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State of Wisconsin  
Governor Tony Evers

TO: **Income Maintenance Supervisors**  
**Income Maintenance Lead Workers**  
**Income Maintenance Staff**  
**Training Staff**  
**Child Care Coordinators**

FROM: Mark Andrews, Director  
Bureau of Early Care Regulation  
Division of Early Care and Education  
Department of Children and Families

DECE/BECR OPERATIONS MEMO

No: 19-34

DATE: 09/18/2019

Child Care

**SUBJECT: Emergency Rule – DCF 202 and DCF 13**

**CROSS REFERENCE:** s. [48.651\(1d\)](#) Stats., and s [48.686](#), Stats.

**EFFECTIVE DATE: SEPTEMBER 30, 2019**

**PURPOSE:**

This Operations Memo provides notice to certification agencies of changes to Chapter DCF 202, Child Care Certification rules and the creation of DCF 13, Child Care Background Checks.

**BACKGROUND:**

The primary purpose of an emergency rule is to ensure DCF 202 complies with the health and safety requirements in federal regulations based on the Child Care Development Block Grant (CCDBG) Act of 2014 by September 30, 2019. In addition to compliance with the federal deadline, the emergency rule also regroups certification rules that address the same topics in different places, eliminates duplicative provisions, corrects errors, updates the rules to be consistent with relevant statutes and clarifies language where needed to ensure proper implementation and administration of child care certification.

The emergency rule also creates ch. DCF 13 based on the requirements under s. 48.686, Stats., and amends ch. DCF 12 based on the removal of child care programs from the requirements under s. 48.685, Stats.

**Emergency Rule:**

The emergency rule revises DCF 202 to do the following:

1. Although the preservice training requirements have been in place since April 1, 2018, the emergency rule incorporates the preservice training requirements in 45 CFR 98.44 and s. 48.651 (1d), Stats. By 3 months after certification or beginning to work with children in care, the following new preservice training is required:
  - At least 2 credits in early childhood education or a department-approved noncredit course in caring for children.
  - 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) laws and identifying, documenting, and reporting child abuse and neglect.
  - Certification in infant and child cardiopulmonary resuscitation (CPR).

Note: Training in CAN laws and identifying, documenting, and reporting CAN is a new requirement effective 9/30/19. A person who completed a non-credit, department-approved course called the Introduction to the Child Care Profession will have met the CAN training requirement. Additional CAN training options include, but are not limited to, the following:

- Free online CAN course offered by Wisconsin Child Welfare Professional Development System School of Social Work that results in a certificate of completion:

<https://media.wcwpds.wisc.edu/mandatedreporter/>

- Review of resources available on the DCF website:

<https://dcf.wisconsin.gov/index.php/cps/mandatedreporters>

- Use of the independent learning form may be used to document a CAN training that does not result in a certificate of completion:

<https://dcf.wisconsin.gov/files/forms/pdf/2114.pdf>

2. Limits provisional certification for a period not to exceed 6 months and may not be renewed or extended.
3. Incorporates a requirement of 5 hours of continuing education annually in topics specified in s. 48.651(1d), Stats., and 45 CFR 98.41 (a) (1).
4. Adds new definition and requirements for universal precautions to prevent transmission of infection from contact with blood or other potentially infectious material.
5. Incorporates the requirements in 45 CFR 98.41 on emergency preparedness and response planning for an emergency resulting from a natural disaster or a human-caused event, such as violence in the child care home. A certified operator is required to have a written plan that includes procedures for evacuation, relocation, shelter-in-place, and lock down; communication and reunification with families; continuity of operations; and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.
6. Ensures appropriate precautions when transporting children by clarifying the current transportation rules and creating new provisions, including a requirement for an

- operator to submit to the certification agency a copy of the driving record for each driver and obtain approval of the driver from the certification agency.
7. Requires that a certified child care operator be an individual and not a corporation, partnership, limited liability company, non-incorporated association, or cooperative. No corporation, partnership, limited liability company, non-incorporated association, or cooperative that is a certified child care operator will be allowed to apply for recertification. An individual may apply or reapply for certification.
  8. Repeals a certification agency's discretion to limit Regular certification to operators that have a high school diploma or GED.
  9. Repeals the requirement that an operator in a rental property obtain permission from the landlord as a condition of certification.
  10. Adds a requirement for use of a department-provided enrollment and health history form.
  11. Adds new requirements for confidentiality and updates DCF 202.08(13), pertaining to discrimination.
  12. Consolidates requirements related to health into one section.
  13. Consolidates requirements related to equipment and furnishings into one section.
  14. Incorporates the state statutory requirements for vehicle liability insurance under s. 344.62, Stats., and carbon monoxide detectors under s. 101.149, Stats.
  15. Updates rules pertaining to meals and snacks requiring meals and snacks to meet the U.S. department of agriculture child and adult care food program minimum meal requirements.
  16. Revises the requirements for well-water testing to require bacteria testing annually. If the operator cares for infants under 6 months of age nitrate testing is required annually.
  17. Repeals school-age certification under DCF 202.09.
  18. Eliminates dual regulation.
  19. Reorganizes and clarifies rules regarding the process for certification agencies administering certification, including sections related to applications, background checks, monitoring, documenting monitoring results, enforcements, and complaints. Background check provisions are updated to include CCDBG requirements and reference DCF 13.

The emergency rule also creates a new ch. DCF 13 and includes provisions on submitting a background check request to the department and the required appeal process. Under the new appeal process, a person who is determined ineligible may file an appeal with the department's Child Care Background Unit. If denied, the person may

request a department review by the department's Assistant Secretary. If denied, the person may request a reconsideration by the department Secretary. If denied, the person may request a contested case hearing before the Division of Hearings and Appeals under ch. 227, Stats. Additional information regarding background check appeals can be found here: <https://dcf.wisconsin.gov/ccbgcheck/appeals>.

