) Foods shall be stored at temperatures that protect against spoilage. Milk and other perishable food shall be maintained at or below 40 degrees Fahrenheit.

If meals and snacks provided by the parents require refrigeration, the camp must make provisions to store the food at the appropriate temperature.

Food kept in coolers must be maintained at the appropriate temperature by using ice or other means.

(f) 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 and dated. 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.

Labels must include contents. Containers holding food that can be reliably and unmistakably identified such as dry pasta are not required to be labeled with the contents.

It is acceptable to store bread and buns in their original packaging.

Reusing milk jugs for food or beverage storage is not acceptable.

A plastic container that originally contained nonfood products may not be food grade plastic. A single-use plastic container used by the processor to package food may be reused for food storage if the container is smooth, easily cleanable, and durable (e.g., Cool Whip and deli containers).

(g) Raw fruits and vegetables shall be washed before being served or cooked.

252.43(3m)(h)

(h) 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: The rules for restaurants and other public eating establishments are in ss. ATCP 75.101 to 75.112. Chapter ATCP 75 is at https://docs.legis.wisconsin.gov/code/admin_code/atcp.

The Department of Health Services, Division of Public Health conducts inspections of public school kitchens for the Department of Public Instruction. Private school kitchens may not be inspected by another state agency unless that kitchen holds a restaurant license.

Restaurants, catering agencies, hospitals and nursing homes, and other residential agencies licensed by the Department of Health Services or the Department of Children and Families have their kitchens inspected by the licensing agency. A copy of any applicable license and the most recent inspection report is required. If a catering service is used, the meals must be prepared on the premises of the licensed catering agency.

The licensing specialist is the representative of the Department of Children and Families who conducts the inspection when a central kitchen operated by the licensee prepares food for other centers/camps owned by the licensee. Agencies preparing, transporting, and serving food may need a retail food establishment license. Contact the Department of Agriculture, Trade and Consumer Protection for information on obtaining a retail food establishment license, <https://datcp.wi.gov>.

Food that is transported from one location to another must be transported in ways that will protect the food from spoilage or contamination. Food transportation containers including coolers must be capable of maintaining hot food at 140° F or more and cold food at 40° F or less. All food transported must be covered securely to prevent spilling and the vehicle must be clean.

(i) Extra food that was prepared but not served shall be dated, refrigerated promptly, and used within 36 hours, or frozen immediately for use within 6 months.

(4) WATER.

(a) 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.

The water supply shall be of sufficient volume and height so the person's mouth does not come in contact with the fountain's spout.

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

The licensee is responsible for the annual water test and making the report available. The Department of Natural Resources website has information on testing private wells: <https://dnr.wisconsin.gov/topic/DrinkingWater>. Tests for lead levels in water are only required every 3 years per the Safe Drinking Water requirements through the DNR. No exception is necessary.

Bacterial testing is required yearly.

252.43(4)(b)2.

2. If the results of the water test under subd. 1. 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 <https://dnr.wi.gov/Contact/SSbyCounty.html>.

*If water is bacteriologically **positive**, bottled water shall be used for drinking, cooking, hand washing, and laundering. Contact the DNR Bureau of Drinking Water and Groundwater for more information at <https://dnr.wisconsin.gov/topic/DrinkingWater>.*

(d) 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 par. (b).

(5) WASHROOMS AND TOILET FACILITIES .

(a) Handwashing and toileting facilities shall be provided and accessible to children.

(b) Single-use disposable towels shall be provided and accessible to children.

(c) Soap, toilet paper, and a wastepaper container shall be provided and accessible to children.

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

(e) A portable toilet shall be in compliance with s. SPS 391.13 and local ordinances.

(f) Plumbing shall comply with all applicable sections of Wisconsin plumbing codes.

(g) 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.

(h) Handwashing and toilet facilities shall be in clean and sanitary condition.

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 programming 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:

See DCF 252.04 (9) – DEFINITION – DAY CAMP OR CAMP. The definition of a camp states that the program must be oriented to the out of doors. This could be outdoor sports related activities, nature activities, etc.

The program of activities should include all the types of activities specified under paragraphs (a) and (b).

The program of activities may reflect camp session focus or may be on a daily, weekly, or monthly basis and should reflect the developmental goals based on the rules. It may also include a daily schedule.

1. An appreciation and understanding of the natural environment.
2. Large and small muscle development.

Examples of activities that encourage large muscle development include:

- *Use of large muscle equipment such as climbing equipment, balls, bicycles, roller blades, skateboards, etc.*
- *Group activities (musical or non-musical) involving physical activity such as marching, skipping, jumping, dancing, physical fitness activities, tumbling, running; games that facilitate understanding of how our bodies move and that develop coordination, balance, strength, and endurance.*

Examples of activities that encourage small muscle development include:

- *Arts and crafts activities.*
- *Construction activities such as woodworking, building, etc.*

3. Intellectual growth.

Examples of activities that encourage intellectual growth include:

- *Science activities.*
- *Sensory experience, such as tactile, auditory, and smelling activities.*
- *Discrimination activities involving symbols, shapes, colors, serration, categorizing, matching, etc.*
- *Activities involving problem solving and memory skills.*
- *Opportunities to explore the environment and find developmentally appropriate challenges.*

4. Self-esteem and positive self-image.

Examples of activities that encourage self-esteem and positive self-image include:

- *Group activities such as games and songs where children's names are used.*
- *Adults address children by name when speaking to them and use child's name in group activities.*
- *Dramatic-play activities that involve opportunities to explore multi-cultural settings, gender differences and the use of props.*
- *Thoughtful verbal recognition of the child's ideas, expressions and contributions.*

252.44(1)(a)5.**5. Opportunities for recreation.**

Examples of activities that provide opportunities for recreation include:

- *Observation of nature during nature walks.*
- *Group games such as Red Light, Green Light or Mother, May I.*
- *Organized sports, such as kickball, soccer, and t-ball.*

Daily physical activity is an important part of preventing childhood obesity. Some evidence also suggests that children may be able to learn better during or immediately after bursts of physical activity due to improved attention and focus. It is recommended that the camp promote children's active play every day. Children should have ample opportunity to do vigorous activities such as running, climbing, dancing, skipping, and jumping. This could include two or three occasions of active play outdoors each day, weather permitting; two or more structured or adult-lead activities or games that promote movement over the course of the day in both indoor and outdoor settings, opportunities during transitions to use movement skills, and continuous opportunities to develop and practice age-appropriate gross motor and movement skills.

6. Social interaction.

Examples of activities that encourage social interactions include:

- *Dramatic play opportunities.*
- *Self-selected cooperative play experiences that give children opportunities to interact.*
- *Mealtime conversation.*
- *Selected activities for children in small groups such as cooking, science, nature, and games.*

7. Creative expression.

Examples of activities that encourage creative expression include:

- *Music, dance, and movement activities.*
- *Sand, water, and block play.*
- *Non-directed use of non-limiting materials such as clay, paint, and crayons.*
- *Woodworking.*
- *Arts and craft activities.*

8. Self-expression and communication skills.

Examples of activities that encourage self-expression and communication skills include:

- *Non-directed creative art experiences.*
- *Asking questions to elicit responses from children.*
- *Encouraging children to participate in discussions and give attention to each speaker, including planning for the day, field trips, etc.*
- *Providing opportunities throughout the day for children to converse and share their ideas with others.*
- *Puppet play and use of flannel boards.*
- *Creative dramatics.*
- *Meal time conversation.*

9. Literacy skills.

Activities that will help develop a child's literacy skills include:

- *Reading to children.*
- *Dramatic play and play-acting activities.*
- *Use of puppets and flannel boards.*

252.44(1)(a)9.

Note: With parental consent and consultation, it is recommended that camps who care for children who have an Individualized Education Program (IEP) coordinate programming activities with the local school district.

(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 3 minutes, and the procedure shall be included in the camp's child guidance policy as specified in par. (a). For purposes of this paragraph, a "time-out" is an interruption of unacceptable behavior by the removal of the child from the situation, not to isolate the child, but to allow the child an opportunity to pause, and with support from a counselor, reflect on behavior and gain self-control

See Appendix D Resources List, Early Years Are Learning Years – Time Out for "Time-out."

Time-outs may be used if:

1. *Use is identified in the center child guidance policy for specified types of behavior which child care workers wish to stop.*
2. *The behaviors are identified to children.*
3. *The child is within sight and sound and under the supervision of an adult.*
4. *The reason for the time out is explained to the child.*
5. *The child care worker has a conversation with the child to reflect on making better choices.*
6. *The child is transitioned back to an activity.*

(c) Actions that may be psychologically, emotionally or physically painful, discomforting, 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.

"Verbal abuse" means profane, insulting, or coarse language sometimes but not always delivered in a loud or threatening manner or language which is ego deflating, causing loss of self-esteem.

252.44(2)(c)3.

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.

See 252.04 (21r) – DEFINITION – PHYSICAL RESTRAINT.

Physical restraint does not include:

- *Briefly holding a child in order to calm or comfort the child.*
- *Holding a child's hand or arm to escort the child from one area to another.*
- *Moving a disruptive child who is a danger to himself / herself / others and is unwilling to leave the area when other methods such as talking to the child have been unsuccessful.*
- *Intervening or breaking up a fight.*
- *Use of a weighted blanket or vest that a child is able to remove him/herself whenever the child chooses.*

If a child has an outburst that puts him/herself or another person in danger of harm, the camp has the responsibility to protect the child and others from danger. Once a child has an outburst, it is recommended that the camp work with the parents to develop a plan to help manage the child's behavior in a way that does not include the use of a physical restraint. The camp may want to refer the family to their pediatrician, the public schools, or a mental health professional for an evaluation.

In limited circumstances, an exception for the use of a physical restraint of an individual child may be considered if the child has had an evaluation that resulted in an Individualized Family Service Plan (IFSP) or Individual Educational Plan (IEP). The following conditions must be met:

The IFSP or IEP indicates the use of a physical restraint as one part of a plan to help the child learn to manage his / her behaviors.

- *The center identifies a person(s) who will be assigned the responsibility of implementing the restraint.*
- *The person assigned to implement the restraint receives appropriate training in use of a restraint.*
- *The center documents the use of the restraint and the situation leading to the use of the restraint.*
- *The center notifies the child's parent of the physical restraint and the situation leading to the use of the restraint.*
- *A copy of the documentation related to a restraint is submitted to the department within 24 hours of the use of the restraint.*
- *A copy of the IFSP or IEP shall be available to staff working with the child.*

The exception is reviewed and re-approved periodically (recommended every 3 – 4 months).

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 AND FURNISHINGS.

(a) The camp shall provide program equipment and furnishings in a variety and quantity that allows staff to implement activities outlined in the written policy on program objectives and activities required under s. DCF 252.41 (1) (f) 5. and meets all of 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.

252.44(3)(b)

(b) All equipment and furnishings, whether or not owned by the camp, shall be:

1. Scaled to the developmental level, size and ability of the children.
2. Safe, durable, of sturdy construction with no sharp, rough, loose, protruding, pinching or pointed edges, or areas of entrapment, in good operating condition, and anchored when necessary.

Examples of unsafe play equipment include, but are not limited to:

- *Metal toys with sharp edges.*
- *Playground equipment that has loose boards or other parts, splitting wood, etc.*
- *Hard plastic toys which have broken sharp edges.*
- *Equipment with protruding screws.*
- *Swing sets with chains that are rusting through.*
- *Permanently installed outdoor equipment that is not safely anchored.*

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

4. Used in accordance with all manufacturer's instructions and any manufacturer's recommendations that may affect the safety of children in care.

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

Examples of equipment and materials that reflect cultural and ethnic diversity include multi-cultural dolls, puzzles and other toys, books, pictures, posters, and music that reflect varying cultures, and exposure to foods from different cultures and ethnic groups.

(d) No trampolines or inflatable bounce surfaces on the premises may be accessible to children or used by children in care.

(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.

Cots, sleeping bags, or mats are not required.

(5) MEALS, SNACKS, AND FOOD SERVICE.

(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

The 3-hour determination is from the beginning of a snack or meal to the beginning of the next snack or meal.

(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.

252.44(5)(d)3.

3. Be available for review by the department.
4. Include diverse types of food.

A diverse menu means a menu that is not be repeated within a one-week time frame.

(e) At a minimum, each meal and snack provided to children shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements for amounts and types of food. Additional portions of vegetables, fruits, bread, and milk shall be available.

Note: The USDA meal program requirements may be found on the website, <http://www.fns.usda.gov/cacfp/meals-and-snacks>

According to the minimum meal requirements specified by the USDA, milk served to children must be 1% or fat-free (skim) milk. Only 100% fruit or vegetable juice may be served to meet USDA Child and Adult Care Food Program requirements for a fruit or vegetable serving. Other beverages, such as water, may be served in addition to the required components.

The amounts indicated on the CACFP minimum meal requirements are used for determining amounts of food that must be prepared and are not considered "helpings." It is recommended that small portions of all food items be served.

If meals are served pre-plated, all the required food items and amounts of food must be served to the child at the same time. For example, a 4-year-old child must receive at a minimum on his/her plate for a noon meal the following: 1 ½ oz. meat/meat alternate; a total of ½ cup of at least 2 different fruit/vegetable items (e.g., ¼ cup peaches and ¼ cup mashed potatoes); ½ slice bread; and ¾ cup milk. The milk must be served with the meal and may not be withheld.

