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**State of Wisconsin  
Governor Scott Walker**

**TO: Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
W-2 Agencies  
Workforce Development Boards  
Job Center Leads and Managers  
Training Staff  
Child Care Coordinators/Certifiers**

**FROM: Jill D. Chase, Director  
Bureau of Early Care and Regulation  
Division of Early Childhood Education**

<b>BEPS/DFS OPERATIONS MEMO</b>					
<b>No:</b>		11-41			
<b>DATE:</b>		8/9/2011			
<b>FS</b>	<input type="checkbox"/>	<b>MA</b>	<input type="checkbox"/>	<b>BC+</b>	<input type="checkbox"/>
<b>SC</b>	<input type="checkbox"/>	<b>CTS</b>	<input type="checkbox"/>	<b>FSET</b>	<input type="checkbox"/>
<b>BC+ Basic</b>	<input type="checkbox"/>	<b>BC+ CORE</b>	<input type="checkbox"/>		
<b>CC</b>	<input checked="" type="checkbox"/>	<b>W-2</b>	<input type="checkbox"/>	<b>EA</b>	<input type="checkbox"/>
<b>CF</b>	<input type="checkbox"/>	<b>JAL</b>	<input type="checkbox"/>	<b>JC</b>	<input type="checkbox"/>
<b>RAP</b>	<input type="checkbox"/>	<b>WIA</b>	<input type="checkbox"/>	<b>Other</b>	<input type="checkbox"/> *
				<b>EP</b>	

**SUBJECT: Certification Records Retention**

**CROSS REFERENCE:** **WISCCRS User Guide – Closing a Provider Site**  
<http://dcf.wisconsin.gov/childcare/wisccrs/pdf/closingsite.pdf>

**PURPOSE:**

This memo instructs certifying agencies to retain certification records for 6 years after closure of a certified facility. This memo includes a list of provider records the certifying agency is required to retain during the 6 year period.

**BACKGROUND:**

Previously, under the Department of Workforce Development, certifying agencies were instructed to retain provider records 3 years after closure of the certified facility. With certification now administered under the Department of Children and Families, Bureau of Early Care Regulation, certifying agencies must now abide by the Wisconsin Public Records Board's most recent Records Retention/Disposition Authorization (RDA) requirements of 6 years after closure of a certified facility. The certification requirement for records retention now mirrors those of the department's licensing records.

A Records Retention/Disposition Authorization (RDA) is a binding legal document for records disposal (records retention/disposition policy for state records). Without an RDA approved by the Public Records Board, divisions (or this case, certifying agencies) may not destroy public records. Once approved, however, the RDA provides authorization to dispose of records.

**POLICY/PROCESS CHANGES:**

Previously, certifying agencies were instructed to retain provider records for 3 years after the certified program closes. Effective immediately certifying agencies must retain provider records for 6 years after the closure of the certified facility.

Certifying agencies contracted by DCF or subcontracted by a local county agency must comply with the retention and disposition conditions since the RDA is a binding legal document that carries the weight of law. Certification records may not be destroyed earlier than specified by the RDA and are not required to be retained longer than the specified period unless there is a pending audit or unresolved issue/legal action associated with a specific record.

In accordance with Wis. Stat. 16.61(2)(b) a record is defined as papers, reports, photographs, electronic transmissions, databases, videos, machine-readable materials, and any other documentary materials, regardless of physical form or department's business activities and serve as evidence of the department's functions, policies, decisions, procedures, obligations and/or operations.

Closed, for the purpose of records retention, is defined as discontinuation or denial of certification. Closed certified facilities include any of the following reasons found in WISCCRS category status drop down menu:

- Revocation
- Refusal to Renew Certification
- Voluntary Closure or Withdrew Certification
- Non-Renewal
- Provider Became Licensed
- Provider Left Child Care Field
- Provider Moved Out of County/Tribe

Modify Category	
Category Code	Provisional Certified
Issue Date	1/24/2011
Begin Date	1/7/2011
Expiration Date *	<input type="text" value="3/29/2011"/> 
 Status *	<input type="text" value="Revocations - Permanent Bar Provider"/> 

In addition to retaining records of closed facilities certifying agencies shall retain records for 6 years of certification applicants who were denied certification due to failure to come into compliance with DCF 202 and/or s. 48.685 the Caregiver Law. The application status/decision drop down menu is found in the Decision screens in WISCCRS and include:

- Denied – Permanent Bar, Substantially Related, 5-year Bar, Bar with Rehabilitation
- Denied – DCF 202

Decision	
<p>→ <b>Application Status *</b></p> <p>Comments</p>	<p>Denied - Permanent Bar</p> <p>0 of 300 characters.</p>

**EXAMPLES:**

A provider is granted certification on 2/1/11 and due to renew on 1/31/13 but chooses not to renew his/her certification in 2013. The provider record shall be retained until 1/31/19.

A provider's certification is revoked on 6/10/11. The provider appeals the revocation. The appeal decision issued on 7/6/11, rules in favor of the certifying agency. The provider record shall be retained until 7/6/17.

A provider's application for certification is denied on 4/17/10 but the provider does not appeal the denial. The provider record shall be retained until 4/17/16.

**SCANNING/UPLOADING DOCUMENTS INTO WISCCRS:**

Functionality in WISCCRS enables certifying agencies to upload and retain important documents perpetually. The WISCCRS User Guide provides guidance on scanning/uploading documents into WISCCRS as well as outlines documents required to be scanned and retained electronically. These documents include:

- W9 Tax payer Identification Number (TIN) Verification
- Sanction Letters (Denial, Revocation, Suspension)
- Noncompliance Statement and Correction Plan
- Compliance Statement

Electronic records, like those in WISCCRS, fall under the statutory definition of records. Scanning and uploading of the important documents, like those identified above, particularly sanction letters, will ensure these records are retained electronically even after a hard copy file is destroyed.

Many documents, such as Background Information Disclosure forms and Department of Justice background check results, are collected multiple times for several individuals throughout a provider's certification history. If you have scanned the original as well as all subsequent documents received, you do not need to maintain hard copies in the provider's file. However, if you have not scanned the originals and all of the subsequent documents you must maintain hard copy files in accordance with the records retention requirements outlined in this memo.

**CONTACTS:**

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