ORDER OF THE DEPARTMENT OF HEALTH AND FAMILY SERVICES REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

To **repeal** HFS 46.03 (7), 46.05 (1) (c) 5. a. to i., 6. a. to f., (d) 3. a. to i., (4) (k) 2. (note) and 46.09 (3) (a) 5.; **renumber** HFS 46.05 (1) (j) 4., 46.07 (6) (f) 2. and 3., 46.09 (1) (a), 46.10 and 46.11; **renumber and amend** HFS 46.06 (11) (b) 2. b. to d. and 3. a. to d., 46.095 (1), (2) (title) and (intro), (c) and (3) (title) and (intro), (4) (title) and (a) 2. (note) and 46.10 (1) and (2) (d) as renumbered; **amend** HFS 46 (title), 46.01, 46.02 (1) (intro) and (d), 46.03 (1), (3), (6), (13), (17), (18), (19), and (34), 46.04 (2) (intro), (c), (f), (g), (i) 2. and 6., 8. (note), (m), (3) (a), (f) and (g), (6) (a) (intro), 6., (7) (intro), (8) (a), (b) (intro), 3. and (note), 46.05 (1) (b) 3. b., (c) 5. (intro), Table 46.05-A, 6. (intro), Table 46.05-B, (d) 3. (intro), Table 46.05-C, (2) (a) (intro), 3., 6. (note), 8. and 11., (4) (e) (intro) and 1., 46.06 (title), (1) (a), (2) (h) and (i), (3) (b) and (c), (6) (b) 2., (9) (b) 3. c., 4. b., (c) 1., (f) 5., (g) 1. c., (10) (a), Table 46.06 (title), (10) (b), (11) (b) 1. and 2. a., (c) 2. (intro) and e. (note), 46.07 (1) (a) (intro), (2) (b), (e) (intro), 1. and 3., (f) (note), (3) (d) (note), Table 46.07 (title), (5) (a) 4. (note), 9., (6) (d) 5. (intro), (e) 1., 2. and 3. (note), (f) 1., a. and (note) and c., (j) 9., (k) 3. (notes) and 5., 46.08 (4) (b), (5) (d), 46.09 (title) and (intro), (f), (2) (f) and (3) (a) 4.; **repeal and recreate** HFS 45 and Appendices, 46.04 (5) (a) 2. and 3., 46.05 (title) and (1) (a), (g) (note), (j) 3., (2) (c) 3. to 7., 46.06 (12), 46.07 (7), 46.08 (3), (7), 46.12, 46.13 and Appendices A to D; and **create** HFS 46.03 (3m), (4m), (8m), (10m), (11g), (11r), (14g), (14r), (18m), (22g), (22r), (26m), (29m) and (35), 46.04 (2) (h) to (L), (5) (a) 1. (note), 5. (note), (6) (a) 1. i. (note), 2. (note), 3. (note), 4. (note), 5. (note), 6m., 7. (note), (c) 2. (note), 46.05 (1) (e) 2. A. (note), (j) 1. b. (note), (2) (a) 12., (3) (g), (4) (f) (note), 46.06 (2) (k) and (L), (4) (j) (note), (6) (b) 3. and (note), (8) (g) (note), (9) (c) 3m. and (note), (11) (c) 1m., 46.07 (5) (a) 9m., (6) (f) 2., 46.08 (2) (b) 3. (note), (4) (d), 46.09 (1) (a) 6. (note), (j) to (L) and (2) (bm) and 46.095 (3) (dm), relating to family and group child care centers and affecting small businesses.

Statute interpreted

The rules interpret s. 48.67, Stats.

Statutory authority

The Department's authority to repeal, renumber, renumber and amend, amend, repeal and recreate and create these rules is found in s. 48.67, Stats.

Explanation of agency authority

Section 48.67, Stats., authorizes the Department to promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of day care centers. The rules are to be for the express purpose of protecting and promoting the health, safety, and welfare of the children in the care of all licensees. The statute also directs the Department, in establishing the minimum requirements for the issuance of licenses to day care centers that provide care and supervision for children under one year of age, to include a requirement that all licensees who are individuals and all employees and volunteers of a licensee who provide care and supervision for children receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome.

Related statutes or rules

The Department knows of no related statutes or rules.

Plain language analysis

The Department's administrative rules governing the licensing of day care centers are chapters HFS 45 and 46. Chapter HFS 45 applies to day care centers that care for between four and eight children under age seven. The Department currently refers to these centers as "family day care centers." Chapter HFS 46 applies to day care centers that care for nine or more children under age seven. The Department currently refers to these centers as "group day care centers."

With minor exceptions, the Department has not revised ch. HFS 45 since 1989. Since then, several events have suggested or required its modification.

1. In 1997, the Department created ch. HFS 46. Chapters HFS 45 and 46 address similar topics and should, but currently do not always, contain comparable requirements, including those related to definitions, licensing procedures and enforcement actions. Therefore, one purpose of this rulemaking order is to unify the treatment of a variety of subjects across the chapters.

2. Since 1989, a variety of child safety practices standards have changed and become generally accepted. For example, cardiopulmonary resuscitation training for childcare providers has become standardized. The Department's proposed rules for both chapters HFS 45 and 46 reflect these practices.

3. Pertinent statutory changes over the past five years relating to caregiver background checks under s. 48.685, Stats., and prohibitions on smoking under s. 101.123 (2) (bm), Stats., are reflected in the rules. In addition, 2001 Wisconsin Act 16 amended s. 48.67, Stats., to require that all child care centers licensed to care for children under age one must receive training in the most recent medically accepted practice to reduce the risk of Sudden Infant Death Syndrome. The proposed rules describe the needed training.

4. The proposed rules reflect changes in the ways the Department issues a license and create provisions that would allow the Department to bar consideration of an application if the applicant has had a previous license revoked or application denied for a substantive reason.

5. The Department proposes to change the term "day care center" to the more descriptive term "child care center."

Given the preceding events, the Department is proposing the following changes to ch. HFS 45, Family Child Care Centers:

1. Consolidating and expanding all definitions referred to throughout the chapter [HFS 45.03 (1) to (37).]
2. Adding a requirement for orientation of any employees, substitutes and emergency back-up providers [HFS 45.04 (2) (f).]
3. Expanding and consolidating the types of things that a licensee must report to the department [HFS 45.04 (3).]
4. Consolidating the requirements for staff records and add establishing requirements for maintaining records for employees and substitutes [HFS 45.05 (2).]
5. Increasing the specificity regarding the nature of the medical log book [HFS 45.04 (5) (c).]
6. Referencing centers licensed to care for children under age 2 to HFS 45.09 (1) (b) for training requirements and requiring CPR certification for all persons providing care to children [HFS 45.05 (1) (b).]

7. Requiring substitutes to meet training requirements [HFS 45.05 (1) (b) 2.]
8. Extending provider qualification requirements to volunteers [HFS 45.05 (1) (c).]
9. Adding requirements related to orientation [HFS 45.05 (2).]
10. Adding requirements for sight and sound supervision of children while eating and when children under age 5 are outside [HFS 45.05 (3) (i) and (j).]
11. Clarifying that child care centers that are not located in a one or two-family dwelling must conform with Commercial Building Codes [HFS 45.06 (1).]
12. Lowering the maximum inside temperature a center may have from 90 to 80 degrees before a fan or air conditioner is activated [HFS 45.06 (2) (c).]
13. Adding prohibitions on smoking and hot tub accessibility [HFS 45.06 (3) (h) to (i).]
14. Requiring that wooden structures that are constructed of CCA treated lumber be sealed every two years [HFS 45.06 (12) (b) 3.]
15. Adding restrictions to the accessibility of swimming pools located on site and establishing regulations that apply when children in care use swimming pools away from the center [HFS 45.06 (12).]
16. Requiring centers to make available weekly written menus for review by parents and department representatives [HFS 45.07 (5) (d).]
17. Adding provisions for the care of mildly ill children [HFS 45.07 (6) (d).]
18. Adding requirements related to pets [HFS 45.07 (7).]
19. Requiring that any person working in a center licensed to care for children under age two complete SIDS training before beginning to work. The training can either be the entry level training required under s. HFS 45.05 (1) (b) or the completion of at least 10 hours of training in infant and toddler care [HFS 45.09 (1) (b).]
20. Establishing requirements for safe sleep practices [HFS 45.09 (1) (c).]
21. Requiring a physician authorization to place an infant to sleep in a position other than the child's back [HFS 45.09 (2) (c).]
22. New requirements regarding night care of children [HFS 45.10.]
23. Revising the administration of family child care licensing to clarify procedures for obtaining and continuing a license [HFS 45.11.]
24. Establishing a new section on complaints, inspections and enforcement actions [HFS 45.12.]

The Department is also proposing the following changes to ch. HFS 46, Group Child Care Centers:

1. Modifying and consolidating all definition of terms referred to in the rule [HFS 46.03.]
2. Expanding the list of situations that must be reported to the department [HFS 46.04 (3).]
3. Eliminating duplicative information about entry level training requirements [HFS 46.05 (1).]
4. Expanding the required components of orientation to include contingency plans, the center procedure for sharing information about a child's special health care needs and the center's SIDS risk reduction procedures [HFS 46.05 (2) (a) 3., 11. and 12.]
5. Establishing requirements if a hot tub is located on the premises of a center [HFS 46.06 (2) (k) and (L).]
6. Adding restrictions about the use of swimming pools on the premises of a center [HFS 46.06 (12).]
7. Establishing requirements if pets are on the premises [HFS 46.07 (7).]
8. Revising the administration of group child care licensing to clarify procedures for obtaining and continuing a license [HFS 46.11.]

Summary of, and comparison with, existing or proposed federal regulation

The Department knows of no federal regulations that apply specifically to child care centers.

Comparison with rules in adjacent states

Minnesota – Licensing rules for Minnesota can be found in Minnesota: Chapter 9502 Licensing of day Care Facilities (4/1/95) and Chapter 9503 Child Care Centers (9/25/98). Family day care is defined in chapter 9502 as "day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence."

A child care center is defined as a facility in which a child care program is operated when the facility is not excluded by Minnesota Statutes, section 245A.03, subdivision 2, and is not required to be licensed under parts 9502.0315 to 9502.0445 as a family or group family day care home. Generally these types of facilities care for 15 or more children.

Minnesota has an intermediate category of care called "Group Family Day Care" that is located in a provider's residence and cares for no more than 14 children. Wisconsin does not have a similar category of care.

In Minnesota, Family Child Care is required to be in a provider's residence and the rules are generally consistent with Wisconsin's rules. Many of the licensing rules contained in this document have already been incorporated into Minnesota's family day care center rules. The child care center rules in Minnesota are consistent with Wisconsin's rules.

Iowa – Iowa's licensing rules for child care home and centers can be found in chapter 110 for Child Development Homes (12/1/03) and chapter 109 for Child Care Centers (12/1/03). In Iowa, a Child Development Home is defined as "a person or program registered under this chapter that may provide child care to six or more children at any one time." The care takes place in the residence of the provider. A Child Care Center is defined as a facility providing child day care for seven or more children, except when the facility is registered as a child development home. For the purposes of this chapter, the word "center" shall apply to a child care center or preschool, unless otherwise specified.

Child Development Homes can be in one of three categories (A, B, or C) depending on the number of children who are not enrolled in a school are present and the number of children under age 2. If a Child Development Home is a category C home, there may be up to 12 children in care with 2 child care providers present. In a Child Development Home, the provider self certifies that she or he meets the licensing requirements and a sampling of homes receives a monitoring visit during the licensing cycle. The licensing rules for Child Development Homes is generally less restrictive than for licensed family child care centers in Wisconsin.

When more than 6 children who are not enrolled in school receive care somewhere other than the providers home, the facility must meet the regulations for a child care center. Licensing rules for child care centers are generally less restrictive than for licensed group child care centers in Wisconsin, except in the area of staff to child ratio which is somewhat more restrictive.

Illinois – Illinois licensing rules for day care homes can be found in part 406 Licensing Standards for Day Care Homes (12/15/03). Licensing rules for day care centers can be found in part 407 Licensing Standards for Day Care Centers (2/15/04). Day care homes are defined as family homes that receive more than 3, but no more than a maximum of 12, children for less than 24 hours per day. The maximum of 12 children includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities that receive only children from a single household. A day care center is defined as any child care facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home or more than 3 children in a facility other than a family home, including senior citizen

buildings. Illinois also has a category of care called group day care homes, which are defined as a family home which receives more than 3 and up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. Wisconsin has no category of care that corresponds to group day care homes in Illinois.

Wisconsin's rules for family child care centers are generally consistent with the rules for day care homes. In fact, many of the family child care rules included in this proposed draft have already been incorporated into Illinois licensing rules. The group child care center rules in Wisconsin are generally consistent with the day care center rules in Illinois.

Michigan – Michigan defines a family day care home as a private home in which at least one, but fewer than 7, minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. A group day care home is defined as a private home in which more than 6, but not more than 12, minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian. A day care center, in Michigan, means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The definitions for day care facilities are found in Child Care Organizations Act 116 of 1973. Licensing rules for family and group day care homes are found in Michigan Rules for Family and Group Day Care Homes (4-20-99) and the center rules are found in Child Day Care Licensing – Child Care Centers (7/30/03).

Michigan's rules for licensing family day care homes and day care centers are generally less restrictive than Wisconsin's licensing rules in most areas.

Summary of factual data and analytical methodologies

Pursuant to s. 48.67, Stats., in developing these rules, the Department consulted the Department of Workforce Development's Child Care Section, the agency responsible for developing ch. DWD 55, rules for certified child care homes, the Department of Commerce's Division of Safety and Buildings, the Department of Public Instruction's Community Nutrition Programs Section, the agency responsible for the administration of the USDA Child and Adult Care Food Program in Wisconsin, and the Department's Division of Public Health on regulations related to food preparation and service, communicable disease and immunizations, and health practices. The Department also consulted the American Academy of Pediatrics and the American Public Health Association's Caring for Our Children: National Health and Safety Performance Standards for Children in Out-of-Home Care, second edition, in the development of these rules.

Analysis and supporting documents used to determine effect on small business

The revision of HFS 45 will affect family child care centers licensed to care for up to 8 children. The revisions to HFS 46 will affect group child care centers licensed to care for 9 or more children. As of June 2003, there were 3,111 licensed family child care centers and 2, 399 licensed group child care centers. Most of these entities are "small businesses" as the term is defined under s. 227.114 (1) (a), Stats. All programs affected by the proposed changes to the administrative code will receive a mailing from the Department indicating the dates, times and locations of scheduled public hearings as well as instructions on how to obtain a copy of the proposed revisions and the procedure to make oral or written comments regarding the revisions.

The proposed revisions to the rules expand the list of items that must be reported to the Department within a specified time frame. The reports required in the rule revision are a means by

which the Department obtains information about situations occurring at a child care center or that affect children enrolled at a center which have the potential to affect the health, safety or welfare of the children enrolled in the program. These new reporting requirements are being proposed for the purpose of protecting the children in care. Therefore, the Department has not proposed specific exemptions from these reporting requirements.

The Department is also proposing rule revisions that will bring HFS 45 into alignment with HFS 46 and will reflect current best practices in early childhood education and care. The Department has included provisions in the rule revisions that allow individual programs to request an exception to any given rule provided a alternative plan for protecting the health, safety and welfare of children in care is also included with the request. These exception requests are evaluated and approved on an individual basis.

Anticipated costs incurred by private sector

The Department anticipates that there will be some minor costs incurred by child care centers when these rules are implemented. For example, all persons working with children will be required to have a current certificate of completion for Infant/Child Cardiopulmonary Resuscitation (CPR). Costs are anticipated to range from $10 to $30 per person each time the training is needed. Certificates are valid for periods from one to five years depending on the agency providing the training. The Department did not specify a specific agency that must provide the training to allow centers to choose the type of training program desired. Under the proposed revisions, family child care licensees who allow cats and dogs to have unrestrained access to the children in care would be required to provide specific liability insurance pertaining to pets. In other words, the liability insurance certificate from the insurance agent will need to specify that the center is covered for cats or dogs. Those family child care licensees who do not allow pets to have unrestrained access to the children would not be required to have this coverage. The Department is not able to determine how many centers may be affected by this regulation but estimates the cost of such liability insurance could range from $50 to $250 per year depending on the type of insurance coverage obtained and the limits of the policy. Group child care licensees are already required to have liability insurance and additional costs for coverage of unrestrained pets should be negligible. The Department does not anticipate any other costs to licensees under these proposed revisions.

Effect on small business

These proposed rule changes will have an effect on small business insofar as most of the entities subject to chs. HFS 45 and 46 are small businesses. However, the Department has determined that exempting groups of entities from compliance with HFS 45 or 46 would compromise the health and safety of the children in the care of those entities and would be contrary to the goal expressed in s. 48.67, Stats., that the Department's rules protect and promote the health, safety and welfare of the children in the care of all licensees.

Agency contact person

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Place where comments are to be submitted and deadline for submission

The comment period for these rules is over. Hearings were held on these proposed rules in 2003.

Rule text

SECTION 1. Chapter HFS 45 and Appendices are repealed and recreated to read:

Chapter HFS 45

Family Child Care Centers

HFS 45.01 Authority and purpose.
HFS 45.02 Applicability.
HFS 45.03 Definitions.
HFS 45.04 Operational requirements.
HFS 45.05 Staffing.
HFS 45.06 Physical plant and equipment.
HFS 45.07 Program.
HFS 45.08 Transportation.
HFS 45.09 Additional requirements for infant and toddler care.
HFS 45.10 Additional requirements for night care.
HFS 45.11 Licensing administration.
HFS 45.12 Complaints, inspections and enforcement actions.

HFS 45.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to carry out licensing requirements under s. 48.65, Stats., for family child care centers. The purpose of the chapter is to protect the health, safety and welfare of children being cared for in family child care centers.

HFS 45.02 Applicability. (1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all family child care centers, but does not include any of the following:

(a) Care and supervision of children in a program that operates no more than 4 hours a week.

(b) Group lessons to develop a talent or skill, such as dance or music, social group meetings and activities and group athletic activities.

(c) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities.

(d) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible school and holiday child care programs.

(e) Care and supervision in emergency situations.

(f) Care and supervision while the parent is employed on the premises if the parent's child receives care and supervision for no more than 3 hours a day.

(g) Care and supervision provided at the site to the child of a recipient of temporary assistance to needy families, or Wisconsin works, who is involved in orientation, enrollment or initial assessment prior to the development of an employability plan or the child care is provided where parents are provided training or counseling.

(2) EXCEPTION TO REQUIREMENT. The department may grant an exception to a requirement of this chapter when a family child care center demonstrates to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of any child served by the center. A request for an exception shall be in writing, shall be sent to the department and shall include justification for the requested action and a description of any alternative provision planned to meet the intent of the pertinent provision in this chapter.

Note: A request for an exception to a requirement of this chapter should be sent to the regional licensing representative of the Department's Division of Children and Family Services. See Appendix A for addresses of the regional offices.

HFS 45.03 Definitions. In this chapter:

(1) ‘‘Care” means providing for the safety and the developmental needs of a child in a family child care center.

(2) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. HFS 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the center.

