

# Child Care Certification Rules

April 2020

# Rule Revisions

---

## Purpose



The permanent rules for DCF 202 went into effect on April 1, 2020.

The primary purpose of the rule changes was to ensure that the department's certified family child care rules comply with the health and safety requirements found in the Child Care and Development Block Grant (CCDBG) Act of 2014. The rule changes also regroup rules that address the same topics in different places, eliminate duplicative revisions, correct errors, incorporate state statutory requirements, and clarify language where needed to ensure proper implementation and administration of the health and safety requirements.

# Rule Revisions

## *What You Need to Know*



Emergency Rule Effective: September 30, 2019

Permanent Rule Effective: April 1, 2020

- Chapter DCF 202 – Child Care Certification

[https://docs.legis.wisconsin.gov/code/admin\\_code/dcf/201\\_252/202.pdf](https://docs.legis.wisconsin.gov/code/admin_code/dcf/201_252/202.pdf)

- Standards and Checklist

<https://dcf.wisconsin.gov/files/forms/pdf/49.pdf>

This training does not include every repeal, revision, or addition to DCF 202 and should not be used as a substitute for a thorough review of the revised certification rules. Please familiarize yourself with the new rules by reviewing the DCF 202 rules and the Standards and Checklist.

# New Rule

## *Diapering and Disinfecting*

---



- A provider shall change a child's wet or soiled clothing or diapers promptly from an available supply of clean clothing or diapers. The child's diaper shall be changed 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.



# New Rules

## Emergency Preparedness & Response

---



- The emergency phone number list must be in a location known to all providers.  
There is no longer a requirement to post it “next to the phone” due to the rise in cell phone usage.
- The operator must have a written plan for taking appropriate action in the event of an emergency including a fire; a tornado; a flood; extreme outdoor heat or cold; a loss of building service, including no heat, water, electricity or telephone; human-caused events, such as threats to the building or its occupants; allergic reactions; lost or missing children; vehicle accidents; a provider’s family situation, such as medical emergency or illness; or other circumstances requiring immediate attention.

# New Rules

## Emergency Preparedness & Response



The emergency plan shall include procedures for all of the following:

- Evacuation, relocation, shelter-in-place, and lock-down
  - Communication and reunification with families
  - Ensuring that the needs of all children are met, including children under 2 years of age, children with disabilities, and children with chronic medical conditions
- 
- The emergency plan shall be reviewed periodically and practiced as specified in the plan.
  - The operator shall have a written plan to prevent and respond to food and other allergy-related emergencies.
  - Resources are available on the Department's website:  
<https://dcf.wisconsin.gov/ccregulation/emergencyprep>

# New Rules

## Emergency Preparedness & Response

---



An operator shall ensure each provider, volunteer, substitute, or emergency back-up provider, receives an orientation before beginning work that covers the following:

- Names and ages of children in care.
- A review of children's records including parent and emergency contact information.
- Specific information relating to a child's special health care needs, including administration of medications, disabilities, allergies, or other special health conditions.
- Review of the operator's plan for responding to emergencies.
- A review of this chapter (DCF 202 and/or the Standards and Checklist)

# New Rules

## Equipment



Structures, such as playground equipment, railings, decks, and porches accessible to children, that have been constructed with CCA treated lumber shall be sealed with an exterior oil based sealant or stain at least every 2 years.

Need help identifying CCA treated lumber? [https://www.cpsc.gov/s3fs-public/270\\_0.pdf](https://www.cpsc.gov/s3fs-public/270_0.pdf)

Wood treated with creosote or pentachlorophenol, including railroad ties, may not be used in areas accessible to children.

# Revised Rule

## Equipment



The rules restricting the use of trampolines, pools and hot tubs have been revised to restrict use by “children in care.”

- No trampolines or inflatable bounce surfaces on the premises are accessible to children or used by children in care.
- On-ground or in-ground swimming pools on the premises may not be used by children in care and shall be inaccessible to children in care by use of a permanent enclosure or other protective measure.
- Hot tubs may not be used by children in care and shall be inaccessible to children by use of a locked rigid cover, permanent barrier, or other protective measure.