If meals are served family style all the required food item amounts must be made available. For example, there are ten 4-year-old children present which requires a total of 2 ½ cups each of two types of fruit/vegetable. The menu has broccoli so at a minimum there should be 2 ½ cups cooked broccoli available. Since the children may not consume the entire 2 ½ cups, the center may bring 2 cups to the dining area and keep the remaining ½ cup cooked broccoli in the kitchen in case the children want it. Milk must be served with the meal and may not be withheld.

(f) When food for a child is provided by the child's parent, the camp shall provide the parent with information about requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

(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.

Examples of special diets are food delivered by feeding tubes, diabetic, gluten free, etc. Pediasure or Ensure may be used as part of a special diet.

(6) HEALTH.

(a) *Observation.* Each child upon arrival at the camp shall be observed by a staff person for symptoms of illness. For an apparently ill child, the procedure under par. (c) shall be followed.

(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.

252.44(6)(b)4.

4. An emergency medical technician.
5. A person currently certified as having completed the American Red Cross Standard First Aid course or equivalent.

If more than one person is present who meets the requirements for a health supervisor, the camp needs to identify one person as the health supervisor. The specific responsibilities of the health supervisor should be identified in the job description. The health supervisor may be counted in counselor-to-child ratios.

(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.

A card indicating that a person is certified as a First Responder by the WI Department of Health Services is required to document compliance with this rule.

(c) *Ill child procedure.*

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.

It is recommended that a camp have a cot or mat available for a child who becomes ill during the camp day and that the camp cleans and disinfects that surface after use.

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.

Examples of illnesses or conditions that may affect the health of other persons and would require a child to be sent home until medical evaluation allows inclusion include fever associated with other symptoms, persistent crying, difficulty breathing, wheezing, or other unusual signs.

See Appendix D Resources List, Communicable Diseases Chart. The center's health policy should specify which symptoms would require removal of the child from the facility.

- 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. No child or any other person with a reportable communicable disease specified in ch. DHS 145 may be admitted or readmitted to a camp, be permitted to remain in a camp, or be permitted to have contact with children in care during the period when the disease is communicable.

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 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 information on the symptoms of each disease and guidance on how long an infected child must be excluded from the camp. Copies of the communicable disease chart are available from the Department of Health Services website at <https://www.dhs.wisconsin.gov/publications/p4/p44397.pdf>.

252.44(6)(e)*(e) Medication.*

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

These rules allow prescription and non-prescription medication to be administered by the camp under controlled circumstances as specified. The camp health policy may be more stringent than the rule, allowing no medication or only prescription medication. It is recommended that the medication administration procedures be included in information that is shared with parents upon admission. A written authorization from the parent is required to be on-site for each request that medication be administered. The camp should ensure that any requirements of the Americans with Disabilities Act are met.

Any over-the-counter topical, non-medicated lotion, cream, lip balm, or salve preparation may be applied to children upon authorization from the parent. The application information for non-medicated topical preparations does not need to be recorded in the center medical log.

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.

It is recommended that medication authorization forms should be kept with the medication during the administration period and maintained in the child's file once the administration period has passed.

Authorizations that exceed the period of time specified on the label are permitted if authorized or prescribed by a physician.

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.

The rule requires that the dosage instructions must be included on the medication label. For some types of over the counter medications, such as Tylenol or cold syrup, the label instructions indicate that a physician should be consulted for children under a certain age (typically under age 2).

The Authorization to Administer Medication form includes a statement to be initialed by the child's parent indicating the child's physician has been consulted and the dosage instructions are consistent with the physician's recommendation. A parent's authorization may not exceed the time specified on the label of the medication.

A medication past its expiration date as indicated on the label may not be administered to a child. It is recommended that medications kept on hand for chronic conditions, such as asthma inhalers, allergy epinephrine auto-injectors, seizure medications, etc., be reviewed periodically for expiration dates.

The American Academy of Pediatrics recommends that over-the-counter multi-symptom cold products not be used for children under the age of 4 years.

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.

252.44(6)(e)4.

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

Leftover medication or medication past its expiration date should be returned to the parent or discarded in a safe manner after the duration of the illness.

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.

If the camp allows a child over the age of 7 years to carry medication or a device to assist in a life-threatening event and the child self-administers that medication, the camp health policy should address how the counselor assigned to that child will be made aware that the child self-administered the medication and that the administration is recorded in the medical log book.

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

1. 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.

2. 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.

Parents may be made aware of the planned source of emergency care through a statement in camp policies or handbook or it may be posted in a visible place in the camp.

3. A camp shall establish and follow written procedures for treating minor injuries and for taking a child to an emergency medical care facility.

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

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

Follow standard first-aid procedures for slivers and ticks.

It is recommended that a reputable children's first aid manual or chart be readily available at the camp for use by staff.

See Appendix D Resources List, Situations That Require Medical Attention Right Away.

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

No medication (including anti-bacterial creams or ointments) may be applied or administered to the child by the camp for injuries since the administering of non-prescriptive medication must be at specific parent direction for each incident.

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

Statewide Poison Control toll free number is (800) 222-1222. Calling 911 does not automatically connect the caller with poison control.

Activated charcoal or any other vomit-inducing substance may only be used if advised by the poison control center.

See Appendix D Resources List, Common Plants – What's Poisonous and What's Not?

252.44(6)(g)*(g) Medical Log.*

1. The licensee shall maintain a medical log book that has a stitched binding with pages that are lined and numbered.

2. Pages may not be removed from the medical log under subd. 1. and lines may not be skipped. Each entry in the log book shall be in ink, dated, and signed or initialed by the person making the entry.

3. A provider shall record all of the following in the medical log under subd. 1.:

a. Any evidence of unusual bruises, contusions, lacerations, or burns seen on a child, regardless of whether received in or out of the care of the camp.

b. Any injuries received by a child while in the care of the camp on the date the injury occurred. The record shall include the child's name, the date and time of the injury, and a brief description of the facts surrounding the injury.

See DCF 252.07 (2) (c) – ACCESS TO RECORDS & REPORTS – PARENTS. The medical log is confidential because it contains individual medical information. Parents may see entries relating to their child only; therefore, it is recommended that each entry contain only one child's name. If more than one child is involved in an accident and sustains an injury, 2 separate entries should be made in the log.

Not every injury will be apparent immediately. It is recommended to record every accident / incident. For example, a child bumps his head and no mark or bump is readily apparent, but there is the potential for a mark, bump, or bruise to develop. This should be recorded.

In addition to providing accountability to the parents and the department, bound books and recordings as specified may be admissible in court as evidence in case of a civil suit. The log should be kept as long as the camp is in operation.

See Appendix D Resources List, Center Medication and Injury Log – Directions for Use.

c. Any medication dispensed to a child, on the date the medication is dispensed. The record shall include the name of the child, type of medication given, dosage, time, date, and the initials or signature of the person administering the medication.

d. Any incident or accident that occurs when the child is in the care of the center that results in professional medical evaluation.

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

It is recommended that the camp review records of injuries monthly during camp season to identify patterns.

(i) Health precautions and personal cleanliness.

1. A child's hands shall be washed with soap and running water before meals and snacks and after handling animals and toileting or diapering.

Washing in a common bucket or pan is allowed after certain activities, such as finger painting, if this preliminary washing is to eliminate excess paint and is followed up by individual handwashing under running water with soap.

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.

252.44(6)(i)5.

5. Children shall be clothed to ensure body warmth and comfort. 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.

7. As appropriate, children shall be protected from sunburn and insect bites with protective clothing, if not protected by sunscreen or insect repellent. 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. Recording the application of sunscreen or insect repellent is not required.

Alternatives to traditional insect repellants (e.g. Skin-so-soft, repellants containing citronella or homeopathic ingredients, etc.) may be used if authorized in writing by the parent.

It is recommended the camp health policy address at what age children can carry and/or apply sunscreen or insect repellent, and the procedure for supervision so that the application is done in a way that will protect the children.

8. Center staff shall follow universal precautions when exposed to blood and blood-containing bodily fluids and injury discharges.

9. Single use disposable gloves shall be worn if there is contact with blood-containing bodily fluids or tissue discharges. Gloves shall be discarded in plastic bags.

(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 that is cleaned with soap and water and a disinfectant solution after each use. The disinfectant solution shall be registered with the U.S. environmental protection agency as a disinfectant and have instructions for use as a disinfectant on the label. The solution shall be prepared and applied as indicated on the label.

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) SWIMMING AND WATER ACTIVITY AREAS.

(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.

252.44(7)(am)2.

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.

Wisconsin Admin. Code SPS 390.18 (4) (f) regarding outdoor pools states that fences serving as barriers shall have no opening greater than 4 inches in width or diameter. No exception is necessary.

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.

See DCF 252.41 (1) (f) 8. – POLICY SUBMITTED & IMPLEMENTED – WATER / WATERFRONT ACTIVITIES. The plan should address situations where children have access to water that is not a pool or beach area, such as a creek or pond on the premises of the camp. The plan should identify whether children will be allowed to use the water for activities, such as fishing, and how children's access to the water will be addressed by the camp. A waterfront supervisor is not required to be present when children have access to water that is not a pool or beach area.

5. Equipment in water activity areas, including 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:

If a center has multiple water activity areas, there must be an adult who meets the qualifications below and is the designated waterfront supervisor at each water activity area.

a. Be 18 years of age or older; and

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

252.44(7)(b)1m.

1m. If the center uses a pool, beach, or other water attraction that is not located on the center premises and certified lifesaving personnel are on duty, the waterfront supervisor is not required to meet the qualification in subd. 1. b.

2. The camp shall maintain a ratio of one person with a current Red Cross certified 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, only staff who can swim may be included when determining counselor-to-child ratios under Table DCF 252.425.

The lifesaving certificate may be from a nationally recognized certifying agency.

3. The waterfront supervisor 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.

5m. The waterfront supervisor shall establish and enforce procedures for ensuring that children who have access to a beach or are engaged in fishing or other shoreline activities are properly supervised.

A waterfront supervisor is not required to be present when children have access to water that is not a pool or beach area.

6. The waterfront supervisor or person acting as the waterfront supervisor may not be included when determining counselor-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.

(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.

252.44(9)

(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 7 years of age and older, the following precautions shall apply:

- (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) All firearms, archery equipment, and unused ammunition shall be 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 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 252.425 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.

The options for meeting this rule are:

- *The Field Trip or Other Activity Notification/Permission – Child Care Centers form or a similar center-created form that will be used for each child on each field trip; OR*
- *A blanket permission form signed by parents that covers all field trips involving use of a vehicle; and notification to parents of the date, time, and destination of the field trip for each child prior to each 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. At no time, shall the counselor-to-child ratio be less than that specified in Table DCF 252.425.

APPENDIX A**REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION**

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and the counties and tribes within each region.

REGIONS	COUNTIES AND TRIBES
Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: (920) 785-7811 Fax: (920) 785-7869	<u>Counties:</u> Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago <u>Tribes:</u> Menominee, Oneida, Stockbridge-Munsee, Ho Chunk
Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: (715) 361-7700 Fax: (715) 365-2517	Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood <u>Tribes:</u> Bad River, Lac Courte Oreille; Lac du Flambeau, Red Cliff, Sokaogon, Forest County Potawatomi, Ho Chunk
Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: (262) 446-7800 Fax: (262) 446-7991	<u>Counties:</u> Kenosha, Milwaukee, Racine, Waukesha
Southern Regional Office 2135 Rimrock Road Madison, WI 53708-8947 Gen: (608) 422-6765 Fax: (608) 422-6766	<u>Counties:</u> Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth <u>Tribes:</u> Ho Chunk
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: (715) 930-1148 Fax: (715) 836-2516	<u>Counties:</u> Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn <u>Tribes:</u> Ho Chunk

APPENDIX B

KEY STATUTES RELATED TO LICENSING OF CHILD CARE CENTERS

This appendix is based upon the 2019-20 Wisconsin Statutes updated through all Supreme Court and Controlled Substances Board Orders filed before and in effect on January 1, 2021. Only pertinent portions of the statutes are included here and were obtained at docs.legis.wisconsin.gov. Action by the legislature may result in changes to these statutes. Only printed volumes are Official Text under s. 35.18(2), Wis. Stats.

48.02 Definitions. [2019]

(8) "Guardian" means the person named by the court having the duty and authority of guardianship.

(13) "Parent" means a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person conclusively determined from genetic test results to be the father under s. 767.804 or a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a biological parent, an Indian husband who has consented to the artificial insemination of his wife under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the father under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father, or a person adjudicated to be the biological father, but does not include any person whose parental rights have been terminated.

(15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, steppaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling.

48.48 Authority of department. [2019] The department shall have authority: (10) To license child welfare agencies and child care centers as provided in s. 48.66(1)(a).

48.65 Child care centers licensed; fees. [2017]

(1) No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a child care center from the department. To obtain a license under this subsection to operate a child care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.686, and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

(2) This section does not include any of the following:

(a) A parent, grandparent, greatgrandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption, who provides care and supervision for the child.

(am) A guardian of a child who provides care and supervision for the child.

(b) A public or parochial school or a tribal school.

(c) A person employed to come to the home of the child's parent or guardian for less than 24 hours a day.

(d) A county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

(3) (a) Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 4 to 8 children, the child care center must pay to the department a biennial fee of \$60.50. Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 9 or more children, the child care center must pay to the department a biennial fee of \$30.25, plus a biennial fee of \$16.94 per child, based on the number of children that the child care center is licensed to serve. A child care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new child care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the child care center.