(3) ‘‘Center-provided transportation” means transportation in a vehicle owned by or contracted for the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

(4) "Complaint" means an allegation of violation of this chapter or ch. 48, Stats.

(5) "Department" means the Wisconsin department of health and family services.

(6) "Emergency" means situations such: as fire, tornado, flood, extreme outdoor heat or cold, loss of building service including, no heat, water, electricity or telephone, threats to the building or its occupants, lost or missing children or a provider family situation such as a medical emergency, illness or other circumstance requiring immediate attention.

(7) “Emergency back-up provider” means a designated adult available within 5 minutes of the premises who can provide assistance in the event an emergency occurs that requires a provider to leave the premises occasionally for a short period of time.

(8) “Employee” means any adult who is compensated to provide care and supervision of children enrolled in a family child care center, including a helper or assistant to a child care provider.

(9) "Family child care center" or "center" means a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 children who are not related to the provider.

(10) "Field trip" means any experience a child has away from the premises of the center while in the care of center staff.

(11) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and shall not include any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. HFS 12.

(c) Exercise of unsound judgment.

(12) “Foster care” means care and maintenance provided to a child in a foster home pursuant to a court order or voluntary placement agreement.

(13) “Foster home” means any facility that is operated by a person required to be licensed under s. 48.62 (1) (a), Stats., and that provides care and maintenance for no more than 4 foster children, or, if necessary to keep siblings together, for no more than 6 foster children.

(14) "HealthCheck provider" means a provider of health assessment and evaluation services eligible to be certified under s. HFS 105.37 (1) (a).

(15) “Inclement weather” means stormy or severe weather such as any of the following:

(a) Heavy rain.

(b) Temperatures above 90° F.

(c) Wind chills of 0° F. or below for children age 2 and above.

(d) Wind chills of 20° F. for children under age 2.

(16) "Infant" means a child under one year of age.

(17) "In care" means enrolled in the center, with the center providing supervision, either on or off the premises, for the safety and the developmental needs of the child or children.

(18) "Licensee" means the individual, corporation, partnership or non-incorporated association or cooperative that has legal and financial responsibility for the operation of a center and for meeting the requirements of this chapter.

(19) “Licensing representative” means a department employee responsible for licensing family child care centers.

(20) “Mildly ill” means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. HFS 145.

(21) “Night care” means any care that is offered by a licensed family child care center between 9:00 PM and 5:00 AM.

(22) "Parent" means either "parent" as defined in s. 48.02 (13), Stats., or "guardian" as defined in s. 48.02 (8), Stats.

(23) “Physical restraint” means the use of physical force to restrict the free movement of all or a portion of a child’s body.

(24) ‘‘Physician” has the meaning given in s. 448.01 (5), Stats.

(25) ‘‘Physician assistant” has the meaning given in s. 448.01 (6), Stats.

(26) "Premises" means the tract of land on which the center is located, including all buildings and structures on that land.

(27) "Provider" means an adult in a family child care center who provides care and supervision of the children in the care of the center.

(28) “Provider’s own children” means a provider’s natural or adopted children, foster children or stepchildren.

(29) “Representative of the department” means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

(30) "School-age child" means a child 5 years of age or older who is enrolled in a public or private school.

(31) "Sleeping bag" means a padded fabric bag that is closed or capable of being closed on 3 sides.

(32) “Substitute” means a provider who replaces another provider on a pre-arranged basis.

(33) “Sudden infant death syndrome” or “SIDS” means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

(34) "Supervision" means guidance of the behavior and activities of children while awake and asleep for their health, safety and well-being by a provider who is within sight or sound of the children except as specified in s. HFS 45.07 (7) (e) and HFS 45.05 (3) (j).

(35) "Toddler" means a child at least one year of age but less than 2 years of age.

(36) “Universal precautions” means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health service's centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

Note: "Standard precautions" for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA web site at http://www.osha.gov. Information is also available from the Child Care Information Center, 1-800-362-7353.

(37) "Volunteer" means a person who agrees to give time, without compensation, to transport children attending a family child care center or to work with children in a family child care center.

(38) "Wading pool" means a shallow pool, with sides of 15 inches or less in height, capable of being dumped to change water and used primarily for small children.

HFS 45.04 Operational requirements. (1) TERMS OF LICENSE. (a) The number of children in the care of a family child care center at any time may not exceed the number for which the center is licensed.

(b) The age of children served by a center may not be younger or older than the age range specified in the license issued.

(c) The hours, days and months of a center's operation may not exceed those specified in the license.

(2) ADMINISTRATION. A licensee shall do all of the following:

(a) Comply with all laws governing the facility and its operation.

(b) Comply with all requirements in this chapter.

(c) Ensure that all information provided to the department is current and accurate.

(d) Prior to receiving or continuing a license, complete all application forms and pay all fees and forfeitures due to the department.

Note: The Department will provide an application after a Department representative completes the provision of pre-licensing technical assistance.

(e) Develop, submit to the department for compliance review, implement and provide to the parents written policies and procedures related to all of the following:

1. Enrollment and discharge of enrolled children.

2. Fee payment and refunds.

3. Child and provider absences.

4. Children's and staff's health care, including those policies and procedures pertaining to SIDS risk reduction, if the center is licensed to care for children under one year of age.

5. Nutrition.

6. Daily activities of the children.

7. Child guidance.

8. Transportation of children.

9. Religious instruction or practices, if any.

10. Information related to the numbers, types and location of pets or other animals located on the premises of the center and the type of access the children will have to the pets.

Note: Under the state public accommodation law, s. 106.04, Stats., federal law and regulations related to use of federal funding, and some local anti-discrimination ordinances,

denying admission on the basis of race, handicap, religion or certain other characteristics may be illegal.

(f) Develop, submit to the department for approval and implement a written orientation plan for any employees, substitutes and emergency back-up providers. The orientation plan shall cover all the items described in s. HFS 45.05 (2) (a) and (b).

Note: See s. HFS 45.05 (2) (a) and (b) regarding providing an orientation to employees, substitutes and emergency back-up providers.

(g) Provide written information to parents on whether a licensee has insurance coverage on the premises, on the child care operation and on vehicles when transportation is provided. Liability insurance is required if cats or dogs are allowed in areas accessible to children during the hours of operation as specified in s. HFS 45.07 (7) (h).

(h) Display the child care license in a location where parents can see it during the hours of operation.

(i) Post next to the child care license the results of the most recent licensing inspection, any notice of enforcement action and any stipulations, conditions, exceptions or exemptions that affect the license. Items posted shall be visible to parents.

(j) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

(k) Meet, upon request of the department, with a licensing representative on matters pertaining to the license.

(3) REPORTS. The licensee shall report to the department all of the following:

(a) Any death of a child in care or accident that results in an injury that requires professional medical treatment while the child is in the care of the center, within 48 hours after the occurrence.

Note: The licensee may use either the Department's form CFS-0055, Child Care Accident/Death Report, listed in Appendix E, or the licensee's own form to report accidents and deaths.

(b) Any damage to the premises that may affect compliance with this chapter, within 24 hours after the occurrence.

(c) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be provided in writing before the construction or remodeling begins.

Note: See s. HFS 45.11 (6) (a) for items that affect a condition of the license.

Note: It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

(d) If requested by the department, a plan of correction for cited violations of this chapter or ch 48, Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

Note: The licensing representative will notify the licensee that a plan of correction will be required and will provide the plan of correction format with the notification.

(e) Any known convictions, pending charges or other offenses of the licensee, a provider, household members or other persons subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center.

(f) Any incident related to a child who leaves the premises of the center without the knowledge of a provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the incident.

(g) Any incident involving law enforcement within 24 hours after the occurrence that:

1. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center.

2. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center.

(h) Any change in room usage, such as using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(i) Any suspected abuse or neglect of a child by a provider, volunteer or household member that was reported under sub. (8) (a) or any inappropriate discipline of a child by a provider, volunteer or household member during the child's hours of attendance within 24 hours after the incident.

Note: See also s. HFS 45.07 (2) for information on guiding children's behavior and sub. (6) (c) regarding recording injuries in a center medical log.

(j) A change in transportation services at least 5 calendar days prior to the change. A change in transportation services shall be approved by the department. Seasonal closing shall be reported at least 5 calendar days prior to the closing.

(k) Statistical data required by the department on forms provided by the department.

Note: The Department periodically requests statistical data from licensees. An example of the type of data collected relates to the immunization status of children in care. When the Department requests statistical data, the Department will supply the appropriate form.

(4) PARENTS. (a) The center shall permit parents to visit and observe the center's operations at any time during the center's hours of operation unless parental access is prohibited or restricted by court order.

(b) The licensee shall give parents of each enrolled child a summary of this chapter.

Note: Copies of a summary of this chapter may be obtained from the Child Care Information Center by calling 1-800-362-7353.

(5) STAFF RECORDS. The licensee shall maintain a file for each provider, employee, or substitute. The file shall contain the following items:

(a) A completed staff record form provided by the department.

Note: The Department's form CFS-0053, Child Care Staff Record, is used for recording staff information. Information on how to obtain the form is in Appendix E.

(b) A completed background information disclosure form provided by the department that does not reveal any information that may preclude the person's contact with children under s. 48.685, Stats., or ch. HFS 12 prior to the first day of work and every 4 years thereafter.

Note: The Department's form HFS-64, Background Information Disclosure, is used for reporting employee background information. Information on how to obtain the form is in Appendix E.

(c) The results of the complete caregiver background check including any report of any investigation required under ch. HFS 12 within 60 days after hire and every 4 years thereafter.

Note: If the licensee is a provider, the department is responsible for collecting the completed Background Information Disclosure form and conducting the necessary caregiver background check on the licensee.

(d) Documentation of the days and hours a substitute, employee or volunteer has worked and whose time is used to meet the applicable staff to child ratio under Table 45.05.

(e) Except as provided under par. (f), a physical examination report on a form provided by the department that was completed within 12 months prior to or 30 days after the person became licensed or began working with children. The report shall be dated and signed by a licensed physician, physician's assistant or HealthCheck provider. The report shall indicate all of the following:

1. That the person is free from illness detrimental to children, including tuberculosis.

2. That the person is physically able to work with young children.

Note: The Department's form CFS-0054, Child Care Provider Staff Health Report, is used for recording physical examination information. Information on how to obtain the form is in Appendix E.

(f) The health examination requirement under par. (e) does not apply to a provider who requests an exemption from par. (e) based on the provider's adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

(g) Documentation of the entry level training required under s. HFS 45.05 (1) (b) or s. HFS 45.09 (1) (b) and any continuing education required under s. HFS 45.05 (1) (b).

Note: “The Registry” is the organization that provides professional development opportunities and awards credentials for early childhood professionals in Wisconsin. A certificate issued by the Registry may be used to document completion of entry level training. Contact the Registry at 608-222-1123 for information on how to obtain a Registry certificate.

(6) CHILDREN'S RECORDS. (a) The licensee shall maintain a current written record at the center on each child enrolled and shall make the record available to the department representative on request. Each record shall include all of the following:

1. Enrollment information and health history on a form provided by the department. The enrollment information and health history shall be on file prior to the child’s first day of attendance.

Note: 1. Note: The Department’s form CFS-0062 or CFS-0062A, Child Care Enrollment Form and the CFS 2344 Health History and Emergency Care Plan Form are used for recording enrollment and health history information. Information on how to obtain the forms is in Appendix E. See s. HFS 45.07 (6) (L) 5. for information on sharing information related to a child’s special health care needs.

2. Parental authorization for the child to participate in and be transported for field trips and other activities if these are part of the program.

Note: The Department’s form CFS-0062, Child Care Enrollment Form, includes a blanket authorization to take children on field trips. The Department’s form CFS-0058 or CFS-0058A, Day Care Field Trip or Other Activity Notification, or another type of notification such as a note to a parent may be used to provide specific information about a field trip. Information on how to obtain the Department’s forms is in Appendix E.

3. A written agreement, signed by the parent, outlining the plan for a school-age child to come to the center from school, home and other activities and to go from the center to school, home and other activities.

Note: The licensee may use either the Department’s form CFS-0104, Day Care School-Age Agreement, or the licensee’s own form for securing the parent’s signed agreement. Information on how to obtain the Department’s form is in Appendix E.

4. Documentation of each child's immunization history and, except for a school-aged child, the most recent physical examination.

5. Written permission from the parents under s. HFS 45.07 (6) (k) for medical attention to be sought for the child if the child is injured.

6. For an infant or toddler, a current statement from the parent on a form provided by the department about the infant or toddler’s habits of eating, sleeping, toileting and communication, and specific techniques that appear to comfort the child.

Note: The Department’s form CFS-0061, Child Care Intake for Child Under 2 Years is used for recording the infant’s or toddler’s habits. Information on how to obtain the form is in Appendix E.

(b) The licensee shall maintain a written record of the daily attendance that includes the time of arrival and departure and birthdate for each child for the length of time the child is enrolled in the program.

(c) The licensee shall maintain a medical log book with pages that are lined and numbered and a stitched binding. A provider shall record in ink any injuries received by a child, evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care or medication dispensed to a child in the medical log and sign or initial each entry. Pages may not be removed or lines skipped.

Note: Licensees may obtain information about maintaining a medical log book by contacting the Child Care Information Center at phone number 800-362-7353.

Note: See sub. (8) of this section for requirements related to reporting suspected child abuse or neglect, and s. HFS 45.07 (6) (b) 2. for information on recording in the medical log book.

(7) CONFIDENTIALITY. (a) The licensee is responsible for compliance by the center with s. 48.78, Stats., and this subsection.

(b) The licensee shall ensure that all of the following occur:

1. Persons having access to children's records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This subdivision does not apply to any of the following:

a. The parent or person authorized in writing by the parent to receive the information.

b. Any agency assisting in planning for the child when informed written parental consent has been given.

c. Agencies authorized under s. 48.78, Stats.

2. A parent, upon request, has access to all records and reports maintained on his or her child.

3. All records required by the department under this chapter for licensing purposes are available to the licensing representative.

(8) REPORTING CHILD ABUSE. (a) A licensee or provider who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ss. 48.02 (1) and 48.981 (1), Stats., shall immediately contact the county department of social services or human services or local law enforcement agency in compliance with s. 48.981, Stats.

(b) The licensee shall document that each provider and substitute has received training at least every 2 years in all of the following:

1. Child abuse and neglect laws.

2. How to identify children who have been abused or neglected.

3. The procedure for ensuring that all known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

Note: Failure of the licensee to report known or suspected child abuse or neglect does not lessen the legal duty of a child care employee to report known or suspected cases of child abuse or neglect. Information related to child abuse may be obtained from the Child Care Information Center by calling 1-800-362-7353.

Note: See sub. (6) (c) of this section for information about logging evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care in the center medical log book.

HFS 45.05 Staffing. (1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF. (a) *Minimum age and competence*. A family child care provider shall be physically, mentally and emotionally able to provide responsible care for children and shall be at least 18 years of age.

(b) *Training.* 1. A provider shall have satisfactorily completed 40 hours or 3 credits of early childhood training approved by the department within 6 months after initial licensure. Additional providers required to meet staff to child ratios shall meet the training requirements within 6 months of beginning to work with children.

Note: Non-credit courses entitled *Introduction to the Child Care Profession* and *Fundamentals of Family Child Care*, together, meet the requirement for 40 hours of Department-approved training. Credit-based courses used to meet entry level training requirements must be at least 3 credits and be broad-based (for example, child development, child psychology or introduction to early childhood education).

2. If the center is licensed to care for children under 2 years of age, s. HFS 45.09 (1) (b) shall apply to all providers.

3. A substitute hired to meet staff to child ratios need not meet the training requirements specified in this section until the substitute has worked in the center for 240 hours.

4. A provider shall receive and document having received 15 hours of continuing education each year in child growth and development, early childhood education, or first aid, as approved by the department. This training may include attendance at training events, workshops, conferences, consultation with community resource people or observation of child care programs. Up to 5 hours of independent reading or watching educational materials may be used to meet continuing education requirements.

Note: The licensee may use either the Department's form CFS-0053A, Child Care Staff Continuing Education Record, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department's form is in Appendix E.

5. A provider shall obtain within 6 months of licensure or date of hire and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

(c) *Volunteers*. Volunteers used to meet staff-to-child ratios shall meet the qualifications of a provider as specified under par. (b) or s. HFS 45.09 (1) (b) following 240 hours of first date of volunteering.

(2) STAFF DEVELOPMENT. (a) *Orientation of employees, volunteers and substitutes.* Each employee, volunteer, or substitute shall receive an orientation before beginning work. The orientation shall be documented on a form provided by the department and kept in the employee file. The orientation shall cover all of the following:

Note: See s. HFS 45.04 (2) (f) relating to a written plan for orientation.

1. Names and ages of all the children in care.

2. Current arrival and departure information for each child enrolled including the names of people authorized to pick up the child.

3. Location of children's emergency contact information.

4. Specific information relating to children's special health care needs including medications, disabilities or special health conditions.

5. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

6. An overview of the daily schedule including meals, snacks, nap and any information related to the eating and sleep schedules of infants and toddlers enrolled in the center.

7. A review of the center's procedures for dealing with emergencies.

8. The procedure for reporting suspected abuse and neglect of a child.

9. The plan for evacuating sleeping children, if the center is licensed to care for children between the hours of 9 PM and 5 AM.

Note: The Department's form CFS-2255, Family Child Care Orientation Checklist, is used to document employee information. Information on how to obtain the form is in Appendix E.

(b) *Orientation of emergency back-up providers*. Each time an emergency situation occurs, each emergency back-up provider shall receive an orientation immediately before being left alone with the children. The orientation shall cover all of the following:

Note: See s. HFS 45.04 (2) (f) relating to a written plan for orientation.

1. Names and ages of all the children in care.

2. Arrival and departure information for each child in care including the names of people authorized to pick up the child.

3. Location of children's files.

4. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

(3) SUPERVISION. (a) 1. A provider may not be engaged in any other activity or occupation during the hours of operation of the center, except for daily maintenance of the home.

2. The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

(b) A provider shall be awake whenever children are in care.

(c) No individual provider may take care of children for more than 12 hours in any 24-hour period.

(d) No child may be in care for more than 12 hours in any 24-hour period.

(e) A child shall have adult supervision at all times.

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a plan approved by the department for ensuring supervision of the children in an emergency or during a provider's absence.

(h) A provider and any other adult in contact with children may not consume beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats., or be under the influence of any alcohol or a non-prescribed controlled substance, during the hours of the center's operation.

(i) Each child shall be closely supervised by a provider to guide the child's behavior and activities, prevent harm and assure safety.

(j) A provider shall be outside with children and provide sight and sound supervision of the children unless the children are playing inside the enclosed outdoor area on the premises, as specified under s. 45.06 (11) (b).

(k) A child may not be released to any person who has not been previously authorized by the parent to receive the child.

(4) STAFFING AND GROUPING. (a) At no time may more than 8 children be in the care of the center. This total includes:

1. All children under 7 years of age, including a provider's own children.

2. All children 7 years of age or older who are not a provider's own children.

(b) The maximum number of children that one provider may care for is specified in Table 45.05.