# Revised Rules

---

## Handwashing



Bathrooms, including toilets, sinks, and potty chairs, shall be clean and in good working condition. Soap, toilet paper, towels, and a waste paper container shall be provided in the bathroom and shall be accessible to children.

A child care provider shall wash his or her hands with soap and warm running water after toileting, prior to food preparation, after handling pets or animals, and after diapering children.

# Revised Rules

## Smoke & Carbon Monoxide Detectors

---



The rule restricting smoking from any indoor or outdoor area in which children are present has been revised to restrict smoking on the premises and in vehicles:

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

The rule requiring a carbon monoxide detector and smoke detectors has been split and revised to comply with state laws:

- A one-unit or two-unit residential building shall have a functional carbon monoxide detector installed in the basement and on each level of the building, excluding the garage and attic, in accordance with the requirements of s. 101.647, Stats.
- The home shall have a functional smoke detector on each floor level in accordance with the requirements of s. 101.645, Stats.

# New Rules

## Safe Sleep



- A safe crib or playpen with a tight fitting mattress with a tight-fitting covering shall be available for each child under one year of age to use for napping or sleeping.
- The crib or playpen may not contain soft or loose materials, such as sheepskins, pillows, blankets, flat sheets, bumper pads, bibs, pacifiers with attached soft objects or stuffed animals. A certified family child care operator shall ensure that each crib used by a child in care satisfies the applicable federal safety standards in 16 CFR Part 1219 or 1220.

# Revised Rules

## Meals & Snacks



The rule regarding meals and snacks has been updated to require the child care operator to follow current USDA minimum meal requirements.

- Each child shall be served one meal or snack at least once every 3 hours. Each meal and snack shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements.

CACFP Webinars: <https://dpi.wi.gov/community-nutrition/cacfp/training/webcasts-cacfp>

CACFP Wisconsin Sponsor's Forum: <http://www.foodprogramwi.org/>

Menu planning guide: <https://dpi.wi.gov/sites/default/files/imce/community-nutrition/pdf/menu-planning-guide-web.pdf>.

Menu Checklist: [https://dpi.wi.gov/sites/default/files/imce/community-nutrition/pdf/menu\\_checklist.pdf](https://dpi.wi.gov/sites/default/files/imce/community-nutrition/pdf/menu_checklist.pdf)

# Revised Rules

## Reporting Requirements

---



Additional requirements for reporting information to the certification agency:

A certified child care operator shall report all of the following to the certification agency as soon as possible, but no later than the certification agency's next working day:

1. An accident or incident that occurs while a child is in care of a provider resulting in an injury requiring professional medical evaluation.
2. The death of a child in care of a provider.
3. Any damage to the premises that may affect compliance with this chapter, or any incident at the premises that results in the loss of utility service.
4. Construction or remodeling of the premises that has the potential to affect an area accessible to children or have an effect on health and safety of children in care.
5. Known convictions, pending charges, or other offenses of the child care operator, household member, or other person subject to the child care background check.

# Revised Rules

## Reporting Requirements

---



6. Involvement by law enforcement in response to any of the following:

- a. A threat to cause physical or serious emotional harm to any individual, including a child in care, by the operator, a household member, or other person subject to the child care background check.
- b. A moving violation by a driver that transports children in care, regardless of whether the children are present at the time of the violation.

7. Suspected abuse or neglect of a child by a provider, volunteer, or household member that was reported under sub. (14), including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child's hours of attendance.

# Revised Rules

## Reporting Requirements



8. A prohibited action specified under sub. (7) (b) by a provider, volunteer, or household member.
9. An injury caused by an animal to a child in care.
10. The operator intends to hire a new employee or volunteer.
11. A current household member turns 10 years of age.
12. The operator's tax identification number changes or the legal name associated with the tax identification number changes.
13. A name change by a person subject to the child care background check.