(b) A child care center that wishes to continue a license issued under par. (a) and that fails to pay the applicable fee under par. (a) by the continuation date of the license or a new child care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the child care center shall pay an additional fee of \$5 per day for every day after the deadline that the child care center fails to pay the fee.

(c) An individual who is eligible for a fee waiver under the veterans fee waiver program under s. 45.44 is not required to pay a fee under par. (a) for a license under sub. (1).

48.66 Licensing duties of the department. [2019]

(1)(a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and child care centers, as required by s. 48.65. The department may license foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. The department may supervise a child care program established or contracted for under s. 120.13 (14) that receives payment under s. 49.155 for the child care provided. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and child care centers and visit the premises of all foster homes in which children are placed. The department may also inspect the records and visit the premises of all child care programs established or contracted for under s. 120.13 (14) that receive payment under s. 49.155 for the child care provided.

(c) A license issued under par. (a) or (b), other than a license to operate a foster home or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

(2) The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m) (a) 2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are not individuals be provided.

(2m)(a)1. Except as provided in subd. 2., the department shall require each applicant for a license under sub. (1) (a) to operate a child welfare agency, group home, shelter care facility, or child care center who is an individual to provide that department with the applicant's social security number, and shall require each applicant for a license under sub. (1) (a) to operate a child welfare agency, group home, shelter care facility, or child care center who is not an individual to provide that department with the applicant's federal employer identification number, when initially applying for or applying to continue the license.

2. If an applicant who is an individual does not have a social security number, the applicant shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department. A license issued in reliance upon a false statement submitted under this subdivision is invalid.

(b) If an applicant who is an individual fails to provide the applicant's social security number to the department or if an applicant who is not an individual fails to provide the applicant's federal employer identification number to the department, that department may not issue or continue a license under sub. (1) (a) to operate a child welfare agency, group home, shelter care facility, or child care center to or for the applicant unless the applicant is an individual who does not have a social security number and the applicant submits a statement made or subscribed under oath or affirmation as required under par. (a) 2.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a) 1. may not disclose that information to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 and to the department of workforce development for the sole purpose of requesting certifications under s. 108.227 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

(3) The department shall prescribe the form and content of records to be kept and information to be reported by persons licensed by it.

(5) A child welfare agency, group home, child care center, or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the information that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the

application is approved, the applicable fees referred to in ss. 48.68 (1), 48.685 (8), and 48.686 (2) (ag) are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is due is paid, the department shall continue the license for an additional 2-year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

48.67 Rules governing child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. [2015] The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of safety and professional services, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall include rules that require all of the following:

(1) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under one year of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome. The rules shall provide that any training in those methods that a licensee has obtained in connection with military service, as defined in s. 111.32 (12g), counts toward satisfying the training requirement under this subsection if the licensee demonstrates to the satisfaction of the department that the training obtained in that connection is substantially equivalent to the training required under this subsection.

(2) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under 5 years of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, the training relating to shaken baby syndrome and impacted babies required under s. 253.15 (4) (a) or (c).

(3) (a) That all child care center licensees, and all employees of a child care center, who provide care and supervision for children have current proficiency in the use of an automated external defibrillator, as defined in s. 256.15 (1) (cr), achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38) to provide such instruction or through instruction obtained by the licensee in connection with military service, as defined in s. 111.32 (12g), if the licensee demonstrates to the satisfaction of the department that the instruction obtained in that connection is substantially equivalent to the instruction provided by a person approved under s. 46.03 (38).

48.68 Investigation of applicant; issuing of license. [2017]

(1) After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685 or 48.686, whichever is applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615(1)(a) or (b), 48.625(2)(a), 48.65(3)(a), or 938.22(7)(b), the department shall issue a license under s. 48.66(1)(a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66(5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the monthly foster care rates and supplemental payments specified in s. 48.62(4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

48.686 Criminal history and child abuse record search; child care. [2019]

(1) In this section:

(ac) "Approval" means a child care center license under s. 48.65, a child care provider certification under s. 48.651, or a contract with a child care provider under s. 120.13(14).

(ag) "Caregiver" means any of the following:

1. An employee or contractor of a child care program who is involved in the care or supervision of clients.

1m. A person who has direct contact and unsupervised access to clients of a child care program.

2. A person who has, or is seeking, a license, certification, or contract to operate a child care program.

(aj) "Child care program" means a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14), a child care provider that is certified under s. 48.651, or a temporary employment agency that provides caregivers to another child care program.

(am) "Client" means a person who receives direct care from a child care program, from an entity under s. 48.685(1)(b) or from a caregiver specified in s. 48.685(1)(ag)1.am., including all of the following:

1. An adopted child for whom adoption assistance payments are being made under s. 48.975.
2. A child for whom subsidized guardianship payments are being made under s. 48.623.
3. A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677(a) from an agency, is no longer placed in out-of-home care, and is residing in the foster home in which he or she was previously placed.

(bm) "Household member" means a person who is age 10 or older, who resides, or is expected to reside, at a child care program, and who is not a client of the child care program or caregiver.

(bo) "Licensing entity" means all of the following:

1. The department when licensing a child care center under s. 48.65.
2. The department in a county with a population of 750,000 or more, a county department, or an agency or Indian tribe contracted with under s. 48.651(2) when certifying a child care provider under s. 48.651.
3. A school board when contracting with a child care provider under s. 120.13(14).

(bp) "Noncaregiver employee" means a person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premises and opportunities for interactions with clients of the child care program.

(br) "Reservation" means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.

(c) "Serious crime" means any of the following:

1. A violation of s. 940.12, 940.22(2) or (3), 940.285(2), 940.29, 940.295, or 942.09(2).
2. A violation of s. 940.302(2) if s. 940.302(2)(a)1.b. applies.
3. An offense under ch. 948 that is a felony, other than a violation of s. 948.22(2).
4. A violation of s. 940.19(3), 1999 stats., or of s. 940.19(2), (4), (5), or (6) or 940.20(1) or (1m), if the victim is the spouse of the person.
5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225(1), (2), or (3), 940.23, 940.305, 940.31, 941.20(2) or (3), 941.21, 943.02, 943.03, 943.04, 943.10(2), 943.32(2), 948.081, 948.21, 948.215, or 948.53(2)(b)1.
6. Only for a caregiver, as defined in par. (ag)2., a

violation of s. 943.201, 943.203, or 943.38(1) or (2); a violation of s. 943.34(1), 943.395(1), 943.41(3)(e), (4)(a), (5), (6), or (6m), 943.45(1), 943.455(2), 943.46(2), 943.47(2), 943.50(1m), or 943.70(2)(a) or (am) or (3)(a) that is a felony; or an offense under subch. IV of ch. 943 that is a felony.

7. A violation of sub. (2) or s. 48.685(2), (3), (4m)(b), or (6), 2015 stats., if the violation involves the provision of false information to or the intentional withholding of information from, the department, a county department, an agency contracting under s. 48.651(2), a school board, or a child care program.

8. An offense involving fraudulent activity as a participant in the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, or health care benefits under the Badger Care health care program under s. 49.665.

9. A violation of s. 125.075(1), 125.085(3)(a)2., 125.105(2)(b), 125.66(3), 125.68(12), 940.09, 940.19(2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, 940.25, or 943.23(1g), a violation of s. 346.63(1), (2), (5), or (6) that is a felony under s. 346.65(2)(am)4., 5., 6., or 7. or (f), (2j)(d), or (3m), or an offense under ch. 961 that is a felony.

10. A violation of s. 948.22(2), unless the person has paid all arrearages due and is meeting his or her current support obligations.

11. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1. to 10. if committed in this state.

12. A violation of the laws of another state or United States jurisdiction that if committed in this state would constitute felony battery under s. 940.19(2), (4), (5), or (6) or 940.20, a felony offense of domestic abuse, as defined in s. 813.12(1)(am), a sex offense or a violent crime under ch. 948, or a violation of s. 940.225 if the victim was a child.

(2)(a) A licensing entity shall require any person who applies for an initial approval to operate a child care program to submit the information required for a background check request under par. (ag). If the licensing entity is a school board, county department, or contracted agency or tribe, the licensing entity shall submit the completed background information request to the department.

(ab) Each child care program shall submit a request to the department for a background check for each potential caregiver, noncaregiver employee, and household member prior to the date on which an individual becomes a caregiver, noncaregiver employee, or household member, and at least once

during every 5-year period for each existing caregiver, noncaregiver employee, or household member, except if all of the following apply to the individual:

1. The individual has received a background check as described in par. (am) while working or seeking work with another child care program within the state within the last 5 years.

2. The department provided to the child care program under subd. 1. a qualifying background check result for the individual.

3. The individual works or resides at a child care program within the state or has been separated from work or residence at a child care program within the state for a period of not more than 180 consecutive days.

(ag)1. A request for a background check to the department under par. (a) or (ab) shall be in the manner and on forms prescribed by the department, and shall include all of the following:

a. Fingerprints of the subject that meet the standards of the department.

b. Any additional information that the department deems necessary to perform the background check.

2. A request for a background check is considered submitted on the day that the department receives all of the information required under subd. 1.

3. The requester of a background check under this paragraph shall submit all fees required by the department pursuant to the instructions provided by the department, not to exceed the actual cost of conducting the background check.

(am) Upon receipt of a request submitted under par. (a) or (ab), the department shall obtain all of the following with respect to the individual who is the subject of the request:

1. A fingerprint-based or name-based criminal history search from the records maintained by the department of justice.

2. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.

3. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.

4. Information maintained by the department regarding any final determination under s. 48.981(3)(c)5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c)5p. that the person has abused or neglected a child.

5. Information maintained by the department of health services under s. 48.685 regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity or a child care program, for a reason specified in s. 48.685(4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or a child care

program for a reason specified in s. 48.685(4m)(a)1. to 5.

6. Information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime.

7. A fingerprint-based criminal history search using the federal bureau of investigation next generation identification.

8. A search of the national crime information center's national sex offender registry.

9. A search of the following registries, repositories, or databases in the state where the caregiver or nonclient resident resided for the period starting on the date 5 years prior to the department's receipt of the background check request and ending on the date the department received the background check request:

a. The state criminal registry or repository.

b. The state sex offender registry or repository.

c. The state-based child abuse and neglect registry and database.

10. A search of the department's background check records.

(ar) After receiving a request under par. (a) or (ab), the department shall conduct the background check as expeditiously as possible and shall make a good faith effort to complete all components of the background check no later than 45 days after the date on which the request was submitted.

(bb) If information obtained under par. (am) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If information submitted to the department under par. (ag) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) does not indicate such a charge or conviction, the department shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am), information submitted under par. (ag), or any other information indicates a conviction of a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

(bd) Notwithstanding par. (am), the department is not required to obtain the information specified in par. (am)1. to 10., with respect to a household member under 18 years of age whose background check request under par. (ag) indicates that the household member is not ineligible to be permitted to reside at a child care program for a reason specified

in sub. (4m)(a)1. to 8. and with respect to whom the department otherwise has no reason to believe that the person is ineligible to be permitted to reside at the child care program for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am)1. to 10. with respect to a household member described in this paragraph.

(br) The department shall require the person who is the subject of a search under par. (am) to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies, unless the person has previously been fingerprinted under this paragraph.

(3)(am) Every year or at any time that the department considers appropriate, the department may request the information specified in sub. (2)(am)1. to 5. for all caregivers, noncaregiver employees, and household members.

(bm) Annually, by January 1, the department shall submit a report to the appropriate standing committees of the legislature under s. 13.172(3) describing the report prepared under sub. (4p)

(a) with respect to caregivers specified in sub. (1)(ag)2., specifically any information indicating that the caregiver is ineligible under sub. (4m)(a) to be licensed, certified, or contracted to operate a child care program, and describing any action taken in response to the receipt of information under sub. (2)(am) indicating that such a caregiver is so ineligible.

(4)(a) A child care program that violates sub. (2), (3), or (4m)(a) is subject to a forfeiture of not more than \$1,000 and to other sanctions specified by the department by rule.

(b) A person who provides false information to the department under sub. (2) is subject to a forfeiture of not more than \$1,000 and to other sanctions specified by the department by rule.

(4m)(a) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), a licensing entity may not issue an approval to operate a child care program to a person, and a child care program may not employ or contract with a caregiver or noncaregiver employee or permit a household member to reside at the child care program if the licensing entity or child care program knows or should have known any of the following:

1. That the person has been convicted of a serious crime or adjudicated delinquent for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime.

2. That the person is registered or is required to be registered on a state sex offender registry or repository or the national sex offender registry.

3. That a unit of government or a state agency, as defined in s. 16.61(2)(d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a final determination has been made under s. 48.981(3)(c)5m. or, if a contested case hearing is held on such a determination, a final decision has been made under s. 48.981(3)(c)5p. that the person has abused or neglected a child.

5. That the department has determined the person ineligible to receive an approval to operate a child care program, to be employed by a child care program, or to be a household member of a child care program.

6. That the person has refused to provide information under sub. (2)(ag), or that the person refused to participate in, cooperate with, or submit required information for the background check described in sub. (2)(am), including fingerprints.

7. That the person knowingly made a materially false statement in connection with the person's background check described in sub. (2).

8. That the person knowingly omitted material information requested in connection with the person's background check conducted under sub. (2).

(ad) A licensing entity may issue an approval to operate a child care program to a person conditioned on the receipt of the information specified in sub. (4p)(a) indicating that the person is not ineligible to be so licensed, certified, or contracted with for a reason specified in par. (a)1. to 8.