TABLE 45.05
Maximum Number of Children
in Family Child Care per Provider

Children Under 2 Years of Age	Children 2 Years of Age and Older	Maximum Number of Additional Children in First Grade Or Above In Care For Fewer Than 3 Hours a Day	Maximum Number of Children
0	8	0	8

1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6

(c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

Note: For example, if there are 3 children under age 2 present at one time and 5 children between the ages of 2 years and 6 years present, a second provider is required. At no time may the maximum number of children in care exceed 8.

HFS 45.06 Physical plant and equipment. (1) BUILDING. (a) *Conformance with building codes*. Family child care centers located in other than a one or 2 family dwelling shall conform to the applicable Wisconsin commercial building codes. A copy of a building inspection report evidencing compliance with the applicable building codes shall be submitted to the department prior to the department's issuance of a license.

Note: The building inspection report should be sent to the appropriate regional office listed in Appendix A.

(b) *Space and temperature*. 1. A center shall have at least 35 square feet of usable floor space per child. This space shall be exclusive of passageways, bathrooms, lockers, storage areas, the furnace room, that part of the kitchen occupied by stationary equipment, and space occupied by furniture that is not intended for children's use.

2. The inside temperature of the center may not be less than 67° F.

3. If the inside temperature exceeds 80° F., the licensee shall provide for air circulation with fans or other means if the center is not air conditioned.

(2) PROTECTIVE MEASURES. (a) Furnaces, water heaters, steam radiators, fireplaces, wood burning stoves, electric fans, electric outlets, electric heating units and hot surfaces such as pipes shall be protected by screens or guards so that children cannot touch them.

(b) Firearms, ammunition or other potentially dangerous items located on the premises shall be kept in locked storage and may not be accessible to children.

(c) Materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and any articles labeled hazardous to children, shall be in properly marked containers and stored in areas inaccessible to children.

(d) The center shall have at least one working telephone with a list of emergency telephone numbers, including telephone numbers for the local rescue squad, fire department, police department, law enforcement agency, poison control center and emergency medical service, posted near each telephone.

(e) The center's indoor and outdoor child care space shall be free of hazards.

(f) A motor vehicle shall be immediately available at the center at all times in case of an emergency if an ambulance or first response unit cannot arrive within 10 minutes of a phone call.

(g) Differences of elevation, including open sides of stairways, elevated platforms, walks, balconies and mezzanines shall be protected by railings at least 36 inches high and designed to prevent the passage of an object with a diameter larger than 4 inches through any openings in the railing bars.

(h) Smoking is prohibited anywhere on the premises of a center when children are present.

Note: Section HFS 45.03 (25) defines a “premise” as a building and the tract of land on which the building is located.

(i) A hot tub located in a room or area accessible to children shall have a visible, locked, rigid cover or be enclosed by a locked fence at least 4 feet tall. The lock shall be installed so that the lock is inaccessible to children.

(j) If a hot tub is located in a room or area that is not intended for use by children, access to the room or area shall be controlled through the use of a visibly locked door. The lock shall be installed so that the lock is inaccessible to children.

(k) The premises shall have no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children. Lead-based paint or other toxic finishing material may not be used on any surface on the premises.

(3) EMERGENCIES. Each center shall have a written plan for taking appropriate action in the event of a fire or tornado or other emergency. The center shall practice the fire and tornado plan with the children each month and document when the plan was practiced.

Note: The Licensee may use either Department's form CFS-0460, Family Child Care Fire and Safety Report or the licensee's own form to document when the fire and tornado emergency plan was practiced. Information on how to obtain the Department's form is in Appendix E.

(4) FIRE PROTECTION. (a) Smoke detectors shall be installed and maintained in operating condition on each level of the center and in all areas used for nap or rest periods. All smoke detectors shall be tested monthly and a record kept of the time, date and results of the test.

Note: The licensee may use either the Department’s form CFS-0460, Family Child Care Center Fire and Safety Report, or the licensee’s own form to record the results of smoke detector tests. Information on how to obtain the Department’s form is in Appendix E.

(b) An operable fire extinguisher with a minimum rating of 2A-10BC shall be provided for the kitchen and cooking area and inspected annually, and a provider shall know how to use it. Inspection tags are not required, but documentation of the inspection must be kept on file at the center.

Note: Licensees or a commercial fire extinguisher inspector may inspect fire extinguishers.

(c) Unvented gas, oil or kerosene space heaters are prohibited.

(d) A woodburning stove may be used only if it meets standards specified under s. COMM 23.045.

(5) SANITATION. The premises, furnishings and equipment shall be free from litter and vermin and maintained in a sanitary condition and in good repair.

(6) WATER. (a) If the center gets its water from a private well, water samples from the well shall be tested annually by a laboratory certified under ch. HFS 165 and shall be found bacteriologically safe. The laboratory report shall be available to the department upon request.

(b) If the center is licensed to care for infants under 6 months of age, the center shall have nitrate levels in the water tested annually.

(c) If water test results indicate the water is bacteriologically unsafe or has nitrate levels that exceed the recommended limits, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe.

(7) EXITS, DOORS AND WINDOWS. (a) *Exits*. 1. All exits shall be clear of obstructions.

2. Each floor or level occupied by children shall have at least 2 exits.

3. Exits shall be located as far apart as practical.

4. The width of every exit door shall be at least 2 feet 6 inches.

5. The primary exit shall be a door or stairway providing unobstructed travel to the outside of the building at street or ground level.

6. The secondary exit shall be one of the following:

a. A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.

b. A door or stairway leading to a platform or roof with railings complying with sub. (2) (g), which has an area of at least 25 square feet, is at least 4 feet long, and is not more than 15 feet above ground level.

c. A window that is not more than 46 inches above the floor, capable of being opened from the inside without the use of tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height.

7. If care is provided in a basement, all of the following apply:

a. The primary exit shall be a door or stairway that provides unobstructed travel to the outside of the building at street or ground level.

b. The secondary exit shall be either a door or stairway leading to the ground level or a window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height. The window shall open directly to the ground or to a window well with an area of at least 6 square feet that is not more than 46 inches below the ground.

8. Two children under 24 months of age may be cared for on a level that is more than 6 feet up or down from the ground level if the center is equipped with an interconnected smoke detection system in operating condition.

(b) *Doors and windows*. 1. Every closet door latch shall be capable of being opened by children from inside the closet.

2. Every toilet room door lock shall be designed to permit the locked door be opened from the outside in an emergency, and the opening device shall be readily accessible to a provider.

3. Windows that are capable of being opened and located in areas of the center that are accessible to children shall have screens.

(8) FURNISHINGS. (a) Furnishings shall be durable and safe, with no sharp, rough, loose or pointed edges.

(b) The furnishings shall include all of the following:

1. Table space and seating for each child.

2. Storage space for equipment, cots, if used, bedding, children's clothing and personal belongings.

3. A safe, washable cot, bed, 2-inch thick mat or sleeping bag for each child one year of age or older who naps or sleeps.

4. A safe, washable crib or playpen for each child under one year of age who naps or sleeps.

Note: See Appendix D for information related to safe cribs.

(9) KITCHENS. (a) Equipment and utensils for preparing, serving and storing food shall be clean and equipped for the safe handling of food. Eating surfaces shall be washed before use.

(b) Reusable eating and drinking utensils shall be thoroughly cleaned with detergent and hot water and rinsed after use. Single use articles such as food containers designed to be used only once and discarded including plastic silverware, paper or styrofoam cups and plates may not be reused.

(c) Food shall be clean, wholesome, free from spoilage and from adulteration and misbranding, and safe for human consumption.

(d) Food shall be covered and stored at temperatures that protect against spoilage. Refrigerators shall be maintained at 40° F. or lower and freezers shall be maintained at 0° F. or lower.

(e) Leftovers shall be discarded after 36 hours unless frozen for later use.

(10) WASHROOMS AND TOILET FACILITIES. (a) There shall be at least one toilet with plumbing and one sink with hot and cold running water available for use by the children.

(b) Soap, toilet paper and a waste paper container shall be provided in the washroom and accessible to children.

(11) OUTDOOR SPACE. (a) *Requirement for outdoor play space*. A center shall have outdoor play space if any child is receiving care for more than 3 hours a day.

(b) *Required features of outdoor play space*. Except when an exemption is requested and approved by the department under par. (c), a center shall comply with all of the following requirements for outdoor play space:

1. The outdoor play space shall be on the premises of the center.

2. There shall be at least 75 square feet of outdoor play space for each child using the space at a given time.

3. The outdoor play space shall be well-drained and shall be free of hazards. Structures such as playground equipment, railings, decks and porches accessible to children and built with CCA-treated lumber shall be sealed with an oil-based sealant or stain.

4. A permanent enclosure not less than 4 feet high shall be provided where there are hazards nearby, including traffic or bodies of water, which present a threat to the safety of children in care.

5. Concrete and asphalt are prohibited under climbing equipment, swings and slides.

(c) *Exemption for off-premises play space*. 1. In this paragraph, “main thoroughfare” means a heavily traveled street or road used by vehicles as a principal route of travel.

2. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under subd. 3. for the center’s outdoor play space.

3. A request for an exemption under subd. 2. shall be in writing and shall be accompanied by a plan for outdoor play space that does all the following:

a. Identifies and describes the location to be used, the travel distance from the center to that location and the means of transporting the children to that location.

b. Provides for adequate supervision of the children as specified in Table 45.05.

c. Provides for daily vigorous exercise in the out-of-doors for the children.

d. Describes the arrangements to meet the toileting and diapering needs of the children.

e. Affirms the center’s compliance with the requirements included in subds. 4. to 7.

Note: Send the request for an exemption, including the plan for the use of that space, to the licensing representative at the appropriate regional office of the Department’s Division of Children and Family Services. See Appendix A for addresses of the regional offices.

4. The off-premises outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced swimming pools, heavily wooded areas and nearby highways and main thoroughfares.

5. There shall be at least 75 square feet of play space for each child using the space at a given time.

6. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.

7. When the off-premises outdoor play space is reached by walking, the center shall transport children under 3 years of age in wheeled vehicles, such as strollers or wagons, with a seating capacity equal to the number of children under 3 years of age to be transported.

8. A center's plan for use of an off-premises outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements under par. (b), the department shall either approve the plan and grant the exemption or not approve the plan and deny the request for exemption. The department shall notify the center in writing of its decision and if it does not grant an exemption, shall state its reasons for not granting the exemption.

9. If any circumstance described in an approved plan for use of off-premises outdoor play space changes or if any condition for plan approval is not met, the department may withdraw its approval of the plan and cancel the exemption. A center with an approved plan shall immediately report to the department's licensing representative any significant change in any circumstance described in the plan.

(12) SWIMMING AREAS. (a) Swimming pools on the premises of the center may not be used by children in care. Swimming pools on the premises shall be surrounded by a permanent enclosure as specified under sub. (11) (b) 4. In addition, the all of the following restrictions apply:

1. If access to the pool is through a gate, the gate shall be closed and locked during the center's hours of operation.

2. If access to the pool is through a door, the door shall be closed, visibly locked and equipped with an alarm at the door that signals when someone has entered the pool area. The door may not be used as an exit.

3. Locks shall be located so that the locks cannot be opened by the children.

4. The free-standing wall of an above ground pool may not serve as an enclosure unless it is at least 4 feet in height and not climbable. If a ladder is present, the ladder shall be removed or raised up so that it is inaccessible to children.

5. The area around the pool enclosure shall be free of toys or equipment that would allow a child to climb or otherwise gain access to the pool.

(b) Wading pools may be used if the water is changed daily and the pool is disinfected daily.

(c) A swimming pool or beach that is not located on center premises may be used by children, if all of the following conditions are met:

1. The construction and operation of the pool meet the requirements of chs. Comm 90 and HFS 172 for public swimming pools and the beach complies with any applicable local ordinance.

2. Certified lifesaving personnel are on duty.

3. While children are in the water of a pool or beach, the following staff-to-child ratios for persons who can swim are met:

a. For children under 2 years of age: 1:1.

b. For children 2 and 3 years of age years of age: 1:3.

c. For children 4 and 5 years of age: 1:6.

d. For children 6 years of age and older: 1:8.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on to the number of children in the water and each child's age.

Note: A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department upon request. Requests may be made to the licensing representative or regional office in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

HFS 45.07 Program. (1) PROGRAM PLANNING AND SCHEDULING. (a) A provider shall plan activities so that each child may be or do all of the following:

1. Be successful and feel good about himself or herself.

2. Use and develop language.

3. Use large and small muscles.

4. Use materials and take part in activities that encourage creativity.

5. Learn new ideas and skills.

6. Participate in imaginative play.

7. Be exposed to a variety of cultures.

Note: The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at http://www.collaboratingpartners.com/ or through the Child Care Information Center at 1-800-362-7353.

(b) A provider shall plan daily activities according to the age and developmental level of the children in care and shall include a flexible balance of all of the following:

1. Daily indoor and outdoor activities when a child is in care for more than 3 hours except that outdoor activities are not required during inclement weather or when not advisable for health reasons.

2. Active and quiet play.

3. Protection from excess fatigue and over stimulation.

4. Individual and group activities.

(c) Television, including videotapes and DVDs, may be used only to supplement the daily plan for children. No child may be required to watch television.

(2) CHILD GUIDANCE. (a) Each family child care center shall provide positive guidance and redirection for the children and shall set clearly specified limits for the children. A provider shall help each child develop self-control, self-esteem and respect for the rights of others.

(b) If a provider uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes or be used for children under age 3. Time-out procedures shall be included in the center's written child guidance policy.

(c) Actions that are aversive, cruel or humiliating, and actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include all of the following:

1. Spanking, hitting, pinching, shaking, slapping, twisting, or inflicting any other form of corporal punishment on the child.

2. Verbal abuse, threats or derogatory remarks about the child or the child's family.

3. Physical restraint, binding or tying the child to restrict the child's movement or enclosing the child in a confined space such as a closet, locked room, box or similar cubicle.

4. Withholding or forcing meals, snacks or naps.

(d) A child may not be punished for lapses in toilet training.

Note: See s. HFS 45.04 (8) for information on reporting suspected child abuse and s. HFS 45.04 (3) (i) for rules requiring that inappropriate discipline of a child be reported to the Department within 24 hours after the occurrence.

(3) EQUIPMENT (a) Safe indoor and outdoor play equipment shall be provided and shall be all of the following:

1. Scaled to the size and developmental level of the children.

2. Of sturdy construction with no sharp, rough, loose, or pointed edges, in good operating condition, and anchored when necessary.

3. Placed so as to avoid danger of accident or collision and to permit freedom of action.

(b) Various types of play equipment shall be provided to allow for large and small muscle activity, dramatic play, creative expression and intellectual stimulation.

(c) Indoor play equipment shall be provided to allow each child a choice of at least 3 activities involving equipment when all children are involved in using equipment.

(d) Outdoor play equipment shall be provided to allow each child at least one activity when all children are using equipment at the same time.

(e) Trampolines shall not be in areas accessible to children and may not be used by the children in care.

Note: Lists suggesting kinds and numbers of equipment for centers are available from the Child Care Information Center by calling 1-800-362-7353.

(4) REST PERIODS. (a) Children under 5 years of age in care for more than 4 consecutive hours shall have a nap or rest period.

(b) A provider shall permit children who do not sleep after 30 minutes and children who wake up early to get up and shall help them to have a quiet time through the use of equipment or activities which do not disturb other children.

(c) Each child who has a nap or rest period shall be provided with a bed, cot, mat at least 2 inches thick, sleeping bag, crib or playpen which is placed at least 2 feet from the next sleeping child.

(d) Each child shall be provided with an individually identified sheet and blanket or sleeping bag that may be used only by that child until it is washed. Sleeping bags and bedding shall be stored in a sanitary manner and washed at least after every 5 uses or as soon as possible if wet or soiled.

(e) Infants shall sleep alone in cribs or playpens. Two related children may share a double bed. No more than one child may occupy a single size bed, cot, mat or sleeping bag.

Note: See also s. HFS 45.06 (8) (b) 3. and 4. which require that the cot, bed, mat, sleeping bag, crib or playpen be safe and washable.

(5) MEALS AND SNACKS. (a) Food shall be provided based on the amount of time children are present, as specified in Table 45.07.

TABLE 45.07
Meals and Snacks to be Served to Children in Family Child Care Centers

Time Present	Number of Meals and Snacks
At least 2 ½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
10 or more hours	2 meals and 2 or 3 snacks

(b) Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

(c) Each meal and snack shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements.

Note: See Appendices B and C for United States Department of Agriculture child and adult care food program minimum meal requirements. You may also contact the Department of Public Instruction Community Nutrition Services for information on the United States Department of Agriculture child and adult care food program at 608-267-9123.

(d) Accurate records of meals and snacks served to children shall be available for review by parents and the licensing representative. Written records of meals and snacks served to children must be kept for 3 months.

(e) Enough food shall be prepared for each meal so second portions of vegetables, fruit, bread and milk are available to children.

(f) When food for a child is provided by the child's parent, the licensee shall give the parents information about the requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

(g) A child enrolled in school who is in attendance at the center when a meal or snack is served shall be offered the meal or snack.

(h) A special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written authorization of a child's physician and upon the request of the parent.

(i) A special diet based on a food allergy may be served upon the written request of the parent.

(6) HEALTH. (a) *Contact with others who are ill*. 1. A licensee, provider, household member, employee, volunteer, visitor or parent who has symptoms of illness or of a communicable disease that may be transmitted through normal contact may not be in contact with the children in care.

2. a. A licensee, provider, household member, employee, volunteer, visitor or parent whose behavior with respect to any child, adult, animal or property, on or off the center's premises, raises reasonable concern for the safety of the children, may not be in contact with the children in care.

b. The department may require a licensee, provider, household member or other adult in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

Note: See also s. HFS 45.11 (2) (e) which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical and mental health of a person may endanger children in care.

3. No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal disease may work in a center until it is determined by appropriate medical tests that the person is not a carrier of the disease.

(b) *Observation of children*. 1. Each child upon arrival at the center shall be observed for symptoms of illness. For a child who appears to be ill, the licensee shall follow the procedure under par. (c).

2. A provider shall note in a medical log book any injury or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of the center and any incidents requiring the services of medical personnel.

Note: See s. HFS 45.04 (6) (c) for information on maintaining a medical log book.

(c) *Ill child*. Unless a center has been previously authorized to care for mildly ill children under sub. (d), any child who appears to be ill shall be moved to a separate room or area and shall be provided with a bed, crib or cot and a sheet and blanket or sleeping bag. The licensee shall notify the parent or emergency contact and arrange to remove the child from the center as soon as possible.

(d) *Care of a mildly ill child.* A child who is mildly ill may be cared for at the center when all of the following conditions are met:

1. The space for the care of a mildly ill child is a self-contained room that is separate from children who are well.

2. The parent consents in writing.

3. The written health policy of the center allows a mildly ill child to remain at the center.

4. The center follows and implements procedures in a written plan for the provision of care to mildly ill children that has been approved and signed by a licensed physician, a family nurse practitioner or a pediatric nurse practitioner, and which covers all of the following:

a. Admissions and exclusions.

b. Staffing.

c. Staff training.

d. Monitoring and evaluation.

e. Programming.

f. Infectious disease control.

g. Emergency procedures.