# New Rule

## *Conditions of Certification*



A certified child care operator shall comply with all of the following conditions of the certification:

- The number of children in care at any time may not exceed the number specified.
- The age of the children in care may not be younger or older than the age range specified.
- The hours, days and months of operation may not exceed those specified. Care provided in excess of the specified hours is unregulated.
- The certification is non-transferrable, is granted only to the designated operator, and is limited to the stated location.

# New Rule

## Requesting Changes



An operator shall submit a request to the certification agency if the operator wishes to change any of the following:

- The hours, days, or months that the operator provides care.
- The name of the operator's child care program.
- The operator's phone number.
- The operator's physical address.
- Transportation services.

# New Rule:

## Policies



A certified child care operator shall include in its personnel or operating policies a provision that requires a provider (employee or volunteer) to notify the child care operator as soon as possible, but no later than the child care program's next working day, of the reporting requirements under par. (b) 5. to 7., which includes

- Known convictions, pending charges, or other offenses
- Involvement by law enforcement
- Suspected abuse or neglect including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child's hours of attendance.

# Revised Rule

## Child Guidance



- If a provider uses time-out periods to deal with unacceptable behavior, a time-out may not exceed 3 minutes and may not be used for children under 3 years of age. For purposes of this paragraph, a “time-out” is an interruption of unacceptable behavior by the removal of the child from the situation, not to isolate the child, but to allow the child an opportunity to pause, and with support from the provider, reflect on behavior and gain self-control.

Resources available through the Child Care Information Center

<https://dcf.wisconsin.gov/files/ccic/pdf/books/child-guidance.pdf>

<https://dcf.wisconsin.gov/files/ccic/pdf/videos/child-guidance.pdf>

<https://dcf.wisconsin.gov/files/ccic/pdf/time-out.pdf>

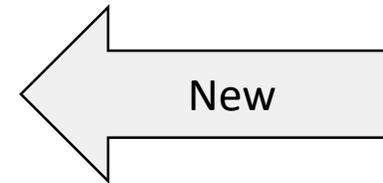
# New Rule

## Child Guidance



No provider may act in a manner that may be psychologically, emotionally or physically painful, discomfoting, dangerous, or potentially injurious to a child. Prohibited actions include all of the following:

Withholding or forcing meals, snacks, or naps.



# New Rule

## Substitutes/Volunteers



- The operator shall maintain documentation of the actual hours that a provider who is not also the operator has worked.
- The operator may use the department's daily child attendance form to document the provider's hours.
- <https://dcf.wisconsin.gov/files/forms/pdf/62.pdf>

<b>SECTION C – Provider Schedule:</b> Enter full name and position title for each provider, additional provider, substitute or emergency backup provider who worked with the children during the week. In the rows corresponding to the provider's name, record the actual times the provider, additional provider, substitute or emergency backup provider was present.														
Provider Name and Position Title	Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	In	Out	In	Out	In	Out	In		In	Out	In	Out	In	Out
Provider A:														
Provider B:														
Provider C:														
Provider D:														

# New Rule

## Substitutes/Volunteers



Approval required before working in program:

- A provider, substitute, employee, or volunteer for a certified child care operator shall be approved by the certification agency before the person begins working in the certified child care program. The certification agency may approve the provider, substitute, employee, or volunteer if the agency has verification that the individual has met the standards under sub. (1) (a) and (b) and has been determined eligible by the department under s. 48.686 (4p), Stats., and s. DCF 13.06.

# New & Revised Definitions

## Other Providers



New: “Emergency back-up provider” means a designated adult who is available to assist in the event an emergency occurs that requires a provider to leave the premises occasionally for a short period of time.

Revised: “Substitute” means a provider who replaces the certified child care operator or other provider on an infrequent, pre-arranged, or planned basis.

# Revised Rule

---

## Household Members



- The child care background check law and DCF 202 requires any potential household member of a certified family child care operator 10 years or age or older, and any potential provider, substitute, or employee to submit a completed background check request form and receive from the department a preliminary eligibility determination under s. 48.686 (4p), Stats., prior to residency, supervised employment, or volunteer work commencing.