(c) A child care program may employ or contract with a potential caregiver or noncaregiver employee or permit a potential household member to reside at the child care program for up to 45 days from the date a background check request is submitted to the department pending the completion of the department's report under sub. (4p)(a) if the department provides a preliminary report under sub. (4p)(c) to the child care program indicating that the individual is not ineligible to work or reside at a child care program. At all times that clients of a child care program are present, an individual who received a qualifying result on a background check described in sub. (2)(am) within the past 5 years must supervise a potential caregiver, noncaregiver employee, or household member permitted to work or reside at the child care program under this paragraph.

(4p)(a) The department shall provide the results of the background check to the child care program in a written report that indicates only that the individual on whom the background check was conducted is eligible or ineligible for employment or to reside at the child care program, without revealing any disqualifying offense or other information regarding the individual.

(b) The department shall provide the results of the background check to the individual on whom the

background check was conducted in a written report that indicates whether the individual is eligible or ineligible for employment or to reside at the child care program. If the individual is ineligible for employment or to reside at the child care program, the department's report shall include information on each disqualifying offense and information on the right to appeal.

(c) Before the department completes its report under par. (a), a caregiver under sub. (1)(ag)2. may submit a written request to the department for a preliminary report indicating whether a potential caregiver, noncaregiver employee, or household member is eligible to work or reside at a child care program under sub. (4m)(c). If the department receives such a request, it shall provide a written preliminary report to that caregiver indicating whether the individual is barred from working or residing at a child care program on the basis of a background check under sub. (2)(am)1. or 7. If the individual is ineligible to work or reside at a child care program based on the results of the preliminary report, the department shall also provide a preliminary report to the individual containing information related to each disqualifying offense.

(d) The results of a report under par. (c) may not be appealed by the individual until receipt of the department's report under par. (b) following completion of all components of the background check.

(4s)(a) An individual who is the subject of the department's report on the results of a background check may appeal the department's decision. Only the person who is the subject of the department's report may appeal the department's decision. Neither the child care program nor any other person may appeal the department's decision.

(b) An appeal request shall be submitted to the department at the address, e-mail address, or fax number identified in the statement of appeal rights no later than 10 days after the date of the department's decision, unless the appellant requests, and the department grants, an extension for a specific amount of time prior to expiration of the 10 day appeal period. Extensions may be granted for good cause shown.

(c) An appeal shall be submitted in the manner and on forms prescribed by the department, and must include all of the following information:

1. The information or issue disputed by the individual.
2. Any information known to the individual, or available to the individual through the exercise of reasonable diligence, that supports the individual's position.
3. The current or last known names, addresses, telephone numbers, and electronic mail addresses of any persons known or believed to have information relevant to determination of the appeal.

4. Copies of any documents or other materials in the possession of the individual, or reasonably available to the individual, that support the individual's position regarding the disputed information.

(e) The department shall attempt to verify the accuracy of the information challenged by the appellant, including making reasonable good faith efforts to locate any missing information regarding the disqualifying crime that is relevant to the issue identified for appeal.

(f) The department shall sustain the results of its background check report if supported by a preponderance of the available evidence.

(g) The department shall issue its appeal decision in writing. If the results of the original report are sustained upon review, the decision shall indicate the department's efforts to verify the accuracy of the information challenged by the individual. The decision shall also indicate any additional reconsideration and appeal rights available to the appellant.

(h) An appellant under this subsection may seek reconsideration of the department's decision under par. (g) by the secretary or the secretary's designee.

(i) A request for reconsideration detailing the basis for the request must be sent to the secretary at the address, e-mail address, or fax number identified in the department's decision no later than 30 days after the date of the department's decision.

(j) The secretary or secretary's designee shall issue his or her reconsideration decision in writing and shall include information about any additional appeal rights available to the individual.

(k) A denial of reconsideration under this subsection is a final decision of the department, and the appellant has a right to a contested case hearing under ch. 227.

(L) The appeal and reconsideration process set forth in this subsection is the exclusive method for disputing a criminal history background report issued by the department. The department's decision may not be appealed in a ch. 68 or 227 proceeding challenging the denial of a license, certification, or contract to operate a child care program based on the department's criminal history background check report or challenging any other child care regulatory action taken in reliance upon that report.

(m) Notwithstanding s. 19.35, the department may not publicly release or disclose the results of any individual background report it issues, except that the department may release aggregated data by crime as listed in sub. (1)(c) from background check results so long as the data does not contain personally identifiable information. The department may disclose and use information obtained in conducting background checks as necessary during an appeal or reconsideration under this subsection or for another lawful purpose.

(5)(a) A person may have the opportunity to demonstrate his or her rehabilitation to the department or to a tribe authorized to conduct a rehabilitation review under sub. (5d) if any of the following apply:

1. An investigation under sub. (2)(am) indicates that sub. (4m)(a)2., 3., or 4. applies to the person.
2. An investigation under sub. (2)(am) indicates that the person has been convicted or adjudicated delinquent of a serious crime as specified under sub. (1)(c)9. or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in sub. (1)(c)9. if committed in this state, and the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, more than 5 years before the date of the investigation under sub. (2)(am).

(b) If the department or tribe determines that the person has demonstrated rehabilitation in accordance with procedures established by the department by rule or by the tribe and by clear and convincing evidence, the prohibition in sub. (4m)(a) does not apply.

(5c) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the department that he or she has been rehabilitated may appeal to the secretary or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(5d)(a) Any Indian tribe that chooses to conduct rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation review plan that includes all of the following:

1. The criteria to be used to determine if a person has been rehabilitated.
2. The title of the person or body designated by the Indian tribe to whom a request for review must be made.
3. The title of the person or body designated by the Indian tribe to determine whether a person has been rehabilitated.

3m. The title of the person or body, designated by the Indian tribe, to whom a person may appeal an adverse decision made by the person specified under subd. 3. and whether the Indian tribe provides any further rights to appeal.

4. The manner in which the Indian tribe will submit information relating to a rehabilitation review to the department so that the department may include that information in its report to the legislature required under sub. (5g).

5. A copy of the form to be used to request a review and a copy of the form on which a written decision is to be made regarding whether a person has demonstrated rehabilitation.

(b) If, within 90 days after receiving the plan, the department does not disapprove the plan, the plan

shall be considered approved. If, within 90 days after receiving the plan, the department disapproves the plan, the department shall provide notice of that disapproval to the Indian tribe in writing, together with the reasons for the disapproval. The department may not disapprove a plan unless the department finds that the plan is not rationally related to the protection of clients. If the department disapproves the plan, the Indian tribe may, within 30 days after receiving notice of the disapproval, request that the secretary review the department's decision. A final decision under this paragraph is not subject to further review under ch. 227.

(5g) On January 1 of each year, the department shall submit a report to the legislature under s. 13.172(2) that specifies the number of persons in the previous year who have requested to demonstrate that they have been rehabilitated under sub. (5), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5), and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

(5m) Notwithstanding s. 111.335, a licensing entity may refuse to issue an approval to operate a child care program to a person, and a child care program may refuse to employ or contract with a caregiver or noncaregiver employee or permit a household member to reside at the child care program if the person has been convicted of or adjudicated delinquent for an offense that is not a serious crime, but that is, in the estimation of the department, substantially related to the care of a client. The department shall notify the provider and the individual of the results of a substantially related determination pursuant to the process set forth in sub. (4p) for background check determinations. The individual shall have the same appeal rights as set forth in sub. (4s), and the same appeal procedures apply.

(7) The department shall conduct throughout the state periodic training sessions that cover procedures and uses of background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

(8) The department may promulgate any rules necessary for the administration of this section.

History: 2017 a. 59; 2017 a. 364 s. 49; 2019 a. 9; s. 35.17 correction in (1)(c)12. In this case, the revocation of the petitioner's license under the caregiver law did not violate the petitioner's due process rights because the state provided adequate post-deprivation remedies. Petitioner's equal protection claim failed because the law does pass the rational basis test. Regardless of whether the law is rationally related to the goal of protecting children,

the law is rationally related to the legitimate purpose of prohibiting individuals who dishonestly benefitted from government welfare in the past from obtaining government funding in the form of childcare subsidies. *Brown v. Department of Children and Families*, 2012 WI App 61, 341 Wis. 2d 449, 819 N.W.2d 827, 11–1350. See also *Blake v. Jossart*, 2016 WI 57, 370 Wis. 2d 1, 884 N.W.2d 484, 12–2578.

Jamerson, 2013 WI 7, instructs that prior to establishing that a conviction satisfies the requirements of s. 48.685(5)(br)5. [now sub. (1)(c)8.], evidence must clearly show that the conviction was for fraudulent activity. The title of the conviction and an uncorroborated criminal complaint presented at the administrative appeal hearing were insufficient to meet this standard. *Blake v. Racine County Human Services Department*, 2013 WI App 45, 347 Wis. 2d 499, 831 N.W.2d 439, 12–0031.

NOTE: The above annotations relate to licensure under the caregiver law under s. 48.685, stats., prior to the repeal of that section and the creation of s. 48.686 by 2017 Wis. Act 59.

48.69 Probationary licenses. [2009] Except as provided under s. 48.715(6) and (7), if any child welfare agency, shelter care facility, group home, or child care center that has not been previously issued a license under s. 48.66(1)(a) applies for a license, meets the minimum requirements for a license established under s. 48.67, and pays the applicable fee referred to in s. 48.68(1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home, or child care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home, or child care center holding the probationary license and, except as provided under s. 48.715(6) and (7), if the child welfare agency, shelter care facility, group home, or child care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66(1)(a). A probationary license issued under this section may be renewed for one 6-month period.

48.70 Provisions of licenses. [2009]

(1) GENERAL. Each license shall state the name of the person licensed, the premises included under the license, the maximum number of children who can be received and their age and sex and such additional information and special conditions as the department may prescribe.

48.715 Sanctions and penalties. [2019]

(1) In this section, “licensee” means a person who holds a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare

agency, shelter care facility, group home, or child care center.

(2) If the department provides written notice of the grounds for a sanction, an explanation of the types of sanctions that may be imposed under this subsection and an explanation of the process for appealing a sanction imposed under this subsection, the department may order any of the following sanctions:

(a) That a person stop operating a child welfare agency, shelter care facility, group home, or child care center if the child welfare agency, shelter care facility, group home, or child care center is without a license in violation of s. 48.66(1)(a) or a probationary license in violation of s. 48.69.

(b) That a person who employs a person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years terminate the employment of that person within 30 days after the date of the order. This paragraph includes employment of a person in any capacity, whether as an officer, director, agent or employee.

(c) That a licensee stop violating any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(d) That a licensee submit a plan of correction for violation of any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(e) That a licensee implement and comply with a plan of correction provided by the department or previously submitted by the licensee and approved by the department.

(f) That a licensee close the intake of any new children until all violations of the provisions of licensure under s. 48.70(1) and the rules promulgated by the department under s. 48.658(4)(a) or 48.67 are corrected.

(g) That a licensee provide training for the licensee's staff members as specified by the department.

(3) If the department provides written notice of the grounds for a penalty, an explanation of the types of penalties that may be imposed under this subsection, and an explanation of the process for appealing a penalty imposed under this subsection, the department may impose any of the following penalties against a licensee or any other person who violates a provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67 or who fails to comply with an order issued under sub. (2) by the time specified in the order:

(a) A daily forfeiture amount per violation of not less than \$10 nor more than \$1,000. All of the following apply to a forfeiture under this paragraph:

1. Within the limits specified in this paragraph, the department may, by rule, set daily forfeiture amounts

and payment deadlines based on the size and type of facility or agency and the seriousness of the violation. The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under sub. (2).

2. The department may directly assess a forfeiture imposed under this paragraph by specifying the amount of that forfeiture in the notice provided under this subsection.

3. A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. 48.72, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subdivision to the secretary of administration for deposit in the school fund.

4. The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this paragraph that has not been paid as provided in subd. 3. The only contestable issue in an action under this subdivision is whether or not the forfeiture has been paid.

(b) Suspension of the licensee's license for not more than 2 weeks.

(c) Refusal to continue a license or a probationary license.

(d) Revocation of a license or a probationary license as provided in sub. (4).

(4) If the department provides written notice of revocation and the grounds for revocation as provided in sub. (4m) and an explanation of the process for appealing a revocation under this subsection, the department may revoke a license issued under s. 48.66(1)(a) or a probationary license issued under s. 48.69 for any of the following reasons:

(a) The department has imposed a penalty on the licensee under sub. (3) and the licensee or a person under the supervision of the licensee either continues to violate or resumes violation of a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section forming any part of the basis for the penalty.

(b) The licensee or a person under the supervision of the licensee has committed a substantial violation, as determined by the department, of a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section.

(c) 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 child welfare agency, shelter care facility, group home, or child care center that directly threatens the health, safety, or welfare of any child under the care of the licensee.

(d) The licensee or a person under the supervision of the licensee has violated, as determined by the department, a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section that is the same as or similar to a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section that the licensee or a person under the supervision of the licensee has violated previously.

(e) The licensee has failed to apply for a continuance of the license within 30 days after receipt of the warning under s. 48.66(5).

(4g)(a) If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is convicted or adjudicated delinquent for committing a serious crime, or if the results of a background check conducted under s. 48.686 indicate that the caregiver, household member, or noncaregiver employee is not eligible to be licensed, certified, employed, or permitted to reside at a child care program, the department shall revoke the license of the child care center immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

(b) If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime, the department shall immediately suspend the license of the child care center until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to operate, work at, or reside at a child care center.