5. Medical consultation is available from a physician or local health department in establishing policy for the management of mildly ill children.

(e) *Communicable disease*. 1. When it is determined that a child attending the center or a provider's own child has a reportable communicable disease under ch. HFS 145 transmitted through normal contact, such as chicken pox, German measles, infectious hepatitis, measles, mumps, scarlet fever or meningitis, the local public health officer and parents of all the enrolled children shall be notified.

2. A child may be readmitted to the family child care center if the child's parents provide a statement from a physician that the child's condition is no longer contagious or if the child has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department.

Note: The Wisconsin Division of Public Health has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child shall be excluded from the center. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center 800-362-7353.

(f) *Medications*. 1. A provider may give prescription or non-prescription medications to a child only under the following conditions:

a. A completed written authorization on a form provided by the department, dated and signed by the parent is on file. Authorizations that exceed the period of time specified on the label are prohibited.

Note: The Department's form CFS-0059 or CFS-0059A, Authorization to Administer Medication, is used to obtain the parent's authorization to provide medications. Information on how to obtain the form is in Appendix E.

b. The medication is in the original container and labeled with the child's name and with dosage and administration directions.

c. A written record, including the name of the child, type of medication given, dosage, time, date and the initials or signature of the person administering the medication shall be made in the medical log on the same day that the medication is administered.

Note: See s. HFS 45.04 (6) (c) about maintaining a medical log book.

2. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the brand and ingredient strength of the sunscreen or repellant. Authorizations shall be reviewed periodically and updated as necessary. The recording of the application of sunscreen or insect repellent is not required.

3. Medications shall be stored so that they are not accessible to children.

4. Medications requiring refrigeration shall be kept in the refrigerator in a separate, covered container clearly labeled "medications."

(g) *Personal cleanliness.* 1. A child's hands shall be washed with soap and warm running water before meals or snacks and after toileting or diapering. A child's hands and face shall be washed after meals. Persons working with children shall wash their hands with soap and warm running water before handling food and after assisting with toileting. Towels and washcloths shall be individual to each person and used only once.

2. Bodily secretions from a child shall be wiped with a disposable tissue. Whoever does the wiping shall wash his or her hands immediately.

3. All providers shall use universal precautions when exposed to blood or bodily fluids or discharges containing blood.

4. All persons exposed to blood or bodily fluids containing blood or other types of bodily discharges shall wash their hands immediately with soap and warm running water.

5. Single use disposable gloves shall be worn if there is contact with blood-containing body fluids or tissue discharges. Hands shall be washed with soap and warm water after removal of gloves. Gloves shall be discarded in plastic bags.

(h) *Disinfecting surfaces*. Surfaces containing bodily secretions shall be washed with soap and water and disinfected with a solution of one tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia-based disinfectant prepared according to the label instructions, or a commercially prepared disinfectant containing bleach or a quaternary ammonia product. Hands shall be washed immediately.

(i) *Prohibition against sharing utensils*. Cups, eating utensils, or toothbrushes may not be shared.

(j) *Clothing and diaper changing*. 1. Wet or soiled clothing or diapers shall be changed promptly from an available supply of clean clothing or diapers.

2. Section HFS 45.09 (4) shall apply when a child 2 years of age or older needs attention for diapering or toileting.

(k) *Injuries*. 1. Written permission from the parent to call the child's physician or refer the child for medical care in case of injury shall be on file at the center. A provider shall contact a parent of the injured child as soon as possible after an emergency has occurred or, if the injury is minor, when the child is picked up.

Note: See HFS 45.04(3)(a) regarding reporting injuries that require medical attention to the Department within 48 hours after the occurrence.

Note: The Department's Child Care Enrollment Form, CFS-0062 and CFS-0062A, includes authorization for the center to obtain emergency medical care for a child. Information on how to obtain forms is in Appendix E.

2. Superficial wounds shall be cleaned with soap and water only and protected with a bandaid or bandage.

3. Suspected poisoning shall be treated only after consultation with a poison control center.

4. The licensee shall designate a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility and shall advise parents about that designation.

5. A daily record of injuries including the child's name, date and time of injury and a brief description of the facts surrounding the injury shall be kept in the center medical log book.

Note: See s. HFS 45.04 (6) (c) about maintaining a medical log book.

(L) *Health examination and history*. 1. Each child under 2 years of age, including each provider's child in care, shall have an initial health examination not more than 6 months prior to nor later than 3 months after being admitted to the center, and a follow-up health examination at least once every 6 months after admission.

2. Except for a school-aged child, each child 2 years of age or older, including a provider's children in care, shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years after admission.

3. The health examination report shall be on a form provided by the department and shall be signed and dated by a licensed physician, physician assistant or a HealthCheck provider.

Note: The Department's form CFS-0060 or CFS-0060A, Child Health Report, is used to record health examination information. Information on how to obtain the form is in Appendix E.

4. The health examination requirement under subd. 2. does not apply if the parents of a child request in writing that the department grant an exemption based upon the parents' adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect or denomination.

5. A health history for each child, including school age children and a provider's own children, completed by the parent shall be on file at the center by the child's first day of attendance. Information relating to a child's special health care needs shall be shared with any person caring for children including emergency back-up providers and substitutes. The health history shall be recorded on a form provided by the department.

Note: The Department's form CFS-2344, Health History and Emergency Care Plan, is used to record each child's health history. Information on how to obtain the form is in Appendix E.

(m) *Immunization*. The center shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. HFS 144.

Note: The Department's form DPH-4192 or DPH-4192S, Day Care Immunization Record, is used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health care provider may be used in place of DPH-4192 or DPH 4192S. Information on how to obtain the form is in Appendix E.

(7) PETS AND ANIMALS. (a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center.

(d) Reptiles, amphibians, ferrets, poisonous animals, psittacine birds, exotic and wild animals may not be accessible to children.

Note: Psittacine birds are hooked bill birds of the parrot family that have 2 toes forward and 2 toes backward, including maccaws, grays, cockatoos and lovebirds.

(e) All contact between pets or animals and children shall be under the sight and sound supervision of a provider who is close enough to remove the child immediately if the pet or animal shows signs of distress or aggression or the child shows signs of treating the animal inappropriately.

(f) Pets are prohibited in any food preparation or serving area when food is being prepared or served. Pet feeding dishes, cages and litter boxes are prohibited in any food preparation, storage or serving areas. Animal feeding dishes and litter boxes may not be placed in areas accessible to children.

(g) Indoor and outdoor areas accessible to children shall be free of pet and animal excrement.

(h) Proof of liability insurance from an insurance carrier specifically covering the presence of dogs and cats shall be on file with the pertinent regional licensing office in appendix A if dogs or cats are allowed in areas of the center accessible to children.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets and animals.

HFS 45.08 Transportation. (1) APPLICABILITY. This subsection applies to all center-provided transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation.

Note: The Department's form CFS-0056 Child Care Transportation Permission may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child's residence or another location is provided. See Appendix E for information on how to obtain copies of Department forms.

(2) EMERGENCY INFORMATION. All of the following emergency information shall be carried in the vehicle for each child transported:

(a) An address and telephone number where a parent or other adult can be reached in an emergency.

(b) The name, address and telephone number of the child's health care provider.

(c) Written consent from the child's parent for emergency medical treatment.

Note: The licensee must use the Department's form CFS-0062 or CFS-62A, Child Enrollment form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

(3) DRIVER. The driver of the vehicle shall be at least 18 years of age and shall hold a valid Wisconsin operator's license for the type of vehicle driven.

(4) VEHICLE. (a) All vehicles used to transport children shall be registered by the state of Wisconsin.

(b) Center-owned or provider-owned vehicles used to transport children shall be in safe operating condition. At 12-month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

Note: The Department's form CFS-0052, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the Department's form is in Appendix E.

(5) SEAT BELTS. Each child under 4 years of age or 40 pounds being transported in a vehicle shall be properly seated and restrained in an individual child car safety seat. Each child not required to be transported in an individual child care safety seat and accompanying adult shall be restrained by a seat belt. Seat belts may not be shared.

(6) VEHICLE CAPACITY AND SUPERVISION. (a) Children may not be left unattended in a vehicle.

(b) Children under age 13 years may not ride in the front seat of a vehicle. If a vehicle has a front passenger side air bag, the air bag shall be deactivated and inoperable during the time a child is a passenger in the front seat.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a handicap which limits their ability to respond to an emergency.

(d) After transporting a child to his or her destination, an adult shall ensure the child is in the custody of a provider, a parent, or other adult designated by the parent. A parent of a school age child may authorize a child to enter a building unescorted.

Note: Form CFS-0056 Child Care Center Transportation Permission form may be used to designate an adult to receive a child being transported. See Appendix E for information on how to obtain a copy of this form.

(7) SMOKING. Smoking is prohibited in the vehicle while children are being transported.

HFS 45.09 Additional requirements for infant and toddler care. (1) APPLICABILITY, QUALIFICATIONS AND GENERAL REQUIREMENTS. (a) *Applicability*. Family child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(b) *Qualifications*. 1. Prior to becoming licensed to care for children under age 2 or prior to working in a center licensed to care for children under age 2, a provider shall have at least 40 hours or 3 credits of entry level training required under s. HFS 45.05 (1) (b) or at least 10 hours of department-approved training in the care of infants and toddlers. If the training was taken prior to September 1, 2001, a provider shall document successful completion of training in SIDS risk reduction procedures.

Note: Non-credit courses entitled *Introduction to the Child Care Profession* and *Fundamentals of Family Child Care* together meet the requirement for 40 hours of department approved training. The non-credit course entitled *Fundamentals of Infant and Toddler Care* meets the requirement for 10 hours of department-approved training in the care of infants and toddlers.

2. Within 6 months of becoming licensed or working in a center licensed to care for children under age 2, a provider shall have completed both the entry level training specified under s. HFS 45.05 (1) (b) and 10 hours of department-approved training in the care of infants and toddlers.

(c) *General requirements*. 1. A provider shall use information obtained on a department-provided form for children under 2 years of age to individualize the program of care for each child. A provider and the child's parents shall periodically discuss the child's development and routines.

Note: The Department's form CFS-0061, Day Care Intake for Child Under 2 Years, is used to record information for individualizing the program of care for each child. Information on how to obtain the form is in Appendix E.

2. Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Waterbeds may not be used by children under age 2.

3. Sheets or blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

4. Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

5. Safety gates shall be provided at open stairways.

(2) DAILY PROGRAM. (a) Child care providers shall respond promptly to a crying child's needs.

(b) Each infant and toddler shall be allowed to form and follow his or her own patterns of sleeping and waking.

(c) Each child under one year of age shall be placed to sleep on his or her back in a crib unless otherwise specified in writing by the child's physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

(d) Emphasis in activities shall be given to play as a learning and growth experience.

(e) Throughout the day, each infant and toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

(f) Routines related to activities such as taking a nap, eating, diapering and toileting shall be used as occasions for language development and other learning experiences.

(g) When a non-mobile child is awake, a provider shall change the child's body position and location in the room periodically. Non-mobile awake children shall be placed on their stomach occasionally throughout the day.

(h) Each non-walking child who can creep or crawl shall be given opportunities each day to move freely in a safe, clean, open, warm and uncluttered area.

(i) A provider shall encourage infants and toddlers to play with a wide variety of safe toys and objects.

(j) Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when this is not advisable for health reasons.

(3) FEEDING. A provider shall do all of the following:

(a) Feed each infant and toddler on the child's own feeding schedule.

(b) Ensure that food and formula brought from home is labeled with the child's name and dated, and is refrigerated if required.

(c) Ensure that formula provided by the center is of the commercial, iron-fortified type and mixed according to the manufacturer's directions.

(d) Provide formula or breast milk to all children under 12 months of age.

(e) Provide another type of milk or milk substitute only on the written direction of the child's physician.

(f) Discard leftover milk or formula after each feeding, and rinse bottles after use.

(g) Refrain from heating breast milk in a microwave oven.

(h) Offer drinking water to infants over 6 months of age and toddlers several times daily.

(i) Hold a child unable to hold a bottle whenever a bottle is given. Bottles may not be propped.

(j) Hold or place a child too young to sit in a highchair or feeding table in an infant seat during feeding. Wide-based highchairs with safety straps or feeding tables with safety straps shall be provided for children who are not developmentally able to sit at tables and chairs.

(k) Ensure that eating utensils and cups are scaled to the size and developmental level of the children.

(4) DIAPERING AND TOILETING. A provider shall do all of the following:

(a) Change wet or soiled diapers and clothing promptly.

(b) Change the child on an easily cleanable surface which is cleaned with soap and water and a disinfectant solution after each use with a chlorine bleach solution of one quart water to one tablespoon bleach, made fresh daily or a product containing quaternary ammonia prepared according to the label directions or a commercially prepared disinfectant that contains bleach or quaternary ammonia.

(c) If the diapering surface is above floor level, provide a strap, restraint or other structural barrier to prevent falling. A child may not be left unattended on the diapering surface.

(d) Place soiled cloth diapers in a plastic bag labeled with the name of the child and send them home daily.

(e) Place soiled disposable diapers in a plastic-lined, covered container and dispose of them daily.

(f) Wash his or her hands with soap and warm running water before and after each diapering or assistance with toileting routines.

(g) Apply lotions, powders or salves to the child during diapering only at the specific direction of a parent or the child's physician.

(h) Wash the child during diapering with a disposable towel used only once.

(i) Wash the child's hands with soap and warm running water after diapering. The hands of children under one year of age may be washed with soap and a wet fabric or paper washcloth, used once and discarded.

HFS 45.10 Additional requirements for night care. (1) APPLICABILITY. Family child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the requirements of this section.

(2) GENERAL REQUIREMENTS. (a) When the same premises are used for the operation of both day care and night care, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.

(b) Minimum staff-child ratios and group sizes as specified in table HFS 45.05 shall be maintained during night care.

(c) The parent or center shall provide each child in night care with an individually labeled sleeping garment and a toothbrush.

(3) PROGRAM. (a) Child care staff shall ascertain from a child's parent a child's typical family activities during the period the child is at the center for night care and strive to replicate those activities with the child.

(b) A center offering night care shall provide a self-contained room away from sleeping children where an awake child may engage in activities.

(c) An evening and morning schedule of program activities shall be planned for the hours that children in night care are awake.

(d) School-age children shall have an opportunity to read or do school work.

(4) PREVENTIVE MEASURES. (a) A provider shall develop, submit to the department for approval and implement a plan to evacuate sleeping children in an emergency. Review of the plan shall be part of orientation under s. HFS 45.05 (2).

(b) Centers operating during hours of darkness shall have emergency lighting, such as an operable flashlight, readily available to a provider.

(c) Providers shall be awake, available, within call and able to respond to the needs of the children whenever children are in care.

(5) FEEDING. (a) Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.

(b) A nighttime snack shall be available to all children in care.

(c) A child present at the time the evening meal is served shall be served the evening meal.

(6) SLEEP. (a) Children who attend the center for the evening hours but not the whole night shall have an opportunity to sleep, as needed.

(b) Sleep routines for individual children shall be based on information provided by the parents.

(c) A bed, crib or cot with sheets and blankets individual to each child shall be provided for children spending the night.

(d) The center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.

(e) Children under 2 years of age in night care shall sleep in cribs.

HFS 45.11 Licensing administration. (1) LICENSING REQUIREMENT. If a person provides care on a regular basis to 4 or more children under the age of 7 years, that person shall be deemed to be providing care for compensation and shall be licensed.

(2) GENERAL CONDITIONS FOR APPROVAL OF LICENSE. (a) Prior to receiving or continuing a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures that are due to the department.

(b) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures.

(c) Persons licensed to operate a family child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the family child care center. A determination that a person is unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not the abuse or neglect results in a criminal charge or conviction.

(d) The department shall issue a family child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

(e) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center may endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that certifies the condition of the individual and the possible effect of that condition on the family child care center or the children in care.

(f) The department may deny or revoke the license if the examination specified under par. (e) gives the department reasonable concern for the care of children.

(g) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years prior to the date of the application. An applicant is deemed ineligible to submit an application for a license and a person may not hire an employee within 2 years from the date an applicant employee had a child care license revoked or denied.

(h) The department shall consider a licensee who fails to submit any of the materials described in sub. (4) or (5) by the expiration date of a license to have surrendered the license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(3) INITIAL APPLICATION FOR A PROBATIONARY LICENSE. (a) An applicant for a license shall have obtained pre-licensing technical assistance that results in a completed initial licensing study checklist from a representative of the department prior to submitting an application for a license.

Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate regional office in Appendix A. The Department will provide the application form to an applicant upon completion of the pre-licensing technical assistance.
2. An initial licensing study checklist includes a list of those rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or the appropriate regional office in Appendix A.

(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

(c) An applicant for an initial license shall include all the following with the application form:

1. The license fee required under s. 48.65 (3) (a), Stats.

2. A completed background information disclosure form provided by the department for the applicant and, if the center will be located in a residence, any household member aged 10 and above and any applicable fees.

3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.

4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.

5. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6 month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(4) OBTAINING A REGULAR LICENSE (a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license application.

2. Any completed background information disclosure forms required under s. 48.685, Stats, including any applicable fees.

3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeitures due and owing under s. 48.715 (3), Stats., or penalties under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any applicable penalty under s. 48.76, Stats., the department shall issue the applicant a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

(5) CONTINUING A REGULAR LICENSE. (a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.

2. Any completed background information disclosure forms required under s. 48.685, Stats, including any applicable fees.

3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(6) AMENDING A LICENSE. (a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the number of children served.

2. The age range of the children.

3. The hours of the center's operation.

4. The days of the week the center is in operation.

5. The months of the year the center is in operation.

6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license identified under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

Note: The Department's form CFS-0067, Family Day Care License Application, is used to apply for a new license. The Department will provide an application prior to the continuation date for a new license.

(7) ADDITIONAL LICENSE. A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of any existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(8) LICENSE DENIAL OR REVOCATION. (a) The department may deny, revoke, or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children is, has or has been any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.

2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center.

3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. HFS 129.10.

5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than

poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Had a child care license or certification revoked or denied within the last 5 years.

7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Made false statements or withheld information.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (2).

Note: Examples of charges and offenses the Department will consider when making a determination under this paragraph that an act substantially relates to the care of children are the following: abuse or neglect of a child; sexual assault; abuse or a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. This list is illustrative. Other types of offenses may be considered.

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53(5), Stats, and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.587, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301 (5), Stats., and not as provided in s. 48.72, Stats.

(9) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE. (a) 1. If the department decides under sub. (8) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the department notice in subd. 1., based on the criteria under s. 48.715 (4m) (a) and (b), Stats., unless the decision is appealed under sub. (11).

(b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a family child care center may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(10) SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. 227.51 (3), Stats., the department shall summarily suspend a license and close a family child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense which substantially relates to the care of children or activities of the center or has a pending charge which substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a family child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under subs. (8) or (9) to revoke the license. A preliminary hearing shall be conducted by the department of administration's division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(11) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. (a) Any person aggrieved by the department's decision to deny an initial license or the renewal of a license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be received by the division of hearings and appeals within 10 days after the date of the notice under sub. (9). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transmission report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, WI. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.