Chapter DCF 13 also includes provisions similar to ch. DCF 12 on determining whether an offense is substantially related to the care of a child or the activities of a child care program and the process for determining whether a person has been rehabilitated from certain offenses and is eligible for a certification to operate, to work in, or to reside in a child care program.

**POLICY:**

In addition to the revised rules an applicant/operator must comply with under DCF 202.08, the administration section under DCF 202.04 has also been reorganized and adds new requirements for certification workers. New requirements include an annual inspection of vehicle alarms, if required, and review of driving records for operators who provide transportation services.

DCF 202.07 adds a requirement for certification workers to respond to a complaint or self-reported incident no later than the next day if the agency receives a complaint or self-report that suggests imminent danger may exist to the health, safety, and welfare of children in care.

This Operations Memo does not include every repeal, revision or addition to DCF 202. This memo should not be used as a substitute for a thorough review of the emergency administrative rules. Certification agencies are responsible for updating agency procedures and/or agency forms and publications to ensure operator and agency compliance with the new requirements.

Revisions to DCF forms, publications, policy manuals and User Guides will be published and available using existing webpages and links. The Standards and Checklist will be updated with a revision date of 10/19 and shall be used by certification workers to document site visits and monitoring results. Certification agencies shall discard and discontinue using outdated checklists.

The department will mail to certified operators a memo that provides an overview of the rule changes, including a link to the revised Standards and Checklist, a link to a pdf document that shows DCF 202 rule revisions in a track changes format, and to the new ch. DCF 13. To help current operators and pending applicants comply with the new rules, the certifying agency may choose to mail a copy of the new Standards and Checklist to operators/applicants.

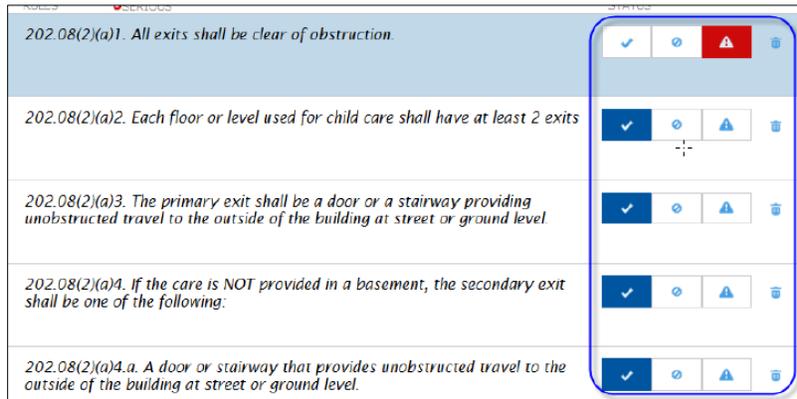
**Permanent Rule:**

It is anticipated the permanent rule will be finalized 2/28/20 and the final publication of DCF 202 will be available at that time. Any changes made to the permanent rule will be communicated to certification agencies. Until which time the final rule is published, the DCF 202 track changes pdf and the official proposed rules document of the emergency rules is located here: <https://dcf.wisconsin.gov/childcare/ccadminrule>.

**AUTOMATION:**

Monitoring Results: The revised certification rules will be active in WISCCRS 9/30/19. Any monitoring visits conducted on or prior to 9/27/19 must be entered in WISCCRS by 4:30 p.m. 9/27/19.

Effective January 1, 2020 certification workers will be required to enter in WISCCRS rules met for monitoring visits conducted after the initial or relocation certification is granted. Currently certification workers are required to enter violations, while entering rules met is optional. By clicking the blue checkmark, the certification worker indicates the rule was met and in compliance. Monitoring results are not entered for initial or relocation visits.



In preparation for this new requirement we encourage certification workers to review the WISCCRS User Guide – Monitoring Results:

<https://dcf.wisconsin.gov/files/publications/pdf/2980.pdf>

CAN Training: Training in child abuse and neglect may be entered as “other” or “continuing education” with a description “CAN” or “child abuse and neglect.”

New Individual Training	
Training Type *	Other
Hours	<input type="text"/>
Credits	<input type="text"/>
Completion Date *	10/5/2019
Next Due Date	<input type="text"/>
Comments	CAN training (mandated reporter online training)
48 of 300 characters.	

Applicants/Operators as Individuals: The department has been in communication with certification agencies and operators currently certified as a business type other than “individual.” At recertification these agencies will require a new W9 form, modify the existing category status to “new owners” and then process the continuation by

modifying the applicant screens with the new updated information from the new W9 form.

All certification agencies must issue new/initial certifications to individuals only.

<b>Business Type *</b>	Individual
Corporation / Individual	<input checked="" type="radio"/> Individual/Sole Proprietor/Partnership <input type="radio"/> Corporation/Non Profit/Government
Reason For Change	<input type="checkbox"/>
Headquarters Location	001

**Resources:**

Emergency Preparedness: <https://dcf.wisconsin.gov/ccregulation/emergencyprep>

Preservice Training: [webpage](#) and [summary document](#)

CACFP minimum meal requirements: [children](#), [infants](#) and CACFP [sponsors](#).

Child Care Background Checks: <https://dcf.wisconsin.gov/index.php/ccbgcheck>

Administrative Rule: [Updates](#)

**CONTACTS:**

For child care certification policy questions contact your Bureau of Regional Operations (BRO), Child Care Coordinator BROCCPolicyHelpDesk@wisconsin.gov or the BECR Certification Specialist DCFCertificationSpecialist@wisconsin.gov

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