(4m)(a) For a revocation under sub. (4)(a) or (d), the department shall provide to the licensee written notice of the revocation and the grounds for revocation not less than 30 days before the date of the revocation. The revocation will take effect only if the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period.

(b) For revocations under sub. (4)(b), (c) or (e), the department may revoke the license or probationary license immediately upon written notice to the licensee of the revocation and the grounds for revocation.

(5) The department may deny a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to any person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years.

(6) The department shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, and the department of corrections shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(b) to operate a secured residential care center for children and youth, for failure of the applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure of the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857 and not as provided in s. 48.72.

(7) The department shall deny an application for the issuance or continuation of a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant or licensee is liable for delinquent unemployment insurance contributions. An action taken under this subsection is subject to review only as provided under s. 73.0301(5) or 108.227(5) and not as provided in s. 48.72.

48.72 Appeal procedure. [2005] Except as provided in s. 48.715(6) and (7), any person aggrieved by the department's refusal or failure to issue, renew, or continue a license or by any action taken by the department under s. 48.715 has the right to an administrative hearing provided for contested cases in ch. 227. To receive an administrative hearing under ch. 227, the aggrieved person shall send to the department a written request for a hearing under s. 227.44 within 10 days after the date of the department's refusal or failure to issue, renew, or continue a license or the department's action taken under s. 48.715. The department shall hold an administrative hearing under s. 227.44 within 30 days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had by any party in the contested case as provided in ch. 227.

48.73 Inspection of licensees and school district child care programs. [2017] The department may visit and inspect each child welfare agency, foster home, group home, and child care center licensed by the department, and for that purpose shall be given unrestricted access to the premises described in the license. The department may visit and inspect each child care program established or contracted for under s. 120.13(14) that receives payment under s. 49.155 for the child care provided, and for that purpose shall be given unrestricted access to the premises used for the child care program.

48.735 Immunization requirements; child care centers. [2009] The department, after notice to a child care center licensee, may suspend, revoke, or refuse to continue a child care center license in any case in which the department finds that there has been a substantial failure to comply with the requirements of s. 252.04.

48.737 Lead screening, inspection and reduction requirements; child care centers. [2009] The department, after notice to a child care provider certified under s. 48.651, or a child care center that holds a license under s. 48.65 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or continue a license or certification in any case in which the department finds that there has been a substantial failure to comply with any rule promulgated under s. 254.162, 254.168, or 254.172.

48.74 Authority of department to investigate alleged violations. [1979] Whenever the department is advised or has reason to believe that any person is violating any of the provisions of ss. 48.60, 48.62, 48.625 or 48.65, it shall make an investigation to determine the facts. For the purposes of this investigation, it shall have authority to inspect the premises where the violation is alleged to occur. If it finds that the person is violating any of the specified sections, it may either issue a license if the person is qualified or may institute a prosecution under s. 48.76.

48.76 Penalties. [1993] In addition to the sanctions and penalties provided in s. 48.715, any person who violates s. 48.60, 48.62, 48.625, 48.63 or 48.65 may be fined not more than \$500 or imprisoned for not more than one year in county jail or both.

48.77 Injunction against violations. [1979] In addition to the penalties provided in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by injunction violations of s. 48.60, 48.62, 48.625, 48.63 or 48.65. It shall be the duty of the district attorneys, upon request of the department, to institute action for such injunction under ch. 813.

48.78 Confidentiality of records. [2017]

(1) Definition. In this section, unless otherwise qualified, "agency" means the department, a county

department, a licensed child welfare agency, or a licensed child care center.

(2) Confidentiality; exceptions.

(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38(5)(b) or (d) or (5m)(d), 48.396(3)(bm) or (c)1r., 48.432, 48.433, 48.48(17)(bm), 48.57(2m), 48.66(6), 48.93, 48.981(7), 938.396(2m)(c)1r., 938.51, or 938.78 or by order of the court.

(ag) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the request of the child, if 14 years of age or over, to the parent, guardian, legal custodian, or child, unless the agency determines that inspection of the record by the child, parent, guardian, or legal custodian would result in imminent danger to anyone.

(aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child's guardian ad litem, to the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem would result in imminent danger to anyone.

(am) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the written permission of the child, if 14 years of age or over, to the person named in the permission if the parent, guardian, legal custodian, or child specifically identifies the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, and of the unborn child's guardian ad litem, to the person named in the permission if the parent, guardian, legal custodian, or

expectant mother, and unborn child's guardian ad litem, specifically identify the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(b) Paragraph (a) does not apply to the confidential exchange of information between an agency and another social welfare agency, a law enforcement agency, a health care provider, as defined in s. 146.81(1)(a) to (p), a public school, or a private school regarding an individual in the care or legal custody of the agency. A social welfare agency that obtains information under this paragraph shall keep the information confidential as required under this section and s. 938.78. A law enforcement agency that obtains information under this paragraph shall keep the information confidential as required under ss. 48.396(1) and 938.396(1)(a). A health care provider that obtains information under this paragraph shall keep the information confidential as provided under s. 146.82. A public school that obtains information under this paragraph shall keep the information confidential as required under s. 118.125, and a private school that obtains information under this paragraph shall keep the information confidential in the same manner as is required of a public school under s. 118.125. Paragraph (a) does not apply to the confidential exchange of information between an agency and officials of a tribal school regarding an individual in the care or legal custody of the agency if the agency determines that enforceable protections are provided by a tribal school policy or tribal law that requires tribal school officials to keep the information confidential in a manner at least as stringent as is required of a public school official under s. 118.125.

(c) Paragraph (a) does not prohibit the department or a county department from using in the media a picture or description of a child in the guardianship of the department or a county department for the purpose of finding adoptive parents for that child.

(d) Paragraph (a) does not prohibit the department of health services or a county department from disclosing information about an individual formerly in the legal custody or under the supervision of that department under s. 48.34(4m), 1993 stats., or formerly under the supervision of that department or county department under s. 48.34(4n), 1993 stats., to the department of corrections, if the individual is at the time of disclosure any of the following:

1. The subject of a presentence investigation under s. 972.15.
2. Under sentence to the Wisconsin state prisons under s. 973.15.
4. On probation to the department of corrections under s. 973.09.
5. On parole under s. 302.11 or ch. 304 or on extended supervision under s. 302.113 or 302.114.

(e) Notwithstanding par. (a), an agency shall, upon request, disclose information to authorized representatives of the department of corrections, the department of health services, the department of justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under ch. 980, if the information involves or relates to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may issue any protective orders that it determines are appropriate concerning information made available or disclosed under this paragraph. Any representative of the department of corrections, the department of health services, the department of justice, or a district attorney may disclose information obtained under this paragraph for any purpose consistent with any proceeding under ch. 980.

(g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457. Unless authorized by an order of the court, the department of safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

(h) Paragraph (a) does not prohibit the department, a county department, or a licensed child welfare agency from entering the content of any record kept or information received by the department, county department, or licensed child welfare agency into the statewide automated child welfare information system established under s. 48.47(7g) or the department from transferring any information maintained in that system to the court under s. 48.396(3)(bm). If the department transfers that information to the court, the court and the director of state courts may allow access to that information as provided in s. 48.396(3)(c)2.

(i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a child placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative or from disclosing information under s. 48.21(5)(e), 48.355(2)(cm), or 48.357(2v)(d). In this paragraph, "relative" includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

(j) Paragraph (a) does not prohibit an agency from disclosing information to any public or private agency in this state or any other state that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person.

(k) Paragraph (a) does not prohibit the department of children and families from providing to the department of revenue, upon request, information concerning a recipient of payments under s. 48.57(3m) or (3n) or aid under s. 48.645, including information contained in the electronic records of the department of children and families, solely for the purposes of administering state taxes, including verifying a claim for a state tax refund or a refundable state tax credit, and collecting debts owed to the department of revenue. Any information obtained by the department of revenue under this paragraph is subject to the confidentiality provisions specified in s. 71.78.

(L)1. In this paragraph, "qualified independent researcher" means a faculty member of a university who satisfies all of the following:

a. The faculty member has an approved protocol from an institutional review board for human subjects research to work with data containing personal information for the purposes of evaluating the program under s. 119.23.

b. The faculty member has received from the state and properly managed data containing personal information for the purposes of evaluating the program under s. 119.23 before July 14, 2015.

2. Notwithstanding par. (a), the department shall permit a qualified independent researcher to have access to any database maintained by the department for the purpose of cross-matching information contained in any such database with a database that both is in the possession of the qualified independent researcher and contains information regarding pupils participating in the program under s. 119.23. The department may charge a fee to the qualified independent researcher for the information that does not exceed the cost incurred by the department to provide the information.

48.981 Abused or neglected children and abused unborn children. [2019]**(2) PERSONS REQUIRED TO REPORT.**

(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in sub. (3):

1. A physician.
2. A coroner.
3. A medical examiner.
4. A nurse.
5. A dentist.
6. A chiropractor.
7. An optometrist.
8. An acupuncturist.
9. A medical or mental health professional not otherwise specified in this paragraph.
10. A social worker.
11. A marriage and family therapist.
12. A professional counselor.
13. A public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d).
14. A school teacher.
15. A school administrator
16. A school counselor.
- 16m. A school employee not otherwise specified in this paragraph.
17. A mediator under s. 767.405.
18. A child care worker in a child care center, group home, or residential care center for children and youth.
19. A child care provider.
20. An alcohol or other drug abuse counselor.
21. A member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42, or 51.437 or a residential care center for children and youth.
22. A physical therapist.
- 22m. A physical therapist assistant.
23. An occupational therapist.
24. A dietitian.
25. A speech-language pathologist.
26. An audiologist.
27. An emergency medical services practitioner.
28. An emergency medical responder, as defined in s. 256.01(4p).
29. A police or law enforcement officer.
30. A juvenile correctional officer.

(e) No person making a report under this subsection in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for so doing.

(3) REPORTS; INVESTIGATION.**(a) Referral of report.**

1. A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 750,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

(4) IMMUNITY FROM LIABILITY. Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child or of an expectant mother under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

(6) PENALTY. Whoever intentionally violates this section by failure to report as required may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

66.1017 Family child care homes. [2009]**(1) In this section:**

(a) "Family child care home" means a dwelling licensed as a child care center by the department of children and families under s. 48.65 where care is provided for not more than 8 children.

(b) "Municipality" means a county, city, village or town.

(2) No municipality may prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use. No municipality may establish standards or requirements for family child care homes that are different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located.

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency. [2017]**(2) DUTIES AND POWERS OF LICENSING DEPARTMENTS.**

(a) Each licensing department and the supreme court, if the supreme court agrees, shall enter into a memorandum of understanding with the department of revenue under sub. (4)(a) that requires the licensing department or supreme court to do all of

the following:

1. Request the department of revenue to certify whether an applicant for a license or license renewal or continuation is liable for delinquent taxes. With respect to an applicant for a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision. This subdivision does not apply to the department of transportation with respect to licenses described in sub. (1)(d)7.

2. Request the department of revenue to certify whether a license holder is liable for delinquent taxes. With respect to a holder of a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision.

(b) Each licensing department and the supreme court, if the supreme court agrees, shall do all of the following:

1. a. If, after a request is made under par. (a)1. or 2., the department of revenue certifies that the license holder or applicant for a license or license renewal or continuation is liable for delinquent taxes, revoke the license or deny the application for the license or license renewal or continuation. The department of transportation may suspend licenses described in sub. (1)(d)7. in lieu of revoking those licenses. A suspension, revocation or denial under this subd. 1. a. is not subject to administrative review or, except as provided in subd. 2. and sub. (5)(am), judicial review. With respect to a license granted by a credentialing board, the department of safety and professional services shall make a revocation or denial under this subd. 1. a. With respect to a license to practice law, the department of revenue shall not submit a certification under this subd. 1. a. to the supreme court until after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies.

b. Send a notice of suspension, revocation, or denial under subd. 1. a. to the license holder or applicant. The notice shall include a statement of the facts that warrant the suspension, revocation, or denial and a statement that the license holder or applicant may, within 30 days after the date on which the notice of denial, suspension, or revocation is sent, file a written request with the department of revenue to have the certification of tax delinquency on which the suspension, revocation, or denial is based reviewed at a hearing under sub. (5)(a). With respect to a license granted by a credentialing board, the department of safety and professional services shall send a notice under this subd. 1. b. With respect to a license to practice law, the department of revenue shall send a notice under this subd. 1. b., and the notice shall indicate that the license holder or applicant may request a hearing under sub. (5)(a) and (am) and that the department of revenue shall

submit a certificate of delinquency to suspend, revoke, or deny a license to practice law to the supreme court after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies. A notice sent to a person who holds a license to practice law or who is an applicant for a license to practice law shall also indicate that the department of revenue may not submit a certificate of delinquency to the supreme court if the license holder or applicant pays the delinquent tax in full or enters into an agreement with the department of revenue to satisfy the delinquency.

2. Except as provided in subd. 2m., if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after a hearing under sub. (5)(a), affirm a suspension, revocation or denial under subd. 1. a. A license holder or applicant may seek judicial review under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County, of an affirmation of a revocation or denial under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall make an affirmation under this subdivision.

2m. With respect to a license to practice law, if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after any requested review under sub. (5)(a) and (am), decide whether to suspend, revoke, or deny a license to practice law.