2. The petitioner withdraws the request in writing.

3. The petitioner agrees in writing to accept an informal resolution of the appeal.

4. The petitioner abandons the hearing request. The division of hearings and appeals shall determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:

1. Shall consider and apply all standards and requirements of this chapter.

2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.

3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b) 4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision's issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.

HFS 45.12 Complaints, inspections and enforcement actions. (1) COMPLAINTS. (a) Anyone having a complaint about a licensed or illegally operating family child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

Note: A complaint should be sent, phoned or delivered to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The licensee may not discharge an employee because the employee has reported violations of this chapter to the licensing representative.

(2) INSPECTION. Pursuant to s. 48.73, Stats, the department may visit and inspect any family child care center at any time during licensed hours of operation. A department licensing

representative shall have unrestricted access to the premises identified in the license, including access to children served and staff and child records and any other materials or other individuals having information on the family child care center's compliance with this chapter.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

Appendix A

REGIONAL OFFICES OF THE DIVISION OF CHILDREN AND FAMILY SERVICES

The Department of Health and Family Services licenses day care centers through five Division of Children and Family Services regional offices. Below are addresses and phone numbers of the regional offices and related counties.

Northeastern Office
(Green Bay)
200 North Jefferson
Suite 411
Green Bay, WI 54301-5191
(920) 448-5312

Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago,

Northern Office
(Rhinelander)
1853 North Stevens Street
P.O. Box 697
Rhinelander, WI 54501-0697
(715) 365-2500

Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood

Southeastern Office
(Waukesha)
141 N.W. Barstow Street, Room 209
Waukesha, WI 53188-3789
(262) 521-5100

Kenosha, Milwaukee, Racine, Waukesha

Southern Office
(Madison)
2917 International Lane, Suite 110
Madison, WI 53704
(608) 243-2400

Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth

Western Office
(Eau Claire)
610 Gibson Street Suite 2,
Eau Claire, WI 547013695
(715) 836-2157

Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn

Appendix B

CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

The meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

	Ages 1 & 2	Ages 3, 4, & 5	Age 6 up to l2
BREAKFAST			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Juice,[a] fruit or vegetable **or**	1/4 cup	1/2 cup	1/2 cup
Fruit(s) or vegetable(s)	1/4 cup	1/2 cup	1/2 cup
3. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz[c]	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Hot cooked	1/4 cup total	¼ cup	1/2 cup
Cooked pasta or noodle products	¼ cup	¼ cup	1/2 cup
LUNCH OR SUPPER			
1. Milk	½ cup	¾ cup	1 cup
2. Meat or meat alternate:			
Meat, poultry, fish, cheese	1 oz	1+1/2 oz	2 oz
Alternate protein products [g]	1 oz	1+1/2 oz	2 oz
Yogurt, plain or flavored, unsweetened or sweetened	4 oz or 1/2 cup	6 oz or 3/4 cup	8 oz or 1 cup
Egg	½ egg	¾ egg	1 egg
Cooked dry beans or peas	¼ Cup	3/8 cup	1/2 cup
Peanut butter or other nut or seed butter	2 Tbsp.	3 Tbsp.	4 Tbsp.
Peanuts or soynuts or tree nuts or seeds	1/2 oz = 50%[d]	3/4 oz = 50%[d]	1 oz = 50%[d]
3. Vegetable and/or fruit[e] (at least two)	1/4 cup total	1/2 cup total	3/4 cup total
4. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1/2 serving	1 serving
Cereal, hot cooked	1/4 cup total	¼ cup	1/2 cup
Cereal, cold, dry	1/4 cup or 1/3 oz[c]	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Cooked pasta or noodle products	¼ cup	¼ cup	1/2 cup
SUPPLEMENT			
Select two of the following four components:			
1. Milk	½ cup	½ cup	1 cup
2. Juice, [a,f] fruit or vegetable **or**	½ cup	½ cup	3/4 cup
Fruit(s) or vegetable(s)	½ cup	½ cup	3/4 cup
3. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz[c]	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Hot cooked	l/4 cup	¼ cup	1/2 cup
4. Meat or meat alternate			
Meat, poultry, fish, cheese	½ oz	½ oz	1 oz
Alternate protein products [g]	½ oz	½ oz	1 oz
Egg, Large [h]	½ egg	½ egg	1/2 egg

Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup
Peanut butter or other nut or seed butter	1 Tbsp.	1 Tbsp.	2 Tbsp.
Peanuts or soynuts or tree nuts or seeds	1/2 oz	½ oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened	2 oz or 1/4 cup	2 oz or 1/4 cup	4 oz or 1/2 cup

a Must be full strength fruit or vegetable juice.
b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.
c Either volume (cup) or weight (oz), whichever is less.
d No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. Of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.
e Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
f Juice may not be served when milk is the only other component.
g Alternate protein products may be used as acceptable meat alternates.
h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

Appendix C

CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant's eating habits.

Infant Meal Pattern

Birth Through 3 Months	4 Through 7 Months	8 Through 11 Months
BREAKFAST		
4- 6 fl. oz. formula[1] or breast milk [5,6]	4 - 8 fl. oz. formula[1] or breast milk [5,6]	6 - 8 fl. oz. formula[1] or breast milk [5,6]
	0 - 3 T. infant cereal[2] (optional)	2 - 4 T. infant cereal[2]
		1 - 4 T. fruit and/or vegetable
LUNCH OR SUPPER		
4 - 6 fl. oz. formula[1] or breast milk [5,6]	4 - 8 fl. oz. formula[1] or breast milk [5,6]	6 - 8 fl. oz. formula[1] or breast milk [5,6]
	0 - 3 T. infant cereal[2] (optional) O - 3 T. fruit and/or vegetable (optional)	2 - 4 T. infant cereal[2] and/or 1 - 4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or
		1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread
		1 - 4 T. fruit and/or vegetable
SUPPLEMENT		
4 - 6 fl. oz. formula[1] or breast milk [5,6]	4 – 6 fl. oz. formula[1] or breast milk [5,6]	2 - 4 fl. oz. formula[1], breast milk [5,6], or fruit juice[3]
		0 -1/2 bread or
		0 - 2 crackers (optional)[4]

1 Shall be iron-fortified infant formula.
2 Shall be iron-fortified dry infant cereal.
3 Shall be full strength fruit juice.
4 Shall be from whole-grain or enriched meal or flour.
5 It is recommended that breast milk be served in place of formula from birth through 11 months.
6 For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

Required Guidelines for Infant Meal Pattern

Definition of Infant. Any child less than 12 months of age.

Definition of Infant Formula. Infant formula defined by USDA is “any iron-fortified infant formula intended for dietary use as a sole source for food for normal healthy infants served in liquid state at manufacturer’s recommended dilution”.

Infant Formula/Breast milk. The decision regarding feeding infants breast milk or the type of infant formula is one for the infant’s doctor and parents/guardian to make together.

Definition of Optional. Optional foods must be served as each infant becomes developmentally ready for the specified foods.

Appendix D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY
CPSC Document # 5020

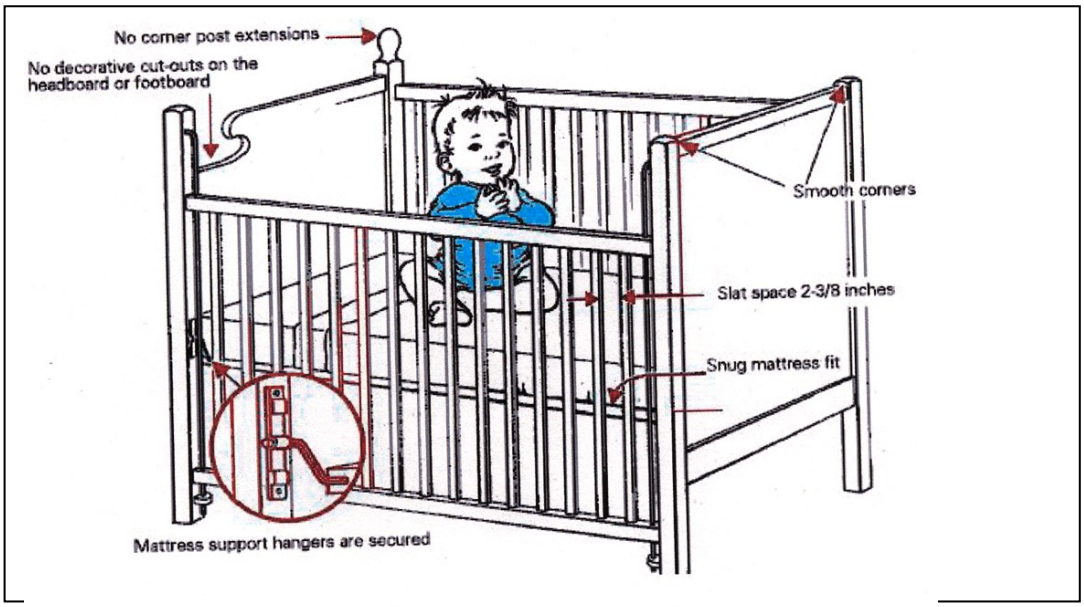
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in your child care center. To protect all children, destroy it and replace it with a safe crib.

A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby's body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or foot board so a baby's head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.



Appendix E

INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR FAMILY CHILD CARE CENTERS **Revised [Revisor to insert effective date]**

The Department forms listed below are arranged in two categories: 1) those that the Department requires family child care centers to use are designated as "REQUIRED"; and 2) those that the family child care center may use, at their option, if they do not use their own forms to record the same information required by the licensing rules. Forms designated as "REQUIRED" shall be used by licensees.

Applicants and licensees may obtain copies of these forms from the Department's website: http://www.dhfs.state.wi.us/rl_dcfs/INDEX.HTM (click on Forms & Publications.) Forms on the website will require use of Adobe Acrobat to view.

Applicants and licensees may complete the form online at the Department's website, save the file to their hard drive and print a copy for their records. Licensees without Internet access, or if you want to request a form from the Department, please send Forms/Publications Requisition, DMT-25 to the address below. **The Department will send only one copy of each form to each applicant or licensee.** Applicants and licensees may reproduce as many paper and electronic forms as they need. To avoid problems with filling the request, be sure to indicate the form number and the form title on the DMT-25 and fill in your name and address in the "SHIP TO" area of the requisition. This information shall be provided in order for the request to be filled. The completed Forms/Publications Requisitions should be sent to the following address:

Department of Health and Family Services
Division of Children and Family Services
Forms Manager
P.O. Box 8916
Madison, WI 53708-8916

FORM #	FORM TITLE	REQUIRED?
CFS-0052	Vehicle Safety Inspection	YES
CFS-0053	Child Care Staff Record	YES
CFS-0053A	Child Care Staff Continuing Education Record	
CFS-0054	Child Care Provider Staff Health Report	YES
CFS-0055	Child Care Accident/Death Report	
CFS-0056	Child Care Center Transportation Permission	
CFS-0058	Child Care Field Trip or Other Activity Notification / Permission	
CFS-0058A	Notificación / Permiso Para Excursiones O Otra Actividad De Guardería De Niños	
CFS-0059	Authorization to Administer Medication	
CFS-0059A	Autorización Para Administrar Medicamentos	
CFS-0060	Child Health Report - In-Home, Family Child Care, Child Care Centers	YES
CFS-0060A	Reporte de Salud del Niño en el Hogar, Guardería Familiares, Guardería Grupal	YES
CFS-0061	Child Care Intake for Child Under 2 Years	YES
CFS-0062	Child Enrollment	YES
CFS-0104	Child Care School-Age Agreement (Reverse side of CFS-56)	
CFS-0460	Family Child Care Center Fire and Safety Report	
CFS-0462	Family Child Care Center Compliance Study	
CFS-0865	Child Care Center Safety Checklist	
CFS-1675	Child Care Child Record Checklist	
CFS-2255	Family Child Care Orientation Checklist	YES
CFS-2344	Health History and Emergency Care Plan	YES
DMT-0025	Forms / Publications Requisition	
DPH-4192	Child Care Immunization Record	
DPH-4192S	Registro De Immunizacion Para Guardería de Niños	

HFS-0064	Background Information Disclosure	YES

SECTION 2. HFS 46 (title) is amended to read:

HFS 46 GROUP ~~DAY~~ CHILD CARE CENTERS FOR CHILDREN

SECTION 3. HFS 46.01 is amended to read:

HFS 46.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for group child care centers for children. The purpose of this chapter is to protect the health, safety and welfare of children being cared for in group ~~day~~ child care centers.

SECTION 4. HFS 46.02 (1) (intro) and (d) are amended to read:

HFS 46.02 Applicability. (1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all group ~~day~~ child care centers, whether the facility in which the child care and supervision are provided is known as a day care center, nursery school or preschool, head start or school-age child care program, or by any other designation, but it does not apply to any of the following:

(d) Care and supervision provided at the site to the child of a recipient of ~~aid to families with dependent children (AFDC) under ch. DWD 11~~ temporary assistance to needy families or Wisconsin works who is involved in orientation, enrollment ~~under ch. HSS 206~~ or initial assessment prior to the development of an employability plan ~~in a job opportunities and basic skills (JOBS) program~~ or the child care is provided where parents are provided training or counseling.

SECTION 5. HFS 46.03 (1) and (3) are amended to read:

HFS 46.03 (1) ‘‘Administrator” means the person responsible to the licensee for management of the group ~~day~~ child care center.

(3) ‘‘Care” means providing for the safety and the developmental needs of a child in a group ~~day~~ child care center.

SECTION 6. HFS 46.03 (3m) and (4m) are created to read:

HFS 46.03 (3m) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. HFS 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the center.

(4m) ‘‘Center-provided vehicle” means a vehicle owned or leased by the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

SECTION 7. HFS 46.03 (6) is amended to read:

HFS 46.03 (6) ‘‘Child care worker” means a child care teacher or assistant child care teacher in a group ~~day~~ child care center.

SECTION 8. HFS 46.03 (7) is repealed.

SECTION 9. HFS 46.03 (8m), (10m), (11g) and (11r) are created to read:

HFS 46.03 (8m) “Course for credit” means a course that is worth at least 2 credits from an institution of higher education.

(10m)) “Emergency” means situations such as: fire, tornado, flood, extreme outdoor heat or cold, loss of building service including, no heat, water, electricity, or telephone, threats to the building or its occupants, lost or missing children or a circumstance such as a medical emergency, illness or other situation requiring immediate attention that may be disruptive to a child or children in the care of the center.

(11g) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and shall not include any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. HFS 12.

(c) Exercise of unsound judgment.

(11r) “Full day center” means a center that accepts children for care for 5 or more consecutive hours in a day.

SECTION 10. HFS 46.03 (13) is amended to read:

HFS 46.03 (13) ‘‘Group ~~day~~ child care center” or ‘‘center” means a facility where a person for less than 24 hours a day provides care and supervision for 9 or more children who are not related to the provider.

SECTION 11. HFS 46.03 (14g) and (14r) are created to read:

HFS 46.03 (14g) "In care" means enrolled in the center, with the center providing supervision, either on or off the premises, for the safety and the developmental needs of the child or children.

(14r) “Inclement weather” means stormy or severe weather such as any of the following:

(a) Heavy rain.

(b) Temperatures above 90° F.

(c) Wind chills of 0° F. or below for children age 2 and above.

(d) Wind chills of 20° F. or below for children under age 2.

SECTION 12. HFS 46.03 (17) and (18) are amended to read:

HFS 46.03 (17) ‘‘Licensee” means the corporation, individual, partnership or non-incorporated association or cooperative which has legal and financial responsibility for the operation of a ~~day~~ child care center and for meeting the requirements of this chapter.

(18) “Licensing representative” means a department employee responsible for licensing group ~~day~~ child care centers.

SECTION 13. HFS 46.03 (18m) is created to read:

HFS 46.03 (18m) “Mildly ill” means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. HFS 145.

SECTION 14. HFS 46.03 (19) is amended to read:

HFS 46.03 (19) ‘‘Night care ~~center~~” means ~~a~~ any care that is offered by a licensed group ~~day~~ child care center ~~which operates during any period of time~~ between 9:00 p.m. and 5:00 a.m.

SECTION 15. HFS 46.03 (22g), (22r), (26m) and (29m) are created to read:

HFS 46.03 (22g) “Part day center” means a center where a defined group of children attend for a specified period of time that is less than 5 consecutive hours in length.

(22r) “Physical Restraint” means the use of physical force to restrict the free movement of all or part of a child’s body.

(26m) “Representative of the department” means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

(29m) “Sudden infant death syndrome” or “SIDS” means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

SECTION 16. HFS 46.03 (33) and (34) are amended to read:

(33) “Universal precautions” means measures taken to prevent transmission of infection from contact with blood or other ~~body fluids or materials having blood or other body fluids on them~~ potentially infectious material, as recommended by the U.S. public health service's centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

(34) ‘‘Volunteer” means a person who agrees to give time, without compensation, to transport children ~~to and from~~ attending a group ~~day~~ child care center or to work with children in a group ~~day~~ child care center.

SECTION 17. HFS 46.03 (33) (note) and (35) are created to read:

HFS 46.03 (33) **Note**: "Standard precautions" for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA web site at http://www.osha.gov. Information is also available from the Child Care Information Center, 1-800-362-7353.

(35) "Wading pool" means a shallow pool, with sides 15 inches or less in height, capable of being dumped to change water and used primarily for small children.

SECTION 18. HFS 46.04 (2) (intro), (c), (f), (g), (i) 2. and 6., 8. (note) and (m) are amended to read:

HFS 46.04 (2) ADMINISTRATION. A group ~~day~~ child care center licensee shall do all of the following:

(c) Ensure that all information provided to the department is current and accurate.

(f) Prior to receiving or continuing a license, ~~Complete~~ complete all application forms and pay all fees and forfeitures due to the department.

(g) Submit to the department a certificate of insurance reflecting ~~current dates of coverage for all of the following~~:

1. Current dates of coverage for all of the following:

a. General liability insurance which provides coverage with limits of not less than $25,000 for each person and total limits of $75,000 for each occurrence.

~~2.~~ b. Vehicle liability insurance, when transportation is provided by the center, with minimums no less than those specified in s. 121.53, Stats.

~~3.~~ c. Non-owned vehicle liability insurance when transportation is provided in vehicles not owned by the center, excluding public transportation vehicles and chartered vehicles, with minimums no less than those specified in s. 121.53, Stats.

2. An indication that pets are included in the liability coverage if cats or dogs are permitted in areas of the center accessible to children during the hours of operation.

(i) 2. Health care. If the center is licensed to care for children under one year of age, Sudden Infant Death Syndrome risk reduction procedures shall be included.

6. ~~Action~~ Contingency plans to be ~~taken~~ followed in the event of a fire ~~or tornado~~, tornado or other emergency.

Note: Under the state public accommodation law, s. ~~106.04~~ 101.22, Stats., as well as federal statutes and regulations related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, handicap, religion or certain other characteristics may be illegal.

(m) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the ~~day~~ child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

SECTION 19. HFS 46.04 (3) (a), (f) and (g) are amended to read:

HFS 46.04 (3) (a) Any ~~accident resulting in the~~ death of a child ~~while~~ in the care of the center or any accident that results in an ~~a serious~~ injury requiring professional medical treatment ~~such as but not limited to a broken bone, a burn, a concussion, a wound requiring stitches, or the ingestion of poison~~ while the child is in the care of the center. The ~~report~~ department shall ~~be received by the department~~ receive the report within 48 hours after the occurrence.