# Revised Rule

## Tuberculosis Screening



- Each child care operator shall demonstrate that the operator is free from tuberculosis prior to initial certification. Each provider shall demonstrate that he or she is free from tuberculosis prior to the date the provider begins working with children in care. The certification agency may accept the results of a test administered up to 12 months before the certification date or the date the person began to work with children in care.
- The individual must submit documentation that demonstrates they are free from TB. A TB screening and statement from health professional indicating the individual is free from TB is acceptable. Optional form: <https://www.dhs.wisconsin.gov/forms/f02314.pdf>
- If the screening indicates a TB test is needed to determine the presence or absence of infectious TB then a certification agency may require a TB test.

# New Rule

---

Health



- A provider shall use universal precautions when exposed to blood or bodily fluids or discharge containing blood. All persons exposed to blood or bodily fluids containing blood or other types of bodily discharges shall wash their hands immediately with soap and warm running water.
- “Universal precautions” means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health service’s centers for disease control and adopted by the U.S. occupational safety and health administration as 29 CFR 1910.1030.

# New & Revised Rules

## Pets



- All of the following regarding pets and animals:
- Pets in the home shall be tolerant of children and vaccinated against rabies. The rabies vaccination shall be documented with a current certificate from a veterinarian.
- Animals that may pose any risk to the children may not be in any indoor or outdoor areas used for child care when children are in care.
- Reptiles, amphibians, ferrets, poisonous animals, psittacine birds, and exotic and wild animals may not be accessible to children.

Note: Psittacine birds are hooked bill birds of the parrot family that have 2 toes forward and 2 toes backward, including macaws, grays, cockatoos and lovebirds.

- Indoor and outdoor areas accessible to children shall be free of pet and animal excrement.
- Operators shall ensure they are in compliance with all applicable local ordinances regarding the number, types, and health status of pets and animals.

# New Rules

## Training Requirements



The new rules incorporate the training requirements that have been in effect since April 2018, under s. 48.651(1d), Stats. By 3 months after certification or beginning to work with children in care, the following preservice training and continuing education is required:

- At least 2 credits in early childhood education or a department-approved noncredit course.
- A department-approved noncredit course in operating a child care business or a course for credit in business or program administration.
- Training in child abuse and neglect (CAN).
- Certification in infant and child cardiopulmonary resuscitation (CPR).
- 5 hours of continuing education annually in topics that cover health, safety and/or child development.

<https://dcf.wisconsin.gov/index.php/cccertification/training>

<https://dcf.wisconsin.gov/files/ccregulation/cccertification/summary-of-training-requirements.pdf>

# New Rule

## Continuing Education



Continuing education approved topics:

- Prevention and control of infectious diseases
- Medication administration
- Prevention of and response to emergencies due to food and allergic reactions
- Identification and protection from hazards
- Building and physical premises safety
- Emergency preparedness and response planning
- Handling and storage of hazardous materials
- Handling and disposal of bio-contaminants
- Child growth and development
- Caring for children with disabilities
- Guiding children's behavior
- Nutrition
- Physical activity
- Transportation safety
- Child Abuse and Neglect
- CPR
- First aid
- Business operations
- Any other topic that promotes child development or protects children's health or safety

# Revised Rules

## Training Requirements for Other Caregivers



- A provider working in a regular or provisional certified child care program shall successfully complete department-approved preservice training by 3 months after work commencing.
- A substitute shall complete the training specified in subd. 1. and 2 (SIDS and SBS/AHT) but need not meet requirements for preservice training until the substitute has worked for 240 cumulative hours.
- At least 5 hours of qualifying continuing education annually after preservice training is completed.

# Optional Forms

## Continuing Education



Examples of acceptable continuing education:

- Formal courses resulting in credits or continuing education units
- Workshops, conferences, seminars, lectures, correspondence courses, and home study courses
- Documented observation time in other early childhood programs
- Web-based training that results in a certificate of completion
- Independent self-study of books, videos, and web-based training and research that may or may not does not provide a certificate

- Yearly Record - <https://dcf.wisconsin.gov/files/forms/pdf/0053a.pdf>

- Independent Self-Study - <https://dcf.wisconsin.gov/files/forms/pdf/2114.pdf>

# Revised Rule

---

## Well Water



- DCF 202.08 (2) (h) If the home gets water from a private well, water samples from the well shall be tested annually by a laboratory certified under ch. ATCP 77 and shall be found bacteriologically safe. If water test results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and retested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe.
- DCF 202.08 (2) (i) An operator that cares for infants under 6 months of age in a child care home that gets its water supply from a private well shall get water samples tested annually by a laboratory certified under ch. ATCP 77 to determine the level of nitrates in the water. If the water sample tests above the maximum allowable levels of nitrates, bottled water shall be used for children under 6 months of age.

