



DEPARTMENT OF CHILDREN  
AND FAMILIES  
Secretary Eloise Anderson  
201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916  
Telephone: 608-266-8684  
Fax: 608-261-6972  
www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES  
Secretary Dennis Smith  
1 West Wilson Street  
P.O. Box 7850  
Madison, WI 53707-7850  
Telephone: (608) 266-9622  
FAX: (608) 266-7882  
www.dhfs.wisconsin.gov

**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 Chase, Director  
Bureau of Early Care and Regulation  
Division of Early Childhood Education**

<b>BEPS/DFS OPERATIONS MEMO</b>		
<b>No: 12-37</b>		
<b>DATE: 07/13/2012</b>		
FS <input type="checkbox"/>	MA <input type="checkbox"/>	BC+ <input type="checkbox"/>
SC <input type="checkbox"/>	CTS <input type="checkbox"/>	FSET <input type="checkbox"/>
BC+ Basic <input type="checkbox"/>	BC+ CORE <input type="checkbox"/>	
CC <input checked="" type="checkbox"/>	W-2 <input type="checkbox"/>	EA <input type="checkbox"/>
CF <input type="checkbox"/>	JAL <input type="checkbox"/>	JC <input type="checkbox"/>
RAP <input type="checkbox"/>	WIA <input type="checkbox"/>	Other <input type="checkbox"/> *
EP		

**SUBJECT: Child Care Certification: Changes in State Law Impacting Certification**

**CROSS REFERENCE:** Ops Memo [12-09](#), [09-81](#), [09-44](#)

**EFFECTIVE DATE:** IMMEDIATELY

**PURPOSE:**

This Operations Memo informs Certification Agencies of changes in Wisconsin Law that impact certified child care programs and the monitoring activities of Certification Agencies.

**BACKGROUND:**

Since 2009 four laws have been enacted that affect regulated child care programs. To date, DCF 202 - Child Care Certification Administrative Code has not been updated to reflect these changes in law. However, DCF 202.08(1)(e) 1 and DCF 202.09(1m)(a) requires certified providers to comply with all local and state laws governing the child care program and its operation. Therefore, it is critical that Certification Agencies understand and monitor for these requirements.

Newly enacted laws include:

- 1) 2009 Wisconsin Act 76 – Revisions to the Caregiver Law
- 2) 2009 Wisconsin Act 158 – Carbon Monoxide Detector Requirements
- 3) 2009 Wisconsin Act 19 – Vehicle Safety Alarm Requirements

## 4) 2011 Wisconsin Act 14 – Vehicle Insurance Law

***POLICY/PROCESS CHANGES:***2009 Wisconsin Act 76 – Revisions to the Caregiver Law:

In November 2009 Wisconsin Act 76 changed the frequency with which background checks must be conducted and established 3 new categories of “serious crimes”. The Law went into effect February 1, 2010. Agencies shall implement the Caregiver Law in accordance with s. 48.685. Operations Memos 09-81 and 12-09 provide guidance and reference to provisions of the law. The Certification Standards and Checklist has been revised to reflect changes to the Caregiver Law.

2009 Wisconsin Act 158 – Carbon Monoxide Detector Requirements:

In a memo dated June 10, 2011 BECR informed regulated child care programs of a new law requiring any one or two family dwelling to have carbon monoxide detectors on each level of the home (including basement but excluding the attic and garage). The law took effect on February 1, 2011. Battery operated carbon monoxide detectors may be used in a dwelling built prior to June 2011. Building wired carbon monoxide detectors are required in dwellings built after that date. The detector must have a backup battery power supply if the carbon monoxide detector is wired to the building electrical system. This law modifies the existing certification rule DCF 202.08 (2) (am). Certifiers shall monitor programs located in one or two family dwellings for compliance with this requirement under the rules requiring programs to comply with applicable laws. The Certification Standards and Checklist has been revised to reflect new law.

2009 Wisconsin Act 19:

In Ops Memo 09-44 the department informed certifying agencies of the vehicle alarm bill that became law on 8/1/09. The law requires certified providers who transport children in a vehicle with a seating capacity of 6 or more passengers in addition to the driver to have a safety alarm. The alarm system shall prompt the driver of a child care vehicle to inspect the child care vehicle for children before exiting the child care vehicle. The law requires the child care provider to ensure the alarm is properly maintained and in good working order. Certifying agencies shall inspect the alarm when they conduct site visits. If certifying agencies document violations of this law the agency is to cite DCF 202.08(1)(e) Administration for family child care and DCF 202.09(1m)(a) for School-Age programs.

2009 Wisconsin Act 28 / 2011 Wisconsin Act 14 - Vehicle Insurance Law

As noted in a memo dated August 2010 to regulated child care providers, the Biennial Budget Act (2009 Wisconsin Act 28) made automobile liability insurance mandatory in Wisconsin effective June 1, 2010. This law states that no person may operate a motor vehicle upon a highway in this state unless the person, while operating the vehicle, has in his or her immediate possession proof that he/she is in compliance with the requirement to have liability coverage. The law set mandatory minimum amounts of required insurance. Then in 2011, the provisions regarding the amount of liability insurance required were modified in 2011 Wisconsin Act 14. This new law and minimum requirements applies to all regulated child care providers who transport children. Minimum requirements: \$25,000 for personal injury, \$50,000 for death, and \$10,000 for property damage. DCF 202.08 Administrative Rules for family child care do

not address the requirement for automobile liability insurance, however, certified family child care programs providing transportation for children that are not able to provide such proof are subject to a citation for a rule violation for failing to follow applicable laws. The Certification Standards and Checklist has been revised to reflect the law. DCF 202.09(14) outlines insurance requirements for certified school-age programs.

**AUTOMATION:**Citing Violations:

Because DCF 202 rules have not yet been revised to reflect changes in the law outlined above, the certifying agency shall cite, in WISCCRS, DCF 202.08(1)(e) for family child care or DCF 202.09(1m)(a) for school-age programs – *“Comply with all local and state laws governing the certified child care program and its operation and ensure that all employees and volunteers comply with these laws.”* WISCCRS prevents users from citing a rule violation more than once for a single monitoring visit, therefore, if a provider is found in violation of more than one of the laws outlined above the certifying agency shall cite the *Administration* rule and in the description field enter a brief description of the law and rule violated. Keep in mind everything entered in the description field will be viewable by the public. This field is used to give the provider/public more details about the violation(s). Do not enter any confidential information into this field.

*Note: A certifying agency may also cite applicable DHS 12 rules for violations pertaining to the Caregiver Law.*

**ACTION REQUIRED:**

Certifying agencies shall monitor for compliance with these laws and document provider compliance on the Standards and Checklist and in WISCCRS and issue Non-compliance or Compliance Statements accordingly. Agencies are strongly encouraged to view the video training on Non-Compliance/Compliance Issuance located at <http://dcf.wisconsin.gov/childcare/certification/default.htm>

**CONTACTS:**

For certification policy and caregiver background check questions please contact Jolene Ibeling at 608-267-2079 or [Jolene.Ibeling@wisconsin.gov](mailto:Jolene.Ibeling@wisconsin.gov).