Note: The licensee may use either the Department's form CFS-0055, Child Care Accident Report, or the licensee's own form to report accidents. Information on how to obtain the Department's form is in Appendix E.

(f) ~~The~~ If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., ~~on a form provided~~ in a format specified by the department ~~which is approved by the licensing representative and is received by the specified date~~. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

Note: The licensing representative will notify the licensee if a plan of correction is required and provide the plan of correction format with the notification.

(g) Any known convictions, pending charges or other offenses of the licensee, ~~day~~ child care center employees, or other persons subject to ~~criminal record~~ checks a caregiver background check which could potentially relate to the care of children at the center or activities of the center.

Note: See s. HFS 46.04 (8) on reporting suspected child abuse, s. HFS 46.04 (6) (c) on maintaining a center medical log book and s. HFS 46.07 (6) (a) 2. on logging injuries in a center medical log.

SECTION 20. HFS 46.04 (3) (h) to (L) and Notes are created to read:

HFS 46.04 (3) (h) Any change in room usage, such as changing the way rooms are primarily used by children or using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(i) Any incident related to a child who leaves the premises of the center without the knowledge of the provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the occurrence.

(j) Any suspected abuse or neglect of a child by a staff member that was reported under s. HFS 46.04 (8) (a) or any inappropriate discipline of a child by a staff member during the child's hours of attendance within 24 hours after the occurrence.

(k) Any incident involving law enforcement within 24 hours after the occurrence that:

1. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center.

2. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center.

(L) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be provided in writing before the construction or remodeling begins.

Note: See s. HFS 46.11 (5) (a) for items that affect a condition of the license.

Note: It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

SECTION 21. HFS 46.04 (5) (a) 1. (note) is created to read:

HFS 46.04 (5) (a) 1. **Note:** The licensee may use the Department's form CFS-0053, Child Care Staff Record, or the licensee's own form for recording staff information. Information on how to obtain the Department's form is in Appendix E.

SECTION 22. HFS 46.04 (5) (a) 2. and 3. are repealed and recreated to read:

HFS 46.04 (5) (a) 2. A background information disclosure form, completed prior to the employee's first day of employment and every 4 years thereafter, that does not reveal any information which may preclude the person's employment under s. 48.685, Stats., or ch. HFS 12.

Note: The Department's form HFS-64, Background Information Disclosure, is used for reporting employee background information. Information on how to obtain the form is in Appendix E.

3. A complete caregiver background check as specified in s. 48.685, Stats., and ch. HFS 12 including the results of any subsequent investigation related to information obtained as part of the background check within 60 days of employment and every 4 years thereafter.

SECTION 23. HFS 46.04 (5) (a) 5. (note) is created to read:

HFS 46.04 (5) (a) 5. **Note:** The licensee may use either the Department's form CFS-0053A, Child Care Staff Continuing Education Record, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department's form is in Appendix E.

SECTION 24. HFS 46.04 (6) (a) (intro) is amended to read:

HFS 46.04 (6) (a) CHILDREN'S RECORDS. (a) The licensee shall maintain a current written record <u>obtained prior to the child's first day of attendance or subsequent re-enrollment</u> at the center on each child enrolled and shall make the record available to the licensing representative on request. Each record shall include all of the following:

SECTION 25. HFS 46.04 (6) (a) (note), 1. i. (note), 2. (note), 3. (note), 4. (note), 5. (note) and 6. (note) are created to read:

HFS 46.04 (6) (a) **Note:** The Department's form CFS-2344, Health History and Emergency Care Plan, is used for health history information. Information on how to obtain the form is in Appendix E.

1. i. **Note:** See HFS 46.09 (1) (a) which specifies what written information must be obtained from the parent of an infant or toddler. The licensee may use either the Department's form CFS-0061, Child Care Intake for Child under 2 Years, or the licensee's own form for recording information about each child under 2 years of age. Information on how to obtain the Department's form is in Appendix E.

2. **Note:** The licensee may use either the Department's form CFS-0062 or CFS-0062A Child Enrollment Form, or the licensee's own form to obtain consent of the child's parent for

emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

3. **Note:** The licensee may use either the Department's form CFS-0056, Child Care Center Transportation Permission, or the licensee's own form to obtain authorization to transport children to and from the Center. Information on how to obtain the Department's form is in Appendix E.

4. **Note:** The licensee may use either the Department's form CFS-0058 or CFS-0058A, Child Care Field Trip or Other Activity Notification, or the licensee's own form for securing parental information. The Department's form CFS –62 and CFS-0062A also contain authorization from a parent to participate in field trips if the center chooses to use that form. Information on how to obtain the Department's form is in Appendix E.

5. **Note:** The licensee may use either the Department's form CFS-0104, Child Care School-Age Agreement, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain the Department's form is in Appendix E.

6. **Note:** The Department's form CFS-2344 Health History and Emergency Care Plan is used for health history information. Information on how to obtain the form is in Appendix E.

SECTION 26. HFS 46.04 (6) (a) 6. is amended to read:

HFS 46.04 (6) (a) 6. Documentation of each child's health ~~and immunization~~ history on a form provided by the department.

SECTION 27. HFS 46.04 (6) (a) 6m. is created to read:

HFS 46.04 (6) (a) 6m. Documentation of each child's immunization history.

Note: The Department's form DPH-4192, Child Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health care provider may be used in place of DPH-4192 or DPH 4192S. Information on how to obtain the form is in Appendix E.

SECTION 28. HFS 46.04 (6) (a) 7. (note) and (c) 2. (note) are created to read:

HFS 46.04 (6) (a) 7. **Note:** The licensee may use either the Department's form CFS-0057, Child Care Informed Consent for Observation or Testing by an Outside Agency, or the licensee's own form for securing the parent's written consent. Information on how to obtain the Department's form is in Appendix E.

(c) 2. **Note:** See s. HFS 46.07 (6) (f) and (j) for information on recording entries in the center medical log book.

SECTION 29. HFS 46.04 (7) (intro), (8) (a), (b) (intro), and 3. and (note) are amended to read:

HFS 46.04 (7) CONFIDENTIALITY. The licensee is responsible for the compliance of ~~day~~ child care center employees and volunteers with s. 48.78, Stats., and this subsection. The licensee shall ensure that:

(8) REPORTING CHILD ABUSE. (a) A licensee, employee or volunteer at a ~~day~~ child care center who knows or has reasonable cause to suspect that a child has been abused or neglected

as defined in ss. 48.02 (1) and ~~s.~~ 48.981 (1), Stats., shall immediately contact the county department of social services or human services or a local law enforcement agency, as required by s. 48.981, Stats.

(b) The licensee shall ensure that every employee and volunteer who comes in contact with the children at the ~~day~~ child care center has received training every 2 years in all of the following:

3. The ~~process~~ procedure for ~~reporting~~ ensuring that known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

Note: ~~Copies of forms mentioned in this section may be obtained from the Forms Center, Division of Children and Family Services, P.O. Box 7851, Madison, Wisconsin 53707-7851~~ See s. HFS 46.04 (3) (j) on reporting suspected abuse of a child by a staff member to the Department.

SECTION 30. HFS 46.05 (title) and (1) (a) are repealed and recreated to read:

HFS 46.05 Staffing. (1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF. (a) *Competency*. A child care worker, including the center administrator, center director, child care teachers, assistant teachers, and volunteers counted in the staff to child ratio shall be physically, mentally and emotionally able to provide responsible care for children.

SECTION 31. HFS 46.05 (1) (b) 3. b. and (c) 5. (intro) are amended to read:

HFS 46.05 (1) (b) 3. b. One year of experience as a center director or child care teacher in a licensed ~~day~~ child care center or kindergarten or satisfactory completion of one non-credit department-approved course or one course for credit in early childhood education or its equivalent.

(c) 5. Before a person assumes the position of center director for a center licensed to serve 50 or fewer children, the person shall have completed or obtained~~, as shown in Table 46.06-A,~~ one of the ~~following:~~ training and experience combinations shown in Table 46.05-A.

SECTION 32. HFS 46.05 (1) (c) 5. a. to i. are repealed.

SECTION 33. Table 46.05-A and 6. (intro) are amended to read:

Table 46.05-A **EDUCATION AND EXPERIENCE QUALIFICATIONS FOR THE DIRECTOR OF A CENTER LICENSED TO SERVE UP TO 50 CHILDREN WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION**		
Post-Secondary Education Including Degree, License, Credentials or Certificate		**Experience in A Licensed ~~Day~~ Child Care Center Or a Kindergarten**
1.	2 non-credit department-approved courses in early childhood education~~ prior to employment~~.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.

2.	2 years of credit from an institution of higher education with at least 3 credits in early childhood education or its equivalent.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
3.	2 courses for credit in early childhood education or its equivalent ~~prior to employment and within 18 months, one additional course for credit~~.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
4.	One year child care diploma from an institution of higher education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
5.	~~One year of an~~ An associate ~~of arts~~ degree in early childhood education or child care from an institution of higher education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
6.	Child development associate (CDA) credentials issued by the council for early childhood professional recognition.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
7.	30 credits from an institution of higher education, including 2 courses for credit in early childhood education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
8.	License from the Wisconsin department of public instruction to act as a pre-kindergarten or early childhood exceptional educational needs teacher.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
9.	Certificate from American montessori society, ~~or~~ association montessori international, or montessori accreditation council for teacher education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
10.	Certificate from the bureau of apprenticeship standards as a child development specialist.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.

6. Before a person assumes the position of center director for a center licensed to serve 51 or more children, the person shall have completed or obtained~~, as shown in Table 46.05-B,~~ one of the ~~following:~~ training and experience combinations shown in Table 46.05-B.

SECTION 34. HFS 46.05 (1) (c) 6. a. to f. are repealed.

SECTION 35. Table 46.05-B and (d) 3. (intro) are amended to read:

Table 46.05-B

EDUCATION AND EXPERIENCE QUALIFICATIONS FOR THE DIRECTOR OF A CENTER LICENSED TO SERVE 51 OR MORE CHILDREN WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION		
Post-Secondary Education Including Degree, License, Credential Or Certificate		**Experience in a Licensed ~~Day~~ Child Care Center Or a Kindergarten**
1.	4 non-credit department-approved courses in early childhood education or its equivalent ~~prior to assuming the position~~.	2 years as a child care teacher or center director.
2.	2 years of credit from an institution of higher education with at least 12 credits in early childhood education or its equivalent.	2 years as a child care teacher or center director.
3.	4 courses for credit in early childhood education or its equivalent from an institution of higher education.	2 years as a child care teacher or center director.
4.	An associate ~~of arts~~ degree in early childhood education or child care from an institution of higher education.	2 years as a child care teacher or center director.
5.	60 credits from an institution of higher education, including 4 courses for credit in early childhood education.	2 years as a child care teacher or center director.
6.	License from Wisconsin department of public instruction to act as a pre-kindergarten or early childhood exceptional educational needs teacher.	2 years as a child care teacher or center director.

(d) 3. Prior to assuming the position, a person hired to be a child care teacher shall be qualified in one of the ~~following ways, as~~ training and experience combinations shown in Table 46.05-C~~:~~.

SECTION 36. HFS 46.05 (1) (d) 3. a. to i. are repealed.

SECTION 37. Table 46.05-C is amended to read:

Table 46.05-C		
EDUCATION AND EXPERIENCE QUALIFICATIONS FOR A CHILD CARE TEACHER WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION		
Post-Secondary Education Including Degree, License, Credential Or Certificate		Experience in a Licensed ~~Day~~ Child Care Center Or a Kindergarten
1.	2 non-credit department-approved courses in early childhood education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care

		teacher.
2.	2 years of credit from an institution of higher education with at least 3 credits in early childhood education or its equivalent.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
3.	2 courses for credit in early childhood education or its equivalent from an institution of higher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
4.	One year child care diploma from an institution of higher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
5.	~~One year of an~~ An associate ~~of arts~~ degree in early childhood education or child care from an institution of higher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
6.	Child development associate credential issued by the council for early childhood professional recognition.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
7.	30 credits from an institution of higher education, including 2 courses for credit in early childhood education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
8.	Certificate from American montessori society, ~~or~~ association montessori international or montessori accreditation council for teacher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
9.	License from the Wisconsin department of public instruction to act as a pre-kindergarten or early childhood exceptional educational needs teacher.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
10.	Certificate from the bureau of apprenticeship standards as a child development specialist.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.

Note: Non-credit courses entitled *Introduction to the Child Care Profession* and *Skills and Strategies for the Child Care Teachers* offered by agencies approved by the department meet the training requirements specified in item 1 in table 46.05-C.

SECTION 38. HFS 46.05 (1) (e) 2. a. (note) is created to read:

Note: *Introduction to the Child Care Profession* is the name of the non-credit course approved by the Department to meet the entry level training requirements for a child care assistant teacher.

SECTION 39. HFS 46.05 (1) (g) (note) is repealed and recreated to read:

HFS 46.05 (1) (g) **Note:** Information about how to obtain a certificate may be obtained from The Registry, 2517 Seiferth Rd., Madison, WI 53716 or by calling 608-222-1123.

SECTION 40. HFS 46.05 (1) (j) 4. is renumbered 5.

SECTION 41. HFS 46.05 (1) (j) 3. is repealed and recreated to read:

HFS 46.05 (1) (j) 3. No licensee, employee, volunteer, visitor or parent with symptoms of serious illness or a communicable disease transmitted through normal contact reportable under ch. HFS 145 which presents a present safety or health risk to children may be in contact with the children in care.

4. a. No licensee, employee, volunteer, visitor, or parent whose behavior gives reasonable concern for the safety of children may be in contact with the children in care.

b. The department may require a licensee, employee or other person in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

Note: See also s. HFS 46.11 (1) (f) which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical or mental health of a person may endanger children in care.

SECTION 42. HFS 46.05 (1) (j) 1. b. (note) is created to read:

HFS 46.05 (1) (j) 1. b. **Note:** The Department's form CFS-0054, Child Care Provider Staff Health Report, is used for recording physical examination information. Information on how to obtain the form is in Appendix E.

SECTION 43. HFS 46.05 (2) (a) (intro), 3., 6. (note), 8. and 11. are amended to read:

HFS 46.05 (2) STAFF DEVELOPMENT. (a) *Orientation*. Except as provided under subd. 2., ~~Each~~ each center shall develop and implement a written orientation program which all new employees, substitutes and regularly scheduled volunteers shall complete and document within their first week at the center. The orientation program shall cover all of the following:

3. ~~Training in emergency procedures,~~ Review of the center contingency plans required under s. HFS 46.04 (2) (i), including fire and tornado evacuation plans ~~including~~ and the operation of fire extinguishers.

6. **Note:** A copy of the universal precautions may be obtained from the Child Care Information Center by calling 800-362-7353 or from the Occupational Health Section, Bureau of ~~Occupational Health, Division of~~ Public Health, ~~1414 East Washington Avenue~~ 1 W. Wilson St., Madison, Wisconsin 53703.

8. Review of child abuse and neglect laws and center reporting procedures.

11. ~~The integration of children with disabilities into the program.~~ Procedure for sharing information related to a child's special health care needs including any physical, emotional, social

or cognitive disabilities with any child care worker who may be assigned to care for that child throughout the day.

Note: The licensee may use the Department's form CFS-2026, Group Child Care Staff Orientation Checklist for documenting staff orientation. Information on how to obtain the Department's form is in Appendix E.

SECTION 44. HFS 46.05 (2) (a) 12. and (note) are created to read:

HFS 46.05 (2) (a) 12. Review of procedures to reduce the risk of sudden infant death syndrome prior to an employee's or volunteer's first day of work, if the center is licensed to care for children under one year of age.

Note: The licensee may use the Department's form CFS-2026, Group Child Care Staff Orientation Checklist for documenting staff orientation. Information on how to obtain the Department's form is in Appendix E.

SECTION 45. HFS 46.05 (2) (c) 3. to 7. are repealed and recreated to read:

HFS 46.05 (2) (c) 3. Continuing education hours may be used to meet the continuing education requirement during the year in which the hours are earned and for the 2 years following that year.

4. Continuing education courses taken for credit through an institution of higher education may be used to meet the continuing education requirement during the year the credits were earned and for the following 2 years.

5. Assistant child care teachers who are currently enrolled in their first entry level course are not required to earn continuing education hours for that calendar year.

6. All staff members in regular contact with children shall obtain and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation within 6 months after beginning to work with children. The time spent obtaining or renewing cardiopulmonary resusitation training may be counted towards the required continuing education hours.

7. Types of training acceptable to meet continuing education requirements shall be limited to:

a. Formal courses resulting in credits or continuing education units.

b. Workshops, conferences, seminars, lectures, correspondence courses and home study courses.

c. Training offered by the child care center through the use of guest or staff trainers.

d. Documented observation time in other early childhood programs.

8. Continuing education experiences may be in the areas of early childhood education, child development, child guidance, health, caring for children with special needs, first aid, nutrition as it pertains to child development, supervision of staff or the business or administrative aspects of the operation of a child care center or in communication skills.

9. Independent reading and watching of educational materials may be counted for up to 5 hours of continuing education per year for each person required under par. (c) 1. to have 25 hours of continuing education, and up to 2.5 hours of continuing education per year for each person required under par. (c) 2. to have 15 hours of continuing education.

10. Each administrator and center director shall complete at least 10 hours of training in supervision or personnel management within one year of assuming the position as part of the annual continuing education requirement, if they have not previously received that training.

Note: The licensee may use either the Department's form CFS-0053A, Child Care Staff Continuing Education Record, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department's form is in Appendix E.

SECTION 46. HFS 46.05 (3) (g) is created to read:

HFS 46.05 (3) (g) A child may not be released to any person who has not been previously authorized by the parent.

SECTION 47. HFS 46.05 (4) (e) (intro) and 1. are amended to read:

HFS 46.05 (4) (e) During naptime~~ for children 2 years of age and older~~, an adjustment in group size and staff-to-child ratios in Table 46.05-D may be made as follows:

1. One child care worker shall be within sight or sound of each group of ~~resting~~ sleeping children. If at least one child is awake, sight and sound supervision of awake children is required.

SECTION 48. HFS 46.05 (4) (f) (note) is created to read:

HFS 46.05 (4) (f) **Note:** The licensee may use the Department's form CFS-0078, Child Care Staff-Child Ratio Worksheet – Group Child Care Centers, to adjust the staff-to-child ratio. Information on how to obtain the Department's form is in Appendix E.

SECTION 49. HFS 46.05 (4) (k) 2. (note) is repealed.

SECTION 50. HFS 46.06 (title), (1) (a) and (2) (h) and (i) are amended to read:

HFS 46.06 Physical plant and ~~furnishings~~ equipment. (1) BUILDING. (a) The building in which a center is located shall comply with applicable state and local building codes. The licensee shall maintain a report of inspection of the building, which specifies that the building ~~has been approved under chs. Comm 61 to 65~~ meets the applicable Wisconsin commercial building codes for use as a group ~~day~~ child care center~~by an inspector employed by a municipality certified by the Wisconsin department of commerce~~.