# New Rules

## Driver, Vehicle, Route



- All vehicles requiring alarms MUST have an inspection of the vehicle alarm annually, by the certification worker.
- No one-way transportation route may exceed 60 minutes (the operator must apply for and be granted an exception request for specific fieldtrips which may exceed this 60 minute one-way limit).
- Prior to the day a driver first transports children in care, the operator shall submit to the certification agency a copy of the driving record for each driver and obtain approval of the driver from the certification agency.
- The driver of a vehicle used to transport children in care shall be at least 18 years of age, have at least one year of driving experience, and hold a valid driver license for the state where the driver resides and for the type of vehicle driven.

# Revised Rule

## Transportation Permission



- Before transporting a child, an operator shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include all of the following information:
- The purpose of the transportation and the parent or guardian’s permission to transport the child for that purpose.
- The length of time the child will transported.
- An address and telephone number where a parent or other adult can be reached in an emergency.
- The name, address, and telephone number of the child’s health care provider.
- Written consent from the child’s parent for emergency medical treatment.

Optional Form: <https://dcf.wisconsin.gov/files/forms/pdf/0056.pdf>

Required Form: <https://dcf.wisconsin.gov/files/forms/pdf/13251.pdf>

Forms are available on the department’s website, <https://dcf.wisconsin.gov/cccertification/ccformspubs>.

# New Rules

## *Driver, Vehicle, Route*



### Additional precautions when transporting

- Navigation devices must be programmed prior to operating the vehicle in traffic.
- Driver transporting children in care may not use a cellphone or other wireless device unless:
  - The vehicle is out of traffic,
  - The vehicle is not in operation, AND
  - The phone or device is used to communicate regarding an emergency

# New Rules

## *Business/Operation*



- A family child care operator must be an individual person – no other business models may hold a family child care certification.
- Programs are no longer able to be dually regulated (licensed AND certified)
- Temporary closings may not exceed 365 days

# New Rule

---

*Business/Operation*



Prior to a child's first day of attendance for any child in care, obtaining information on a form prescribed by the department with enrollment and health history information...

Required form:

<https://dcf.wisconsin.gov/files/forms/pdf/13251.pdf>

# New Rules

## Business/Operation



- If requested by the certification agency, an operator shall submit a plan of correction for cited violations of this chapter, ch. DCF 13, or s. 48.686, Stats., to the certification agency by the date the agency specifies.
- DCF 202.08(1m) (e) 2. The operator shall submit a revised plan of correction to the agency if the initial plan is not accepted by the agency.

# Revised Definition

*Who is considered "in care?"*



“In care” means a child care provider is responsible for the supervision, safety and developmental needs of children, on or off the premises, including during transportation provided by the certified child care operator. For purposes of this subsection, “children” includes children under 7 years of age who reside in the certified child care home.

# Revised Rule

## Outdoor Play Space



- The outdoor play area shall have a permanent enclosure not less than 4 feet high to protect the safety of children in care. Fencing, plants, or landscaping may be used to create a permanent enclosure.
- If the outdoor play area does not have a permanent enclosure, a provider shall be outside with children providing sight and sound supervision when children are outside.

# Contact Information

Certification Agencies

<https://dcf.wisconsin.gov/files/ccregulation/cccertification/certifiers.pdf>

Child Care Background Unit (for all background-check related questions):

(608) 422-7400

[DCFPLicBECRCBU@wisconsin.gov](mailto:DCFPLicBECRCBU@wisconsin.gov)

<https://dcf.wisconsin.gov/ccbgcheck>