

## What Constitutes Supervision?

The definition of supervision for preschool age or younger children reads as follows:

“Supervision means a caregiver being WITHIN SIGHT or HEARING of an infant, toddler or preschooler at all times so that the caregiver is capable of intervening to protect the health and safety of a child.”

A caregiver means the provider, substitute, helper or another adult giving care in the residence. Remember, a helper is age 13-17 and a substitute is age 18 or older. The provider is the primary caregiver and must be present to supervise helpers. She cannot leave helpers alone with the children. If the provider leaves the home, the children must be cared for by an adult caregiver or a helper supervised by an adult. The primary focus of the caregiver must be the children in care!

Day care providers have a full time job. They should not expect to accomplish household tasks such as sewing, washing, ironing, yard work, etc. during day care hours.

If you leave the day care children in the care of a substitute while you keep an appointment or run an errand, then the person must also give the children their full attention. For instance, if the substitute is a spouse, then he/she should not be sleeping, mowing lawn or working in the garage. His attention should be focused on the children and not other tasks.

Also, day care providers cannot legally take infants, toddlers, or preschoolers to activities away from the day care residence (i.e. Tot Lot or library story time) and leave them there. The caregiver (not a helper) must stay there with them and be within sight or hearing and able to intervene to protect their health and safety.

For infants, toddlers and preschoolers, being within sight or hearing at all times so that you are capable of intervening to protect their health and safety means being close enough to the children so you can monitor what is happening on a continual basis (not just close enough to hear them scream if they have trouble) and can instantly intervene.

This does not mean providers being outside of the house hanging clothes, mowing, etc while day care children are inside (even if you think they are all sleeping). This does not mean providers being inside the house doing household tasks while the children are playing outside. This does not mean providers being upstairs while children are playing in the basement or vice versa. This may not even mean being in another room on the same floor of your house, depending on the children in your care on any given day. You must be able to immediately intervene in anything that may be happening in order to prevent: children hurting each other, self injury, accidents, or inappropriate interaction between older

children and day care children. Supervision requirements also apply to your own children during day care hours since the day care rule also applies to them.

If day care children turn up with marks or injuries you cannot explain or were unaware of, then we might question if there was adequate supervision.

A child becomes school age when they are eligible to enter kindergarten within the next four months (May 10). Supervision for school age children is defined as the caregiver being available for assistance and care so that the child's health and safety is protected. Therefore, a child may be outside on your property while you are inside or be on a different level of your home, as long as you are available to them.

Another dimension is added to this definition:

"Subp.12. Written permission must be obtained from the parent to allow a school age child in care to participate in activities away from the residence."

The above statement does imply that school age children can participate in activities away from the day care residence without an adult caregiver being present with them if their parents give written permission. However, the provider is still liable for what happens to the child until they change hands to a reliable adult. For example, permission is granted for a child to go to a park two blocks away from the day care home. The provider is liable for anything that happens to that child while they walk to the park, while they play at the park and when they walk home. A child has written permission to walk 2 blocks to the bus stop. The provider is liable for the child until they step foot on the bus and become the responsibility of the bus driver.

Just because a parent grants permission for the child to leave your property, it does not mean you need to honor it. It must be a mutual decision between the provider and parent if the child is responsible enough to handle this experience.

The main thing to remember about supervision is that you are liable for anything that happens to a child while they are in your care. If something does happen, you will need to be able to explain all the necessary who, what, where's or the situation to prove you were not negligent. A lot of this information is just common sense but you may just want to ask yourself, "If the licensor came by my house right now, would I know where all the children are and what they are doing?"