3. If a person submits a nondelinquency certificate issued under sub. (5)(b)1., reinstate the license or grant the application for the license or license renewal or continuation, unless there are other grounds for suspending or revoking the license or for denying the application for the license or license renewal or continuation. If reinstatement is required under this subdivision, a person is not required to submit a new application or other material or to take a new test. No separate fee may be charged for reinstatement of a license under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

4. If a person whose license has been suspended or revoked or whose application for a license or license renewal or continuation has been denied under subd. 1. a. submits a nondelinquency certificate issued under sub. (3)(a)2., reinstate the license or grant the person's application for the license or license renewal or continuation, unless there are other grounds for not reinstating the license or for denying the application for the license or license renewal or continuation. With respect to a license granted by a credentialing board, the department of safety and professional services shall

reinstate a license or grant an application under this subdivision.

(c)1. Each licensing department and the supreme court may require a holder of a license to provide the following information upon request:

a. If the license holder is an individual and has a social security number, the license holder's social security number.

am. If the applicant is an individual and does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A license issued in reliance upon a false statement submitted under this subd. 1. am. is invalid.

b. If the license holder is not an individual, the license holder's federal employer identification number.

2. A licensing department may not disclose any information received under subd. 1. a. or b. to any person except to the department of revenue for the purpose of requesting certifications under par. (a)1. or 2. in accordance with the memorandum of understanding under sub. (4) and administering state taxes, to the department of workforce development for the purpose of requesting certifications under s. 108.227(2)(a)1. or 2. in accordance with the memorandum of understanding under s. 108.227(4) and administering the unemployment insurance program, and to the department of children and families for the purpose of administering s. 49.22.

(5) HEARING.

(a) The department of revenue shall conduct a hearing requested by a license holder or applicant for a license or license renewal or continuation under sub. (2)(b)1 b. or by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b) to review a certification or determination of tax delinquency that is the basis of a denial or revocation of a license in accordance with this section or of a certificate, certification or recertification under s. 73.03(50) or 73.09(7m). A hearing under this paragraph is limited to questions of mistaken identity of the license or certificate holder or applicant and of prior payment of the delinquent taxes for which the department of revenue certified or determined the license or certificate holder or applicant is liable. At a hearing under this paragraph, any statement filed by the department of revenue, the licensing department or the supreme court, if the supreme court agrees, may be admitted into evidence and is prima facie evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing under this paragraph is not entitled to any other notice, hearing or review, except as provided in par. (am) and sub. (2)(b)2.

(am) If a person who holds a license to practice law or who is an applicant for a license to practice

law receives a hearing under par. (a) to review a certification or determination of tax delinquency that is the basis for a denial, suspension, or revocation of a license to practice law and such certification or determination is affirmed as a result of the hearing under par. (a), the person may seek judicial review of the certification or determination of tax delinquency under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County.

(b) After a hearing conducted under par. (a) or, in the case of a determination related to a license to practice law, after a hearing under par. (a) or, if the hearing is appealed, after judicial review under par. (am), the department of revenue shall do one of the following:

1. Issue a nondelinquency certificate to a license holder or an applicant for a license or license renewal or continuation if the department determines that the license holder or applicant is not liable for delinquent taxes. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b), the department shall grant a certification or recertification or reinstate a certification if the department determines that the applicant or certificate holder is not liable for delinquent taxes, unless there are other grounds for denying the application or revoking the certification.

2. Provide notice that the department of revenue has affirmed its certification of tax delinquency to a license holder; to an applicant for a license, a license renewal or a license continuation; and to the licensing department or the supreme court, if the supreme court agrees. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50), or 73.09(7m)(b), the department of revenue shall provide notice to the applicant or certificate holder that the department of revenue has affirmed its determination of tax delinquency.

101.123 Smoking prohibited. [2019]

(2) PROHIBITION AGAINST SMOKING.

(a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:

1r. Child care centers.

8d. Common areas of multiple-unit residential properties.

(d) No person may smoke at any of the following outdoor locations:

2. Anywhere on the premises of a child care center when children who are receiving child care services are present.

(8) PENALTIES.

(d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m)(b) to (d) shall be subject to a forfeiture of \$100 for each violation.

347.48 Safety belts and child safety restraint systems. [2011]**(4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS.**

(ag) In this subsection:

1. "Child booster seat" means a child passenger restraint system that meets the applicable federal standards under 49 CFR 571.213 and is designed to elevate a child from a vehicle seat to allow the vehicle's safety belt to be properly positioned over the child's body.

2. "Designated seating position" has the meaning given in 49 CFR 571.3.

3. "Properly restrained" means any of the following:

a. With respect to par. (as)1. and 2., fastened in a manner prescribed by the manufacturer of the child safety restraint system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1).

b. With respect to par. (as)3., wearing a safety belt consisting of a combination lap belt and shoulder harness approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt so that the safety belt properly fits across the child's lap and the center of the child's chest in a manner appropriate to the child's height, weight, and age that permits the safety belt to act as a body restraint.

c. With respect to par. (as)4., fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(am) No person may transport a child under the age of 8 in a motor vehicle unless the child is restrained in compliance with par. (as) in a safety restraint system that is appropriate to the child's age and size and that meets the standards established by the department under this paragraph. The department shall, by rule, establish standards in compliance with applicable federal standards, including standards under 49 CFR 571.213, for child safety restraint systems.

(as) A child under the age of 8 years who is being transported in a motor vehicle shall be restrained as follows:

1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

2. Subject to subd. 1., if the child is at least one year old and weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained as provided in subd. 1. or properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back

passenger seat.

3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall be properly restrained as provided in subd. 2. or properly restrained in a child booster seat.

4. Subject to subds. 1. to 3., if the child is less than 8 years old, the child shall be properly restrained as provided in subds. 1. to 3. or properly restrained in a safety belt approved by the department under sub. (2).

(b) The department may, by rule, exempt from the requirements under pars. (am) and (as) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system, child booster seat, or safety belt.

(c) This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

(d) Evidence of compliance or failure to comply with pars. (am) and (as) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with pars. (am) and (as) does not by itself constitute negligence.

948.53 Child unattended in child care vehicle. [2009]

(1) DEFINITIONS. In this section:

(a) "Child care provider" means a child care center that is licensed under s. 48.65(1), a child care provider that is certified under s. 48.651, or a child care program that is established or contracted for under s. 120.13(14).

(b) "Child care vehicle" means a vehicle that is owned or leased by a child care provider or a contractor of a child care provider and that is used to transport children to and from the child care provider.

(2) NO CHILD LEFT UNATTENDED.

(a) No person responsible for a child's welfare while the child is being transported in a child care vehicle may leave the child unattended at any time from the time the child is placed in the care of that person to the time the child is placed in the care of another person responsible for the child's welfare.

(b) Any person who violates par. (a) is guilty of one of the following:

1. A Class A misdemeanor.

2. A Class I felony if bodily harm is a consequence.

3. A Class H felony if great bodily harm is a consequence.

4. A Class G felony if death is a consequence.

APPENDIX C

DCF 13 BACKGROUND CHECKS FOR CHILD CARE PROGRAMS

Register July 2020 No 775

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DCF 13.01 Purpose and scope. This chapter is promulgated under the authority of ss. 48.67 (intro.), 48.686, and 227.11(2)(a), Stats., to specify procedures necessary to implement background checks required under s. 48.686, Stats., for caregivers, noncaregiver employees, and household members at a child care program.

Note: For further information on the scope of the child care background check, see s. DCF 13.02 for definitions of terms used in this section.

History: EmR1918: emerg. cr., eff. 1-30-19; CR19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR20-003: am. Register July 2020 No. 775, eff. 8-1-20.

DCF 13.02 Definitions. In this chapter:

(1) "Agency" means the department, a certification agency, or a school board that establishes or contracts for a child care program under s. 120.13 (14), Stats.

(2) "Background check request form" means a form prescribed by the department on which a person completes required information for purposes of the child care background check.

Note: DCF-F-5296-E, *Background Check Request Form*, is available electronically through the Child Care Provider Portal and on the department's website at <https://dcf.wisconsin.gov/forms>.

(3) "Bar" means any of the following:

- (a) A barrier to a person's eligibility for regulatory approval, employment, or contract as a caregiver.
- (b) A barrier to a person's nonclient residency at a child care program.
- (c) A barrier to a person's eligibility for employment or contract as a noncaregiver employee.

(4) "Caregiver" means any of the following:

- (a) An employee or contractor of a child care program who is involved in the care or supervision of clients.

(b) A person who has direct contact with clients of a child care program or has unsupervised access to clients of a child care program, including student teachers, household members age 10 and older, and volunteers counted for the purpose of meeting the required staff-to-child ratios.

(c) A person who has, or is seeking, a license, certification, or contract to operate a child care program.

(5) "Certification agency" means the department in a county having a population of 750,000 or more or a county department, person, or tribe that has a contract with the department to certify child care providers under s. 48.651(2), Stats., in a particular county or tribal area.

(6) "Child care background check" means the requirements in s. 48.686, Stats., and this chapter.

(7) "Child care program" means any of the following:

- (a) A child care center that is licensed under s. 48.65, Stats.
- (b) A child care provider that is certified under s. 48.651, Stats.
- (c) A child care program established or contracted for under s. 120.13 (14), Stats.
- (d) A temporary employment agency that provides caregivers or noncaregiver employees to another child care program.

(8) "Client" means a person who receives direct care from a child care program, from an entity, as defined in s. DCF 12.02 (14), or from a caregiver specified in s. 48.685 (1) (ag) 1. am., Stats., including all of the following:

- (a) An adopted child for whom adoption assistance payments are being made under s. 48.975, Stats.
- (b) A child for whom subsidized guardianship payments are being made under s. 48.623, Stats.

(c) A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677 (a) from an agency, is no longer placed in out-of-home care, and is residing in the foster home in which he or she was previously placed.

(9) "Contractor" means, with respect to a child care program, a person who provides services to the child care program under an express or implied contract or subcontract, or that person's agent.

(10) "County department" means a county department of social services established under s. 46.22, Stats., or a county department of human services established under s. 46.23, Stats.

(11) "Department" means the department of children and families.

(12) "Direct contact" means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(13) "Division of hearings and appeals" means the division of hearings and appeals within the department of administration.

(14) "Final substantiated finding" means all of the following:

(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 5m., Stats., and s. DCF 40.04 if the final determination has not been reversed or modified on appeal.

(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 4., 2011 Stats., if the determination has not been reversed or modified on appeal.

Note: The date in a statutory citation means that was the last edition of the statutes in which that provision appears.

(15) "Household member" means a person who is age 10 or older, who resides, or is expected to reside, at a child care program, and who is not a client of the child care program or caregiver.

(15m) "Noncaregiver employee" means a person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premises and opportunities for interactions with clients of the child care program.

(16) "Regulatory approval" means any of the following:

(a) Issuance, continuation, or renewal of a license by the department under s. 48.66, Stats.

(b) Issuance or renewal of certification by a certification agency under s. 48.651, Stats.

(c) Approval of the person subject to the child care background check for a child care program to be established or contracted for by a school board under s. 120.13 (14), Stats.

(17) "Rehabilitation review" means an agency process in s. 48.686 (5), Stats., under which an

eligible person who has a bar may seek approval for any of the following:

(a) Regulatory approval.

(b) Employment or contract with a child care program to be a caregiver or noncaregiver employee.

(c) Residency at a child care program.

(18) "Reside" means to be present at a child care program for more than an aggregate of 14 calendar days within a 90-day period. "Reside" does not include incidental presence that does not afford unrestricted access to the premises or to children in care.

(19) "Role" means a person's job as a caregiver or noncaregiver employee or a person's status as a household member at a child care program.

(20) "School board" means the board that has the powers specified in s. 120.13, Stats., for the schools of a school district.

(21) "Serious crime" has the meaning given in s. 48.686 (1) (c), Stats.

Note: A table that lists the child care serious crimes is available at <https://dcf.wisconsin.gov/files/publications/pdf/5206.pdf>.

(22) "Tribe" means a federally recognized American Indian tribe or band in Wisconsin.

(23) "Volunteer" means a person who is not compensated, but agrees to give time, with or without reimbursement for expenses, to transport or to work with children in a child care program.

History: EmR1918: emerg. cr., eff. 1-30-19; CR19-089: cr. Register March 2020 No. 771, eff. 4-1-20; correction in (7) (a), (8) (intro.) made under s. 35.17, Stats., Register March 2020 No. 771; CR20-003: cr. (3) (c), r. and recr. (4) (a), am. (4) (b), (7) (d), (15), cr. (15m), am. (17) (b), (19) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.03 Background check request.

(1) REQUIRED FORMS AND FEES. A background check request shall include a completed background check request form, armed forces records under s. DCF 13.04, release forms, child care background check fees, and any additional information that the department determines is necessary to obtain the records required under s. 48.686 (2) (am), Stats.

(2) FINGERPRINT SEARCHES. (a) Prior to working as a caregiver or noncaregiver employee or residing in a child care program, the subject of the background check shall submit fingerprints in a manner directed by the department.

(b) Every 5 years or as otherwise requested by the department, caregivers, noncaregiver employees, and household members shall resubmit fingerprints in a manner directed by the department and the information specified under sub. (1).

Note: DCF-F-5296-E, *Background Check Request Form*, is available electronically through the Child Care Provider Portal and on the department's website at <https://dcf.wisconsin.gov/forms>.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (2) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.04 Obtaining armed forces information.

(1) If a person who is the subject of a background check served in a branch of the U.S. armed forces within the previous 3 years, including any reserve component, the department shall make every reasonable effort to obtain the discharge status of that person, either from the discharge papers issued to the person or from the armed forces branch in which the person served. The department shall document the efforts made to obtain the discharge status of the person.