Note: Inspections can be obtained by a commerical building inspector employed by a municipality certified by the Wisconsin Department of Commerce, an commercial building inspector certified by the Department of Commerce in accordance with chapter Comm 5, "Licenses, Certifications, and Registration," or a Wisconsin architect registered in accordance with chapter A-E 3, Architect Registration, or a Wisconsin engineer registered in accordance with chapter A-E 4, Professional Engineer Registration.

(h) Smoking is prohibited ~~in any indoor or outdoor area of the center in which children are allowed, on any day the center is in operation, regardless of whether~~ on the premises of the center when the children are present.

Note: See s. HFS 46.03 (25) for the definition of premises.

(i) ~~Alcoholic~~ A licensee, employee, volunteer or other individual in contact with children may not consume alcoholic beverages ~~and~~ or any non-prescribed controlled substance~~s~~ ~~as~~ specified in ~~schedules I to V of subch. II of~~ch. 961, Stats., ~~may not be consumed~~ on the premises of the ~~day care~~ center or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the center's operation.

SECTION 51. HFS 46.06 (2) (k) and (L) are created to read:

HFS 46.06 (2) (k) A hot tub located in a room or area accessible to children shall have a visible, locked, rigid cover or be enclosed by a locked fence at least 4 feet tall. The lock shall be installed so that the lock is inaccessible to children.

(L) If a hot tub is located in a room or area not intended for use by children, access to the room or area shall be controlled through the use of a visibly locked door. The lock shall be installed so that the lock is inaccessible to children.

SECTION 52. HFS 46.06 (3) (b) and (c) are amended to read:

HFS 46.06 (3) (b) Make sure that all staff members know what their duties are if there is a fire ~~or~~, tornado ~~or a~~, tornado warning, or other emergency.

(c) Keep a written record of dates and times of the monthly fire or tornado practice.

Note: The licensee may use the Department's form CFS-00543, Group Child Care Center Fire and Safety Checklist, to record dates and times of the monthly fire or tornado practice. Information on how to obtain the form is in Appendix E.

SECTION 53. HFS 46.06 (4) (j) (note) is created to read:

Note: The licensee may use the Department's form CFS-00543, Group Child Care Center Fire and Safety Checklist, to document the results of the weekly testing of fire alarms and smoke detectors. Information on how to obtain the form is in Appendix E.

SECTION 54. HFS 46.06 (6) (b) 2. is amended to read:

HFS 46.06 (6) (b) 2. A center serving children under 6 months of age shall have the water tested annually for nitrate levels. ~~If nitrate levels in the water are determined to be over 10 milligrams per liter, the department may require an alternate water source for children under 6 months of age.~~

SECTION 55. HFS 46.06 (6) (b) 3. and (note) and (8) (g) (note) are created to read:

HFS 46.06 (6) (b) 3. If water test results indicate the water is bacteriologically unsafe or has nitrate levels that exceed the recommended limits, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe.

Note: Centers using a private well that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non community water system (NTNC) and must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest Department of Natural Resources from the list at:
www.dnr.state.wi.us/org/caer/cs/ServiceCenter/SSbyRegion.html

(8) (g) **Note:** See Appendix D for information on safe cribs and playpens.

SECTION 56. HFS 46.06 (9) (b) 3. c., 4. b. and (c) 1. are amended to read:

HFS 46.06 (9) (b) 3. c. Sanitize by submerging dishes and utensils for at least 2 minutes in a solution of ~~a~~ 1½ teaspoons of bleach per gallon of water or another sanitizer approved by the department.

4. b. For washing in hometype dishwashers with a temperature setting of between 130° and 150°F., dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in a solution of ~~a~~ 1½ teaspoons bleach per gallon of water or another sanitizer approved by the department.

(c) *Food sources.* 1. Food shall be clean, wholesome, free from spoilage, free from adulteration or misbranding and safe for human consumption. Meat, poultry, fish, molluscan shellfish, eggs and dairy products shall be from an inspected source.

SECTION 57. HFS 46.06 (9) (c) 3m. and (note) are created to read:

HFS 46.06 (9) (c) 3m. Meals shall be prepared on the premises, in a central kitchen operated by the child care center or in another location that has been inspected by a representative of a state agency.

Note: Chapter HFS 196 of the administrative rules address restaurants and other public eating establishments. Chapter ATCP 75 of the administrative rules address retail food establishments.

SECTION 58. HFS 46.06 (9) (f) 5., (g) 1. c., (10) (a), Table 46.06 (title), (10) (b) and (11) (b) 1. and 2. a. are amended to read:

HFS 46.06 (9) (f) 5. ~~Frozen~~ Potentially hazardous frozen foods shall be ~~defrosted~~ thawed in the refrigerator, under cold running water or on the defrost setting in a microwave oven. No potentially hazardous frozen food may be ~~defrosted~~ thawed by leaving it at room temperature.

(g) 1. c. Wash their hands with soap and warm running water before starting work, before and after handling food, and after using the toilet. Hands shall be dried with single use towels.

(10) (a) WASHROOM AND TOILET FACILITIES. (a) A group ~~day~~ child care center shall provide at least the number of washbasins and toilets with plumbing indicated in Table 46.06. Urinals may be substituted for up to 1/3 of the total required toilets.

Table 46.06 **MINIMUM NUMBER OF WASHBASINS AND TOILETS REQUIRED IN GROUP ~~DAY~~ CHILD CARE CENTERS**		
Maximum Number of Children	Number of Toilets	Number of Washbasins

for Which the Center is Licensed		
9 or 10	1	1
11 to 25	2	1
26 to 40	3	2
41 to 55	4	2
56 to 70	5	3

(b) When a center is licensed for more than 70 children, one additional toilet shall be provided for each additional 15 children or fraction thereof and washbasins shall be provided in the ratio of one for every 2 additional toilets and urinals or fraction thereof. ~~Urinals may be substituted for up to 1/3 of the total required toilets.~~

(11) (b) 1. ~~'Location.'~~ The outdoor play space shall be on the premises of the center.

2. ~~'Amount of space' a.~~ There shall be at least 75 square feet of outdoor play space for each child 2 years of age and older using the space at a given time.

SECTION 59. HFS 46.06 (11) (b) 2. b. to d. and 3. a. to d. are renumbered HFS 46.06 (11) (b) 3. to 9., and HFS 46.06 (11) (b) 3. and 6., as renumbered, are amended to read:

HFS 46.06 (11) (b) 3. There shall be at least 35 square feet of outdoor play space for each child under 2 years of age using the space at a given time except as provided in subd. ~~2. c.~~ 4.

6. ~~'Features.'~~ The outdoor play space shall be well-drained and shall be free of hazards such as uncovered wells, cisterns and unused appliances. Structures such as playground equipment, railings, decks and porches accessible to children that have been constructed with CCA treated lumber shall be sealed with an exterior oil based sealant or stain.

SECTION 60. HFS 46.06 (11) (c) 1m. is created to read:

HFS 46.06 (11) (c) 1m. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under par. (b) for a center's outdoor play space.

SECTION 61. HFS 46.06 (11) (c) 2. (intro) and e. (note) are amended to read:

HFS 46.06 (11) (c) 2. ~~A center wanting to use an off-premises play space may ask the department~~ A request for an exemption ~~from the requirements under par. (b) for a center's outdoor play space. The request for an exemption~~ under subd. 1m. shall be in writing and shall be accompanied by a plan for outdoor play space which does all the following:

e. **Note:** Send the request for an exemption and the off-premises outdoor play space plan to the ~~licensing representative at the~~ appropriate ~~field~~ regional office ~~of the Department's Division of Children and Family Services. See~~ in Appendix A ~~for addresses of the field offices~~.

SECTION 62. HFS 46.06 (12) is repealed and recreated to read:

HFS 46.06 (12) SWIMMING AREAS. (a) Above ground and in ground swimming pools on the premises may not be used by children in care and shall be enclosed by a 6 foot fences with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 4 inches or less.

(b) A wading pool may be used if the water is changed and the pool is disinfected daily.

(c) A swimming pool or beach that is not located on the center premises may be used by children, if all the following conditions are met.

1. The construction and operation of the pool shall meet the requirements of chs. Comm 90 and HFS 172 for public swimming pools. A beach shall comply with any applicable local ordinance.

2. Certified lifesaving personnel shall be on duty.

3. While children are in the water of a pool or beach other than a wading pool, staff-to-child ratios for child care workers who can swim shall be:

a. For children under 3 years of age: 1:1.

b. For children 3 years of age: 1:4.

c. For children 4 and 5 years of age: 1:6.

d. For children 6 years of age and older: 1:12.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on the number of children in the water and each child's age.

Note: A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department. Requests may be made to the licensing representative or regional licensing office listed in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

SECTION 63. HFS 46.07 (1) (a) (intro), (2) (b), (e) (intro), 1. and 3., (f) (note), (3) (d) (note), Table 46.07 (title), (5) (a) 4. (note) and 9. are amended to read:

HFS 46.07 (1) (a) Each group ~~day~~ child care center shall have a written program of activities which are suitable for the developmental level of each group of children. The program shall provide each child with experiences which will promote all of the following:

Note: The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at http://www.collaboratingpartners.com/ or through the Child Care Information Center at 1-800-362-7353.

(2) (b) Each ~~day~~ child care center shall have a written policy which provides for positive guidance, redirection and the setting of clear-cut limits for the children. The policy shall be designed to help a child develop self-control, self-esteem and respect for the rights of others.

(e) Actions ~~which~~ that are aversive, cruel or humiliating ~~or frightening to a child~~ , and actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include:

1. Spanking, hitting, pinching, shaking, slapping, twisting or inflicting any other form of corporal punishment.

3. ~~Binding~~ Physical restraint, binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.

(f) **Note:** Inappropriate discipline of a child by a staff member must be reported to the department within 24 hours after the occurrence under s. HFS 46.04 (3) (j).

(3) (d) **Note:** ~~Lists suggesting kinds and numbers of play equipment for centers are~~ Information on selecting play equipment is available from the Child Care Information Center, ~~2109 S. Stoughton Rd., Madison, WI 53716,~~ 1-800-362-7353~~, Madison, Wisconsin 53716~~.

Table 46.07	
MEAL AND SNACK REQUIREMENTS FOR EACH CHILD IN A GROUP ~~DAY~~ CHILD CARE CENTER	
Time a Child is Present	**Number of Meals and Snacks**
At least 2½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
At least 10 or more hours	2 meals and 2 or 3 snacks

(5) (a) 4. **Note:** See ~~Appendix~~ Appendices B and C for information on the U.S. department of agriculture child and adult care food program minimum meal requirements.

9. A special diet, based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written instruction of a child's physician and upon request of the parent.

SECTION 64. HFS 46.07 (5) (a) 9m. is created to read:

HFS 46.07 (5) (a) 9m. A special diet based on a food allergy may be served upon the written request of the parent.

SECTION 65. HFS 46.07 (6) (d) 5. (intro), (e) 1., 2. and 3. (note), (f) 1., a. and (note) and c. are amended to read:

HFS 46.07 (6) (d) 5. The center follows and implements procedures in a written plan for the provision of care to mildly ill children approved and signed by a licensed physician, or a pediatric or family nurse practitioner which covers all of the following:

(e) *Communicable disease*. 1. A child with a reportable communicable disease specified in ch. HFS 145 may not be admitted to or be permitted to remain in a ~~day~~ child care center during the period when the disease is communicable.

2. When it is determined that a child enrolled in a ~~day~~ child care center has a reportable communicable disease under ch. HFS 145 transmitted through normal contact, such as chicken pox, German measles, infectious hepatitis, measles, mumps, scarlet fever or meningitis, the local public health officer and the parents of exposed children shall be notified.

3. **Note:** ~~A chart with information is available from the Child Care Information Center, 2109 S. Stoughton Rd., Madison, WI 53716,1-800-362-7353~~ The Wisconsin Division of Public Health has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child must be excluded from the center. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center at 800-362-7353.

(f) *Medications*. 1. Center staff may give prescription or non-prescription medication, such as ~~aspirin~~ pain relievers or cough medicine, to a child ~~or apply parent-provided and labeled sunscreen or insect repellant to a child~~ only under the following conditions:

a. A written authorization that includes the child's name and birthdate, name of medication, administration instructions, medication intervals and length of the authorization dated and signed by the parent is on file. Blanket authorizations that exceed the length of time specified on the label are prohibited.

Note: The Department's form CFS-0059 or CFS-0059A, Authorization to Administer Medication, is used to obtain the parent's authorization to provide medications. Information on how to obtain the form is in Appendix E.

c. A written record, including type of medication given, dosage, time, date and the name or initials of the person administering the medication, shall be made in the center medications and injury log book on the same day that the medication is administered. ~~The recording of the application of sunscreen or insect repellant is not required.~~

Note: See s. HFS 46.04 (6) (c) on maintaining a center medications and injury log book.

SECTION 66. HFS 46.07 (6) (f) 2. and 3. are renumbered 3. and 4.

SECTION 67. HFS 46.07 (6) (f) 2. , (k) 5. (note) and (L) note are created to read:

HFS 46.07 (6) (f) 2. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the brand and ingredient strength of the sunscreen or repellant. Authorizations shall be reviewed every 6 months and updated as necessary. The recording of the application of sunscreen or insect repellent is not required.

(k) 5. **Note**: The Department's form CFS-22344, Health History and Emergency Care Plan, is used to record a child's health history. Information on how to obtain the form is in Appendix E.

(L) **Note:** The Department's form DPH-4192 or DPH-4192S, Day Care Immunization Record, is used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health care provider may be used in place of DPH-4192 or DPH 4192S. Information on how to obtain the form is in Appendix E.

SECTION 68. HFS 46.07 (6) (j) 5. and 9., (k) 3. (notes) and 5. are amended to read:

HFS 46.07 (6) (j) 5. Each center shall have a supply of bandages, tape, ~~bandaids~~ and Band-Aids ~~and syrup of ipecac~~.

9. Records of injuries shall be reviewed by the director or designated person with staff ~~at least twice each year~~ every 6 months in order to determine that all possible preventive measures are being taken. There shall be documentation in the medications and injury log book that reviews have taken place.

Note: See s. HFS 46.04 (6) (c) on maintaining a center medications and injury log book.

(k) 3. **Note:** ~~Copies of the health examination report form are available from the Forms Center, Division of Children and Family Services, P.O. Box 7851, Madison, Wisconsin 53707~~ The Department's form CFS-0060 or CFS-0060A, Child Health Report, is used to record health examination information. Information on how to obtain the form is in Appendix E.

Note: ~~Any of the following, eligible to be certified as a HealthCheck provider, is authorized to sign a health examination report:~~ A HealthCheck provider is a medical professional associated with or employed by an outpatient hospital facility, a health maintenance organization, a visiting nurse association, a clinic operated under a physician's supervision, a local public health agency, a home health agency, a rural health clinic, an Indian health agency or a neighborhood health center.

5. A child's health history on a form prescribed by the department completed by the child's parent shall be on file at the center by the first day of attendance. Information contained on the health history form shall be shared with any child care worker assigned to care for the child.

SECTION 69. HFS 46.07 (7) is repealed and recreated to read:

HFS 46.07 (7) PETS AND ANIMALS. (a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center.

(d) Reptiles, amphibians, turtles, ferrets, poisonous animals, psittacine birds, exotic and wild animals may not be accessible to children.

Note: Psittacine birds are hooked-billed birds of the parrot family that have 2 toes forward and 2 toes backward and include parrots, macaws, grays, lovebirds and cockatoos.

(e) All contact between pets or animals and children shall be under the close supervision of a child care worker who is close enough to remove the child immediately if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.

(f) Pets, pet feeding dishes, cages and litter boxes are prohibited in any food preparation, storage or serving areas. Pet and animal feeding dishes and litter boxes may not be placed in areas accessible to children.

(g) Indoor and outdoor areas accessible to children shall be free of animal excrement.

(h) If dogs or cats are allowed in areas of the center accessible to children, the certificate of insurance required under s. HFS 46.04 (2) (g) shall indicate the number and types of pets covered by the insurance.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets or animals.

SECTION 70. HFS 46.08 (2) (b) 3. (note) is created to read:

HFS 46.08 (2) (b) 3. **Note:** The licensee may use either the Department's form CFS-0056, Child Care Center Transportation Permission, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

SECTION 71. HFS 46.08 (3) is repealed and recreated to read:

HFS 46.08 (3) (a) The driver of a center-provided vehicle shall be or have all of the following:

1. At least 18 years of age.

2. A valid Wisconsin operator's license for the type of vehicle driven.

3. At least one year of experience as a licensed driver.

(b) The center shall have on file a copy of the driving record of the driver of a center-provided vehicle.

Note: Information on how to obtain driver license records can be obtained by calling the Department of Transportation at 608-266-2353.

SECTION 72. HFS 46.08 (4) (b) is amended to read:

HFS 46.08 (4) (b) Each child under 4 years of age <u>or 40 pounds</u> being transported in a vehicle with a seating capacity of 15 or fewer shall be seated and properly restrained in an individual child car safety seat. Each child <u>age</u> 4 ~~to 8~~years ~~of age~~ <u>and above</u> shall be restrained in an individual vehicle safety seat belt or a car safety seat. <u>Each accompanying adult shall be restrained by an individual seat belt. Seat belts may not be shared.</u>

SECTION 73. HFS 46.08 (4) (d) is created to read:

HFS 46.08 (4) (d) Children under age 13 may not ride in the front seat. If a vehicle has a front passenger side air bag, the air bag shall be deactivated and inoperable during the period a child is a passenger in the front seat.

SECTION 74. HFS 46.08 (5) (d) is amended to read:

HFS 46.08 (5) (d) A seat in the vehicle shall be provided for each child. ~~In determining seating capacity for a vehicle not required to have seat belts, at least 13 inches for seating shall be allowed for a child and 20 inches for an adult.~~ In a vehicle not required to have seat belts, the manufacturer shall determine the capacity of the vehicle.

SECTION 75. HFS 46.08 (7) is repealed and recreated to read:

HFS 46.08 (7) CENTER VEHICLES. (a) A center-provided vehicle shall be in safe operating condition. Except for licensed contract motor carrier vehicles, the licensee shall provide the department evidence of the vehicle's safe operating condition at 12-month intervals on a form the department provides. Licensed contract motor carrier vehicles shall comply with all applicable standards for those vehicles.

Note: The Department's form CFS-0052, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the Department's form is in Appendix E.

(b) A center-provided vehicle, other than a licensed contract motor carrier, shall be equipped with a first aid kit.

SECTION 76. HFS 46.09 (1) (a) is renumbered (am).

SECTION 77. HFS 46.09 (title) and (intro) are amended to read:

HFS 46.09 Additional requirements for infant and toddler care. (1) APPLICABILITY, QUALIFICATIONS AND GENERAL REQUIREMENTS. (a) Group ~~day~~ child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

SECTION 78. HFS 46.09 (1) (a) 6. (note) is created to read:

HFS 46.09 (1) (a) 6. **Note:** The licensee may use the Department's form CFS-0061, Child Care Intake for Child Under 2 Years, or the licensee's own form to record information for individualizing the program of care for each child. Information on how to obtain the Department's form is in Appendix E.

