

What Constitutes Supervision?

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

“Supervision means a caregiver being WITHIN SIGHT of HEARING of an infant, toddler or preschool 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. They cannot leave helpers alone with the children. If the provider leaves the home, the children must be cared for by an adult caregiver or helper supervised by an adult. The primary focus of the caregiver must be the children in care.

Child 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 your enrolled 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. Their attention should be focused on the children and not on other tasks.

Also, child 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 enrolled 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 younger enrolled

children. The Family Child Care supervision requirements also apply to your own children during child care hours.

If 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 turn 5 years old. 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 should evaluate whether or not it is safe for the school age child to leave their property alone or they have concerns. 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 the parent to determine if the child is responsible enough to handle this experience.

There is also a discrepancy between licensing rules and child protection rules. Licensing rules identify a school age child to be eligible to start school. However, child protection guidelines state any child age 7 and under should not be left alone for any period of time and if children 7 years and under are found without direct supervision it may be cause for a child protection assessment.

In order to be in compliance with both sets of rules, only children 8 and older should be eligible to leave the property with written parent consent.