(2) If the discharge status of the person described in sub. (1) is other than honorable, the department shall make every reasonable effort to obtain information on the nature and circumstances of the discharge.

Note: The information from the armed forces may include military court findings or information relevant to making a background check determination.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20.

DCF 13.05 Determining whether other offenses are substantially related.

(1) CAREGIVERS, NONCAREGIVER EMPLOYEES, AND HOUSEHOLD MEMBERS. To determine whether a caregiver's, noncaregiver employee's, or household member's conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to the care of a child or the activities of a child care program, the department shall consider all of the following:

(a) In relation to the person's role at the child care program, all of the following:

1. The nature and scope of the person's contact with clients.
2. The scope of the discretionary authority and independent judgment the person has to make decisions or take actions that affect the care of clients.
3. The opportunity the role at the child care program presents for committing similar crimes.
4. The extent to which acceptable performance of the role at the child care program requires the trust and confidence of clients and the parents or guardians of clients.
5. The amount and type of supervision received.

(b) In relation to the criminal conviction or delinquency adjudication, all of the following:

1. Whether intent is an element of the crime.
2. Whether the elements or circumstances of the crime are related to the person's role at the child care program.

3. Any pattern of criminal convictions or delinquency adjudications.
4. The extent to which the crime relates to clients or other vulnerable persons.
5. Whether the crime involves violence or a threat of harm.
6. Whether the crime is of a sexual nature.
- (c) In relation to the person, all of the following:
 1. The number and type of crimes for which the person has been convicted or adjudicated delinquent.
 2. The length of time between the conviction or delinquency adjudication and the decision affecting regulatory approval, employment, contract, or nonclient residency.
 3. The person's participation in or completion of pertinent programs of a rehabilitative nature.
 4. The person's probation, extended supervision, or parole status.
 5. If the person is a caregiver or noncaregiver employee, the person's ability to perform or to continue to perform the role consistent with the safe and efficient operation of the program and the confidence of clients and the parents or guardians of clients.
 7. The age of the person on the date the crime was committed.

(2) **DOCUMENTATION.** The department shall document how it reached the determination under sub. (1) that the criminal conviction or delinquency adjudication of a caregiver, noncaregiver employee, or household member is or is not substantially related to the care of a child or the activities of the child care program.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (1) (intro.), (c) 5, (2) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.06 Background check eligibility.

(1) PRELIMINARY ELIGIBILITY.

(a) The department shall issue a preliminary eligibility determination that indicates whether a person is barred from employment as a caregiver, noncaregiver employee, or household member at the child care program based on any serious crimes reported on the federal bureau of investigation and Wisconsin department of justice fingerprint results.

(b) A child care program that receives a department determination that a person is preliminarily eligible may employ, contract with, or allow the person to reside at the child care program pending the department's final eligibility determination under sub. (3).

(2) SUPERVISION OF PERSONS WITH PRELIMINARY ELIGIBILITY.

(a) Persons who begin work or residency with preliminary eligibility under sub. (1) shall be supervised at all times children are present. The supervision shall include periodic and direct observation of the person.

(b) A person who has received a final determination of eligibility under sub. (3) within the past 5 years shall supervise a person with preliminary eligibility under sub. (1).

(3) FINAL ELIGIBILITY.

(a) After receiving all of the records required under s. 48.686 (2) (am), Stats., the department shall provide a final written report to the child care program indicating whether the person who is the subject of the report is eligible or ineligible to work or reside at a child care program, without revealing information about any disqualifying offenses or other information regarding the person.

(b) The department shall provide a final written report to the person on whom the child care background check was conducted, indicating whether the person is eligible or ineligible to work or reside at a child care program. If the person is ineligible, the report also shall include information on each disqualifying offense, the right to appeal under s. DCF 13.09, and the right to a rehabilitation review under s. DCF 13.10, if applicable.

(4) TRANSFER OF ELIGIBILITY. A child care program may employ a person or allow the person to reside in the child care program without requesting a new child care background check on the person if all of the following conditions are met:

(a) Within the past 5 years, the person received a final determination of eligibility under sub. (3) to work or reside in a child care program and the determination of eligibility has not been withdrawn or revoked.

(b) Either of the following apply:

1. The person is currently working or residing in a child care program.
2. The person has been separated from employment or residence at a child care program for less than 180 days.

History: EmR1918: emerg. cr., eff. 1-30-19; CR19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR20-003: am. (1) (a) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.07 Reporting requirements.

(1) CHILD CARE PROGRAM OFFENSE REPORTING REQUIREMENTS. A child care program shall report to the agency that granted regulatory approval as soon as the child care program knows, or should have known, that any of the following apply to a caregiver, noncaregiver employee, or household member at the child care program:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 10th birthday.

(b) The person has been adjudicated delinquent on or after his or her 10th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a child.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency as defined in s.

16.61 (2) (d), Stats., made a finding that the person has abused or neglected a client or misappropriated the property of a client.

(h) If a position requires a person to hold a credential, as defined in s. 440.01 (2) (a), Stats., the person has been denied a credential or had a credential restricted or otherwise limited.

(2) OTHER CHILD CARE PROGRAM REPORTING.

(a) A child care program shall report to the agency that granted regulatory approval as soon as possible, but no later than the agency's next business day, if any of the following occurs:

1. A person who is age 10 or over and is not a client begins residing at, or is expected to reside at, a child care program.

Note: See the definitions in s. DCF 13.02 (15) and (18).

2. A household member turns 10 years of age.

3. A household member turns 18 years of age.

4. A corporation or limited liability company designates a new person to be subject to the background check.

5. A caregiver, noncaregiver employee, or household member at the child care program changes his or her name.

6. A person's role at the child care program has changed or will be changing and a new eligibility determination may be required for the child care background check.

7. A new caregiver or noncaregiver employee begins work, or a prospective caregiver or noncaregiver employee intends to begin work, at the child care program.

8. A caregiver or noncaregiver employee is no longer working in the child care program or intends to no longer work in the child care program, including the last date of employment.

9. A prospective caregiver or noncaregiver employee was not hired.

10. A former household member is no longer residing at the child care program or a household member intends to no longer reside at the child care program, including the last date of residence.

(b) When a change specified under par. (a) 1. to 7. occurs regarding a child care program, the program shall submit a completed background check request form no later than the agency's next business day for the new person subject to the child care background check and ensure persons comply with the fingerprint requirements within the timeframe specified by the department.

(3) CHILD CARE PROGRAM POLICY. A child care program shall include in its personnel or operating policies a provision that requires a person who is a caregiver specified in s. DCF 13.02 (4)(a) and (b) or a noncaregiver employee to notify the child care program as soon as possible, but no later than the child care program's next working day, if any of the circumstances under sub. (1) (a) to (h) apply to the person.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: cr. (1) (intro.), (2) (a) 2., 3., 5., 7. to 10., (3) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.08 Sanctions.

(1) CHILD CARE PROGRAM.

(a) A child care program that does any of the following may be subject to one or more of the sanctions specified in par. (b) by the department or the agency that granted the regulatory approval:

1. Allows a person who has not received preliminary determination of eligibility to begin work or reside at the child care program in violation of s. DCF 13.06 (1).
2. Allows a person who has not received a final determination of eligibility to work or reside at a child care program without direct supervision in violation of s. DCF 13.06 (2).
3. Hires, employs, or contracts with a person that the department determined was ineligible to be a caregiver or noncaregiver employee in the child care program.
- 3m. Permits a person that the department determined was ineligible to be a household member in the child care program.
4. Fails to submit a background check request as required under s. 48.686 (2) (ab), Stats., and s. DCF 13.03.
5. Knows, or should know, that a caregiver, noncaregiver employee, or household member at the child care program committed an act barred under s. 48.686 (4m) (a) 6., 7., or 8., Stats., including knowingly giving false information on or knowingly omitting material information relating to the child care background check.
6. Fails to comply with applicable reporting requirements under s. DCF 13.07 (1) or (2).
7. Fails to have a policy on reporting changes as required in s. DCF 13.07 (3).
8. Violates any provision in s. 48.686, Stats., or this chapter regarding caregivers, noncaregiver employees, or household members.

(b) Any of the following sanctions may be imposed on a child care program that commits any of the acts described in par. (a):

1. Suspension, nonrenewal, denial, or revocation of regulatory approval.
2. Specific conditions or limitations placed on the regulatory approval.

3. A forfeiture of not more than \$1,000.

4. A requirement that the child care program develop a written plan that specifies corrections that will be made to personnel screening practices, obtain agency approval of the correction plan, and implement the correction plan.

(2) APPLICANT. An applicant for regulatory approval who does any of the following is subject to denial of an application for regulatory approval:

- (a) Fails to complete and submit the background check request required under s. DCF 13.03.
- (b) Knowingly provides false information on or knowingly omits information from the background check request form.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (1) (a) 3., cr. (1) (a) 3m., am. (1) (a) 5., 8. Register July 2020 No. 775, eff. 8-1-20.

DCF 13.09 Appeal of background check determinations.

(1) APPEAL RIGHTS.

(a) The department shall include a statement of appeal rights with a notification of ineligibility under s. DCF 13.06 (3) to the subject of background check.

(b) The subject of a department determination under s. DCF 13.06 (3) may appeal the determination under s. 48.686 (4s), Stats. Only the subject of the background check may file the appeal.

(2) SUBMISSION OF AN APPEAL.

(a) To submit an appeal of an ineligibility determination under s. DCF 13.06 (3), the subject of a background check shall submit a completed petition for appeal form prescribed by the department to the department's postal address, email address, or fax number that is identified in the statement of appeal rights.

(b) An appeal under sub. (1) may be submitted no later than 10 days after the date of the department's ineligibility determination, unless the subject requests, and the department grants for good cause shown, an extension for a specific period of time prior to the expiration of the 10-day appeal period.

(c) If an appeal is not received under sub. (1) within 10 days after the department's ineligibility determination and an extension has not been approved before the expiration of the 10-day appeal period, the department's ineligibility determination made under s. DCF 13.06 (3) is final.

Note: Form DCF-F-5331-E, *Petition for Appeal of Ineligibility Determination*, is available in the forms section of the department website, <http://dcf.wisconsin.gov>. Send the appeal request to the Department of Children and Families, Child Care Background Unit, P.O. Box 8916, Madison, WI 53708-8916; email DCFPlcBECRCBU@wisconsin.gov; or fax (608) 422-7155.

(3) DEPARTMENT REVIEW OF APPEALS.

(a) The department shall notify the subject of the background check that his or her appeal request under sub. (2) has been received within 7 business days after receipt.

(b) The department shall review each timely appeal request under sub. (2) and issue a written appeal decision within 30 days after receiving the appeal request. The decision notice shall include information on the right to another appeal by requesting a reconsideration under sub. (4).

Note: Send the reconsideration request to the Department of Children and Families, Assistant Secretary, P.O. Box 8916, Madison, WI 53708-8916; email DCFMBCChildcareEligibilityAppeals@wisconsin.gov; or fax (608) 422-7161.

(4) RECONSIDERATION OF AN APPEAL.

(a) The subject of the background check may request a reconsideration of the department's appeal decision under sub. (3). A request for reconsideration shall be sent to the postal address, email address, or fax number identified in the appeal decision within 30 days after the date on the decision.

(b) The department secretary or the secretary's designee shall review a reconsideration request under par. (a) and issue a written decision. The reconsideration decision shall include information on the right to another appeal by requesting a contested case hearing under sub. (5).

(5) CONTESTED CASE HEARING. The subject of the background check who receives an adverse decision from the department secretary or the secretary's designee under sub. (4) may request a contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date of the department's reconsideration decision.

Note: Send a request for a contested case hearing to the Division of Hearings and Appeals, 4822 Madison Yards Way, PO Box 7875, Madison, Wisconsin, 53707-7875. The fax number of the division is (608) 264-9885.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (2) (b), (c) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.10 Rehabilitation reviews by agency. An agency may conduct a rehabilitation review for a person who requests a rehabilitation review if the person is eligible under s. 48.686 (5) (a), Stats., and s. DCF 13.11 and is any of the following:

(1) A person who has, or is seeking, regulatory approval from the agency as a caregiver specified in s. DCF 13.02 (4) (c).

(2) A person who is, or is expected to be, a caregiver specified in s. DCF 13.02 (4) (a) or (b) for a child care program that is regulated by the agency.

(3) A person who is, or is expected to be, a

household member at a child care program that is regulated by the agency.

(4) A person who is, or is expected to be, a noncaregiver employee for a child care program that is regulated by the agency.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (3), cr. (4) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.11 Eligibility for rehabilitation review.

(1) Except as provided under sub. (2), a person may have the opportunity to demonstrate his or her rehabilitation if any of the following apply:

(a) Section 48.686 (4m) (a) 2., 3., or 4. applies to the person.

(b) The person has been convicted or adjudicated delinquent of a serious crime as specified under s. 48.686 (1) (c) 9., Stats., or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in s. 48.686 (1) (c) 9., Stats., if committed in this state, and the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, more than 5 years before the date of the investigation under s. 48.686 (2) (am), Stats.

Note: A table listing child care serious crimes and availability of rehabilitation review for each offense can be accessed at <https://dcf.wisconsin.gov/files/publications/pdf/5206.pdf>.

(2) A person may not have the opportunity to demonstrate his or her rehabilitation if within the preceding 12 months an agency denied the person's request for rehabilitation approval, and the new request is for the same type of regulatory approval, job function, or status as a household member with the same level of direct contact with clients or unsupervised access to clients.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (1) (intro.), (2) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.12 Applying for rehabilitation review. To apply for rehabilitation review, a person who is eligible to request rehabilitation review under s. DCF 13.11 shall do all of the following:

(1) Obtain a rehabilitation review application on a form prescribed by the department and submit the completed application to the agency.

Note: Form DCF-F-419, *Rehabilitation Review Application Instructions*, is available in the forms section of the department website, <http://dcf.wisconsin.gov>.

(2) Submit any supporting documents and information required by the rehabilitation review application to the agency.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20.

DCF 13.13 Agency rehabilitation review process.

(1) **TIME FRAME.** If an application for a rehabilitation review is not complete or any supporting documents or information required in the application are not submitted within 90 days after the date the application was first received by the agency, the request for a rehabilitation review shall be denied, unless the person requesting the rehabilitation review provides a good cause explanation.

(2) **REHABILITATION REVIEW PANEL.** If a person who is eligible for rehabilitation review under s. DCF 13.11 submits an application that is complete under s. DCF 13.12 no later than the deadline in sub. (1), the applicable agency shall appoint a review panel of at least 2 persons to review the information submitted. The panel may request additional information from the person requesting the review or from other agencies or persons familiar with the person.

(3) **REQUESTOR APPEARANCE.** A person for whom a rehabilitation review is conducted under sub. (2) shall be given an opportunity to appear before the review panel to present information and answer any questions the panel members may have. The person's appearance before the review panel may be in person, by telephone, or other technology approved by the agency.

(4) **REHABILITATION REVIEW PANEL.** After reviewing the information obtained, a review panel appointed under sub. (2) shall decide whether the person who is the subject of the rehabilitation review has demonstrated by clear and convincing evidence that he or she is rehabilitated for purposes of receiving regulatory approval, employment as a caregiver or noncaregiver employee, contracting with a child care program to be a caregiver or noncaregiver employee, or residing at a child care program. The panel shall consider at least the following factors, as applicable:

(a) Personal references and comments from employers, persons, and agencies familiar with the applicant and statements from therapists, counselors, and other professionals.

(b) Evidence of successful adjustment to, compliance with, or proof of successful completion of parole, extended supervision, probation, incarceration, or work release privileges.

(c) Any investigations or enforcement actions by a regulatory agency for substantial noncompliance with applicable laws.

(d) Any subsequent contacts with law enforcement agencies, including arrests, charges, convictions, pending criminal or civil arrest warrants, civil judgments, or other legal enforcement actions or injunctions against the person.

(e) Any aggravating or mitigating circumstances surrounding the barring crime, act, or offense.

(f) Evidence of rehabilitation, such as public or community service, volunteer work, recognition by other public or private authorities for accomplishments or efforts or attempts at restitution, and demonstrated ability to develop positive social interaction and increased independence or autonomy of daily living.

(g) The age of the person at the time of the offense and the amount of time between the crime, act, or offense and the request for rehabilitation review.

(h) Whether the person is on the sexual offender registry under 301.45, Stats., or on a similar registry in another jurisdiction.

(i) A victim's impact statement, if appropriate.

(j) The person's employment history, including evidence of acceptable performance or competency and dedication to the person's profession.

(k) The nature and scope of the person's contact with clients in the position requested.

(L) The degree to which the person would be directly supervised or working independently in the position requested.

(m) The opportunity presented for someone in the position to commit similar offenses.

(n) The number, type, and pattern of offenses committed by the person.

(o) Successful participation in or completion of recommended rehabilitation, treatment, or programs.

(p) Unmet treatment needs.

(q) The person's veracity.

(5) REVIEW PANEL DECISION.

(a) *Scope.* An agency review panel may grant rehabilitation approval only within the scope of the agency's regulatory authority.

(b) *Deferral.* A review panel may defer a final decision under sub. (4) for a period of not more than 6 months, unless the person who is the subject of the rehabilitation review agrees to a longer time period.

(c) *Written decision.* A review panel shall issue a written decision under sub. (4) that includes the following, as applicable:

1. 'Approval.' An approval shall state all of the following:

a. The type of child care program to which the decision applies.

b. The types of approval that were requested and are approved in the decision, such as regulatory approval, employment as a caregiver or noncaregiver employee, contract to be a caregiver or noncaregiver employee, or status as a household member at a child care program.

c. Any conditions or limitations placed on the approval.

Note: Examples of limited approval include approval for employment in specific child care roles.

2. 'Deferral.' A deferral shall state the reason for the deferral and the date that the review panel will reconvene to review any new information affecting the request.

3. 'Denial.' A denial shall include all of the following:

- a. The type of child care program to which the decision applies.
- b. The types of approval that were requested and are denied in the decision, such as regulatory approval, employment as a caregiver or noncaregiver employee, contract to be a caregiver or noncaregiver employee, or status as a household member at a child care program.
- c. The reason for the denial.
- d. Notice that the person may appeal the denial and a summary of the appeal process under s. 48.686 (5c), Stats., and s. DCF 13.14.

(6) REVIEW PANEL DECISION DISTRIBUTION.

(a) A review panel shall send a decision made under sub. (5) to the person who is the subject of the rehabilitation review and, if requested, a copy to entities specified by that person.

(b) Within 10 days after sending a rehabilitation review decision to the subject of the rehabilitation review under par. (a), the review panel for an agency shall send all of the following to the department:

1. A copy of the review panel's decision.
2. A copy of the person's application under s. DCF 13.12.
3. A completed rehabilitation review decision report on a form prescribed by the department.

Note: Form DCF-F-418-E, *Rehabilitation Review Panel Decision Report*, is available in the forms section of the department website at <http://dcf.wisconsin.gov>. The materials should be sent to Attn: Rehabilitation Review Coordinator, Office of Legal Counsel, Department of Children and Families, P. O. Box 8916, Madison, WI 53708-8916.

(7) RETENTION OF REHABILITATION DECISION DOCUMENTATION.

(a) The agency shall retain a copy of a written decision by a rehabilitation review panel and any decisions from filed appeals that may result.

(b) The agency shall retain a copy of a rehabilitation review request and all materials or information obtained or notes made as part of a rehabilitation review decision for at least 10 years after the decision is made and any appeals are finalized.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (4) (intro.), (5) (c) 1. b., 3. b. Register July 2020 No. 775, eff. 8-1-20.

DCF 13.14 Appealing a rehabilitation review panel's denial.

(1)(a) A person who is denied rehabilitation approval under s. DCF 13.13 may submit a written request for review of the decision by the secretary or the secretary's designee under s. 48.686 (5c), Stats. A request for review shall be submitted within 10 days after the date of the written decision by the rehabilitation panel. No new evidence may be submitted.

(b) A person who appeals under this subsection shall bear the burden of proving, by a preponderance of the evidence, that the rehabilitation review panel for the agency erroneously exercised its discretion in deciding that the person did not show sufficient evidence to demonstrate that he or she is rehabilitated.

Note: Pursuant to s. 48.686 (5c), Stats., submit an appeal to the following, as appropriate:

1. To appeal a denial by a rehabilitation review panel for the department or a certification agency, send the request to the Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708-8916.
2. To appeal a denial by a rehabilitation review panel for the school board, send the request to the State Superintendent of Public Instruction, 125 South Webster Street, Madison, WI 53703; or call (608) 266-3390.
3. To appeal a denial by a rehabilitation review panel for a tribe, send the request to the director of the appropriate tribe or the director's designee.

(2) A person who receives an adverse decision from the secretary of the department or the secretary's designee under sub. (1) may request a contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date of the written decision by the department.

Note: Send a request for a contested case hearing to the Division of Hearings and Appeals, 4822 Madison Yards Way, PO Box 7875, Madison, Wisconsin, 53707-7875. The fax number of the division is (608) 264-9885.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20.

DCF 13.15 Compliance with rehabilitation approval; withdrawal.

(1) COMPLIANCE WITH APPROVAL CONDITIONS. A person whose rehabilitation is approved under s. DCF

13.13 shall comply with any conditions and limitations imposed with that approval.

(2) WITHDRAWAL OF REHABILITATION APPROVAL. (a) An agency that granted a person a rehabilitation approval under s. DCF 13.13 may withdraw the rehabilitation approval if the person has done any of the following:

1. The person has failed to comply with or abide by any conditions or limitations imposed with the rehabilitation approval.

2. The person knowingly submitted false information or withheld pertinent information that could have or would have affected the review panel's decision to grant the rehabilitation approval.

(b) If an agency withdraws a rehabilitation approval under par. (a), it shall issue a written notice that explains the reasons for the withdrawal and informs the person whose approval has been withdrawn that he or she may appeal as provided in s. DCF 13.14.

(c) If an agency withdraws rehabilitation approval and the withdrawal results in a bar to regulatory approval, employment as a caregiver or noncaregiver employee, contracting with a child care program to be a caregiver or noncaregiver employee, or status as a household member at a child care program, the agency that withdraws the rehabilitation approval shall immediately report the withdrawal to the department.

(3) **INFORMING THE GRANTING AGENCY.** A child care program or agency that becomes aware that a person has violated the conditions or limitations of a rehabilitation approval that was granted by another agency shall inform the agency that granted the approval of the violation.

Note: Send reports of withdrawn rehabilitation approval to Attn: Rehabilitation Review Coordinator, Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708-8916.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; CR 20-003: am. (2) (c) Register July 2020 No. 775, eff. 8-1-20.

DCF 13.16 Permissive acceptance of a rehabilitation approval.

(1) SCOPE.

(a) 1. An agency may accept a rehabilitation approval granted to a person by another agency if the previous rehabilitation approval applies to the same type of child care program and the same type of approval.

Note: For example, a certification agency in County B may accept a rehabilitation approval to be a household member in a certified child care home if a certification agency in County A granted the same type of approval.

2. A certification agency may accept a rehabilitation approval granted to a person by the department if the previous rehabilitation approval applies to the same type of approval for a child care center that is licensed to care for 4 to 8 children under s. 48.66, Stats.

3. A rehabilitation approval granted by a tribe that conducts rehabilitation reviews pursuant to a plan approved by the department under s. 48.686 (5d),

Stats., may not be accepted by another agency.

Note: A rehabilitation approval granted by a tribe under this chapter may be accepted by another agency.

(b) An agency that accepts a rehabilitation approval granted by another agency shall enforce any limitations or conditions that were included in the approval if the conditions or limitations imposed by the agency that granted the approval have not been terminated or have not expired.

(2) **PROCESS.** (a) If an agency learns that a person has had a previous rehabilitation review, the agency shall contact the department to request a copy of the rehabilitation decision and information on the status of any rehabilitation approval.

(b) If the previous rehabilitation review decision was an approval and the approval has not been withdrawn, the agency shall determine whether the approval is eligible to be accepted under sub. (1).

(c) If the previous rehabilitation approval is eligible to be accepted under sub. (1), the agency shall determine whether to accept or deny the previous approval.

(3) **INELIGIBILITY OR DENIAL.** If an agency determines that a person's previous rehabilitation approval may not be accepted under sub. (1) or the agency denies an eligible rehabilitation approval under sub. (2) (c), the agency shall inform the person of his or her right to submit an application for a new rehabilitation review under s. DCF 13.12 and shall process a submitted application under s. DCF 13.13.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20; correction in (1) (a) 3. made under s. 35.17, Stats., Register March 2020 No. 771.

DCF 13.17 Fees. The department may charge a fee for the cost of background checks required under s. 48.686, Stats. A child care program shall submit all fees required by the department as directed by the department.

History: EmR1918: emerg. cr., eff. 1-30-19; CR 19-089: cr. Register March 2020 No. 771, eff. 4-1-20.

**APPENDIX D
RESOURCE LIST**

To obtain copies of the materials listed below, visit the DCF Child Care Licensing Rules and Manuals website at <https://dcf.wisconsin.gov/cclicensing/rules> or contact the Child Care Information Center at 1-800-362-7353.

1. Car Safety Seat Information (Car Safety Seat Check-Up)
2. Center Medication and Injury Log – Directions for Use
3. Child Care Background Checks (CBC) FAQ – Licensed Child Care
4. Child Care Weather Watch – Wisconsin
5. Cleaning, Sanitizing, and Disinfecting in Child Care Settings
6. Collaborative Child Care Program – Frequently Asked Questions
7. Common Plants – What’s Poisonous
8. Communicable Diseases Chart & Order Info
9. Counselor-to-Child Ratio While Swimming Worksheet – Day Camps for Children
10. Counselor-to-Child Ratio Worksheet – Day Camps for Children
11. Credit to Hours Conversion – Technical Colleges and Universities
12. Daily Attendance Record – Licensed Child Care Centers
13. DCF Approved Agencies Offering Non-Credit Child Care Courses
14. Early Years Are Learning Years – Time Out for “Time Out”
15. Food Storage Chart
16. Guidance for Child Care Providers Regarding Lead-Based Paint Hazards in Child Care Settings
17. Instructions for Obtaining Forms
18. It Shouldn’t Hurt to be a Child...Report Child Abuse and Neglect
19. Managing Crying, Fussing or Distraught Children
20. OSHA Regulations on Bloodborne Pathogens
- 21. Prevention of Exposure to Blood and Body Fluids**
22. Required items for Day Camps for Children
23. Situations that Require Medical Attention Right Away
24. The Registry Career Levels
25. Together Child Grow – Quality Child Care for Children with Special Needs
26. Transportation of Children in 10+ Passenger Vans
27. Wisconsin Child Care Administrator Credential

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