SECTION 79. HFS 46.09 (1) (f) is amended to read:

HFS 46.09 (1) (f) Infants and toddlers are restricted to first floors and ground floors having direct grade-level exits unless the building is in compliance with all applicable building codes that permit children to be cared for on other levels. The building inspection report on file with the licensing office shall indicate that children under 2 years of age may be cared for on other levels of the center.

SECTION 80. HFS 46.09 (1) (j) to (L) and (2) (bm) are created to read:

HFS 46.09 (1) (j) Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Water beds may not be used by children under age 2.

(k) Sheets or blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

(L) Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

(2) (bm) Each child under one year of age shall be placed to sleep on his or her back in a crib unless otherwise specified in writing by the child's physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

SECTION 81. HFS 46.09 (2) (f) and (3) (a) 4. are amended to read:

HFS 46.09 (2) (f) When a non-~~walking~~ mobile child is awake, the child care worker shall change the child's body position and location in the room periodically. Non-mobile children who are awake shall be placed in on their stomach occasionally throughout the day.

(3) (a) 4. Except as provided in subd. 6., provide formula or breast milk to all children under ~~6~~ 12 months of age.

SECTION 82. HFS 46.09 (3) (a) 5. is repealed.

SECTION 83. HFS 46.10 is renumbered 46.095.

SECTION 84. HFS 46.095 (1), (2) (title) and (intro), (c) and (3) (title) and (intro), as renumbered, are amended to read:

HFS 46.095 Exceptions and additional requirements for care of school-age children. (1) APPLICABILITY. This section applies to group ~~day~~ child care centers that serve only school-age children and group ~~day~~ child care centers that serve school-age children in groups separate from children who are under 5 years of age. This section does not apply to group ~~day~~ child care centers where school-age children are served in groups with children under 5 years of age.

(2) EXCEPTIONS FOR GROUP ~~DAY~~ CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN. All requirements under ss. HFS 46.04 to 46.08 and 46.~~12~~ 11 apply to group child care centers serving school-age children, except for the following requirements:

(c) Section HFS 46.06 (11) (b) ~~3. b.~~ 6. concerning a permanent enclosure of outdoor space. Where hazards exist, such as traffic or bodies of water, the boundaries of outdoor play space shall be made known to the children.

(3) EXCEPTIONS FOR GROUP ~~DAY~~ CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN IN SCHOOL BUILDINGS. The following requirements do not apply to group ~~day~~ child care centers serving only school-age children in school buildings currently in use as school buildings:

SECTION 85. HFS 46.095 (3) (dm) is created to read:

HFS 46.095 (3) (dm) Section HFS 46.06 (5) (c) on the requirement that garbage containers be covered. All other requirements of this section shall be met.

SECTION 86. 46.095 (4) (title) and (a) 2. (note), as renumbered, are amended to read:

HFS 46.095 (4) ADDITIONAL REQUIREMENTS FOR GROUP ~~DAY~~ CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN.

(a) 2. **Note:** ~~A copy of the school-age release form may be obtained from the Forms Center, Division of Children and Family Services, P. O. Box 7851, Madison, Wisconsin 53707-7851~~ The licensee may use either the Department's form CFS-0104, Child Care School-Age Agreement, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain the Department's form is in Appendix E.

SECTION 87. HFS 46.11 is renumbered to 46.10.

SECTION 88. HFS 46.10 (1) and (2) (d), as renumbered, are amended to read:

HFS 46.10 Additional requirements for night care. (1) APPLICABILITY. Group ~~day~~ child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the additional requirements of this section.

(2) (d) All child care workers on duty shall remain awake, available, within call and able to respond to the needs of the children during night care.

SECTION 89. HFS 46.12, 46.13 and Appendices A to D are repealed and recreated to read:

HFS 46.11 Licensing administration. (1) GENERAL CONDITIONS FOR APPROVAL OF LICENSE. (a) A facility that provides care on a regular basis to 9 or more children under the age of 7 years shall be deemed to be providing care for compensation and shall be licensed as a group child care center.

(b) Prior to receiving a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures due to the department.

(c) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fine or forfeitures.

(d) Persons licensed to operate a group child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the group child care center. A determination of being unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not it results in a criminal charge or conviction.

(e) The department shall issue a group child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

(f) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center might endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that shall certify the condition

of the individual and the possible effect of that condition on the group child care center or the children in care.

(g) The department may deny or revoke the license if the examination specified under par. (f) gives the department reasonable concern for the care of children.

(h) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years. An applicant is deemed ineligible to submit an application for a license and a licensee may not hire an employee within 2 years from the date an applicant or employee had a child care license revoked or denied.

(i) The department shall consider a licensee who fails to submit any of the materials described in sub. (3) or (4) by the expiration date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(2) INITIAL APPLICATION FOR A PROBATIONARY LICENSE. (a) An applicant for a license shall participate in pre-licensing technical assistance towards the completion of the initial licensing study checklist with a representative of the department prior to submitting an application for a license.

Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate Division of Children and Family Services regional office in Appendix A. The Department will provide the application form to a license applicant upon completion of the pre-licensing technical assistance.

2. An initial licensing study checklist includes a list of those licensing rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or from the appropriate regional office in Appendix A.

(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

(c) An applicant for an initial license shall include all the following with the application form:

1. The license fee required under s. 48.65 (3) (a), Stats.

2. A completed background information disclosure form provided by the department for the applicant and, if the center will located in a residence, any household member aged 10 and above.

3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.

4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.

5. A copy of all the policies required under s. HFS 46.04 (2) (h) and (i) and a completed copy of the group child care policy checklist provided by the department.

Note: Information on how to obtain a copy of CFS-2048 Group Child Care Policy Checklist is available in Appendix E.

6. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6-month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(3) OBTAINING A REGULAR LICENSE (a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license application.

2. Any completed background information disclosure forms required under s. 48.685, Stats, including any applicable fees.

3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any applicable penalty under s. 48.76, Stats., the department shall issue a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

(4) CONTINUING A REGULAR LICENSE. (a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.

2. Any completed background information disclosure forms required under s. 48.685, Stats, including any applicable fees.

3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

Note: The department will supply a copy of the CFS-65 Group Child Care Center License Application form prior to the continuation date of the license.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(5) AMENDING A LICENSE. (a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the licensed capacity of the center.

2. The age range of the children.

3. The hours of the center's operation.

4. The days of the week the center is in operation.

5. The months of the year the center is in operation.

6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

Note: The Department's form CFS-0065 Group Child Care License Application is used to apply for a new license. The Department will provide an application prior to the continuation date for a new license or when notified by the licensee of a change that will affect a condition of the license.

(d) A licensee proposing to increase the licensed capacity of a center shall demonstrate compliance with this chapter in the operation of the existing center and compliance with rules for any other facility licensed by the department and operated by the licensee.

(6) ADDITIONAL LICENSE. A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of the existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(7) LICENSE DENIAL OR REVOCATION. (a) The department may deny, revoke or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children, has or has been any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.

2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center.

3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. HFS 129.10.

5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Had a child care license or certification revoked or denied within the last 5 years.

7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Made false statements or withheld information.

Note: Examples of charges and offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children are: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (1).

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53(5), Stats., and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject ot review only as provided in the memorandum of understanding entered into under s. 49.587, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant

or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301 (5), Stats., and not as provided in s. 48.72, Stats.

(8) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE. (a) 1. If the department decides under sub. (7) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the notice, based on the criteria under s. 48.715 (4m) (a) and (b), Stats., unless the decision is appealed under sub. (11).

(b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a group child care center may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(9) SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. 227.51 (3), Stats., the department shall summarily suspend a license and close a group child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center or has a pending charge that substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the day care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a group child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under sub. (7) or (8) to revoke the license. A preliminary hearing shall be conducted by the department of administration's division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(10) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. (a) Any person aggrieved by the department's decision to deny a probationary or regular license or to revoke a

license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be received by the division of hearings and appeals within 10 days after the date of the notice under sub. (8). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, Wisconsin. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.

2. The petitioner withdraws the request in writing.

3. The petitioner agrees in writing to accept an informal resolution of the appeal.

4. The petitioner abandons the hearing request. The division of hearings and appeals shall determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:

1. Shall consider and apply all standards and requirements of this chapter.

2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.

3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b) 4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision's issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.

HFS 46.12 Complaints, inspections and enforcement actions. (1) COMPLAINTS. (a) Anyone having a complaint about a licensed or illegally operating group child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

Note: A complaint should be sent, phoned or delivered to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The licensee may not discharge an employee because that employee has reported violations of this chapter to the representative of the department.

(2) INSPECTION. Pursuant to s. 48.73, Stats, the department may visit and inspect any group child care center at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children served and staff records and any other materials or other individuals having information on the group child care center's compliance with this chapter.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

Appendix A

REGIONAL OFFICES OF THE DIVISION OF CHILDREN AND FAMILY SERVICES

The Department of Health and Family Services licenses day care centers through five Division of Children and Family Services regional offices. Below are addresses and phone numbers of the regional offices and related counties.

Northeastern Office
(Green Bay)
200 North Jefferson
Suite 411
Green Bay, WI 54301-5191
(920) 448-5312

Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago,

Northern Office
(Rhinelander)
1853 North Stevens Street
P.O. Box 697
Rhinelander, WI 54501-0697
(715) 365-2500

Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood

Southeastern Office
(Waukesha)
141 N.W. Barstow Street, Room 104
Waukesha, WI 53188-3789
(262) 521-5100

Kenosha, Milwaukee, Racine, Waukesha

Southern Office
(Madison)
2917 International Lane, Suite 110
Madison, WI 53704
(608) 243-2400

Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth

Western Office
(Eau Claire)
610 Gibson Street Suite 2,
Eau Claire, WI 547013695
(715) 836-2157

Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn

Appendix B

CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

The meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

	Ages 1 & 2	Ages 3, 4, & 5	Age 6 up to 12
BREAKFAST			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Juice,[a] fruit or vegetable **or**	1/4 cup	1/2 cup	1/2 cup
Fruit(s) or vegetable(s)	1/4 cup	1/2 cup	1/2 cup
3. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz[c]	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
1. Milk	1/2 cup	3/4 cup	1 cup
2. Meat or meat alternate:			
Meat, poultry, fish, cheese	1 oz	1+1/2 oz	2 oz
Alternate protein products [g]	1 oz	1+1/2 oz	2 oz
Yogurt, plain or flavored, unsweetened or sweetened	4 oz or 1/2 cup	6 oz or 3/4 cup	8 oz or 1 cup
Egg	½ egg	¾ egg	1 egg
Cooked dry beans or peas	¼ Cup	3/8 cup	1/2 cup
Peanut butter or other nut or seed butter	2 Tbsp.	3 Tbsp.	4 Tbsp.
Peanuts or soynuts or tree nuts or seeds	1/2 oz = 50%[d]	3/4 oz = 50%[d]	1 oz = 50%[d]
3. Vegetable and/or fruit[e] (at least two)	1/4 cup total	1/2 cup total	3/4 cup total
4. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1/2 serving	1 serving
Cereal, hot cooked	1/4 cup total	¼ cup	1/2 cup
Cereal, cold, dry	1/4 cup or 1/3 oz[c]	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Cooked pasta or noodle products	1/4 cup	¼ cup	1/2 cup
SUPPLEMENT			
Select two of the following four components:			
1. Milk	1/2 cup	1/2 cup	1 cup
2. Juice, [a,f] fruit or vegetable **or**	1/2 cup	1/2 cup	3/4 cup
Fruit(s) or vegetable(s)	1/2 cup	1/2 cup	3/4 cup
3. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz[c]	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Hot cooked	l/4 cup	1/4 cup	1/2 cup
4. Meat or meat alternate			
Meat, poultry, fish, cheese	½ oz	½ oz	1 oz
Alternate protein products [g]	½ oz	½ oz	1 oz
Egg, Large [h]	1/2 egg	1/2 egg	1/2 egg
Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup

Peanut butter or other nut or seed butter	1 Tbsp.	1 Tbsp.	2 Tbsp.
Peanuts or soynuts or tree nuts or seeds	½ oz	½ oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened	2 oz or 1/4 cup	2 oz or 1/4 cup	4 oz or 1/2 cup

a Must be full strength fruit or vegetable juice.
b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, combread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.
c Either volume (cup) or weight (oz), whichever is less.
d No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. Of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.
e Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
F Juice may not be served when milk is the only other component.
g Alternate protein products may be used as acceptable meat alternates.
h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

Appendix C

CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant's eating habits.

Infant Meal Pattern

Birth Through 3 Months	4 Through 7 Months	8 Through 11 Months
BREAKFAST		
4- 6 fl. oz. Formula[1] or breast milk [5,6]	4 - 8 fl. oz. formula[1] or breast milk [5,6]	6 - 8 fl. oz. formula[1] or breast milk [5,6]
	0 - 3 T. infant cereal[2] (optional)	2 - 4 T. infant cereal[2]
		1 - 4 T. fruit and/or vegetable
LUNCH OR SUPPER		
4 - 6 fl. oz. formula[1] or breast milk [5,6]	4 - 8 fl. oz. formula[1] or breast milk [5,6]	6 - 8 fl. oz. formula[1] or breast milk [5,6]
	0 - 3 T. infant cereal[2] (optional) O - 3 T. fruit and/or vegetable (optional)	2 - 4 T. infant cereal[2] and/or 1 - 4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or
		1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread
		1 - 4 T. fruit and/or vegetable
SUPPLEMENT		
4 - 6 fl. oz. Formula[1] or breast milk [5,6]	4 – 6 fl. oz. formula[1] or breast milk [5,6]	2 - 4 fl. oz. formula[1], breast milk [5,6], or fruit juice[3]
		0 -1/2 bread or
		0 - 2 crackers (optional)[4]

1 Shall be iron-fortified infant formula.
2 Shall be iron-fortified dry infant cereal.
3 Shall be full strength fruit juice.
4 Shall be from whole-grain or enriched meal or flour.
5 It is recommended that breast milk be served in place of formula from birth through 11 months.
6 For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

Required Guidelines for Infant Meal Pattern

Definition of Infant. Any child less than 12 months of age.

Definition of Infant Formula. Infant formula defined by USDA is “any iron-fortified infant formula intended for dietary use as a sole source for food for normal healthy infants served in liquid state at manufacturer’s recommended dilution”.

Infant Formula/Breast milk. The decision regarding feeding infants breast milk or the type of infant formula is one for the infant’s doctor and parents/guardian to make together.

Definition of Optional. Optional foods must be served as each infant becomes developmentally ready for the specified foods.

Appendix D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY
CPSC Document # 5020

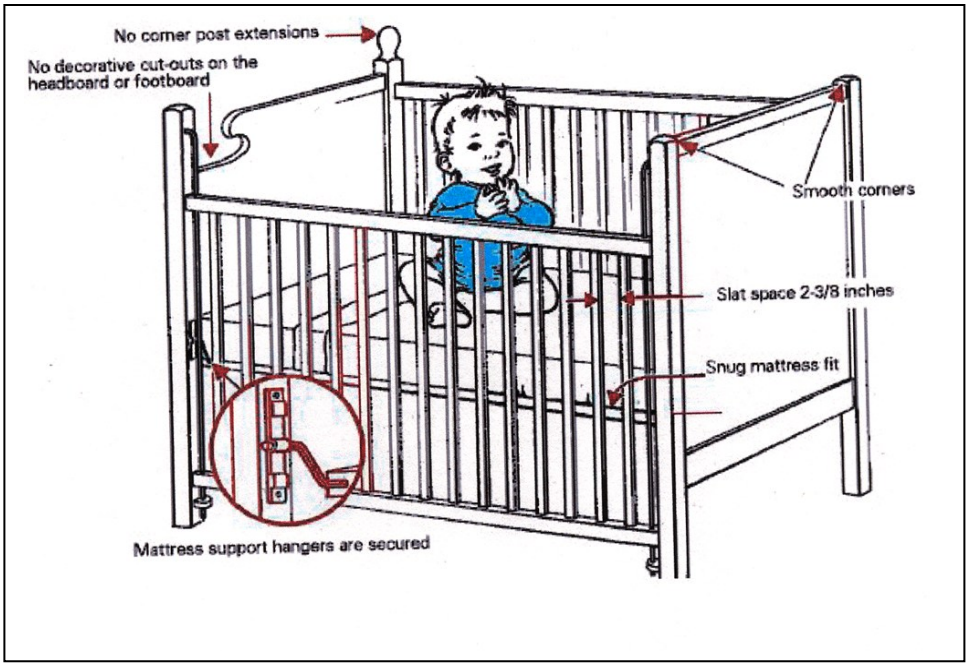
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in a child care center. To protect all children, destroy it and replace it with a safe crib.

A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby's body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or foot board so a baby's head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.



Appendix E

INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR GROUP CHILD CARE CENTERS Revised [Revisor to insert effective date]

The Department forms listed below are arranged in two categories: 1) those that the Department requires group child care centers to use are designated as "REQUIRED"; and 2) those that the group child care center may choose to use, at their option, if they do not wish to use another form that records the same information. Forms designated as "REQUIRED" shall be used by licensees.

Applicants and licensees may use Adobe Acrobat pdf forms on the following list for which the Department has available at its website:http://www.dhfs.state.wi.us/rl_dcfs/INDEX.HTM.
Applicants and licensees may complete the form online at the Department's website, save the file to their hard drive and print a copy for their records. Licensees without Internet access, or those wanting to request a form from the Department may do so by writing to the address provided below. **The Department will send only one copy of each form to each applicant or licensee.** Applicants and licensees may reproduce as many paper and electronic forms as they need.

Department of Health and Family Services
Division of Children and Family Services
Forms Manager
P.O. Box 8916
Madison, WI 53708-8916

FORM #	FORM TITLE	REQUIRED?
CFS-0052	Vehicle Safety Inspection	YES
CFS-0053	Child Care Staff Record	
CFS-0053A	Child Care Staff Continuing Education Record	YES
CFS-0054	Child Care Provider Staff Health Report	YES
CFS-0055	Child Care Accident Report	
CFS-0056	Child Care Center Transportation Permission	
CFS-0057	Child Care Informed Consent for Observation or Testing by an Outside Agency	
CFS-0058	Child Care Field Trip or Other Activity Notification / Permission	
CFS-0058A	Notificación / Permiso Para Excursiones O Otra Actividad De Guardería De Niños	
CFS-0059	Authorization to Administer Medication	
CFS-0059A	Autorización Para Administrar Medicamentos	
CFS-0060	Child Health Report - In-Home, Family Child Care, Child Care Centers	YES
CFS-0060A	Reporte de Salud del Niño en el Hogar, Guardería Familiares, Guardería Grupal	
CFS-0061	Child Care Intake for Child Under 2 Years	
CFS-0062	Child Enrollment	
CFS-0062A	Matriculación de Niños en Guarderías e Historia de Salud	
CFS-0078	Child Care Staff-Child Ratio Worksheet – Group Child Care Centers	
CFS-0104	Child Care School-Age Agreement (Reverse side of CFS-56)	
CFS-0543	Group Child Care Center Fire and Safety Checklist	
CFS-0865	Child Care Center Safety Checklist	
CFS-1675	Child Care Child Record Checklist	
CFS-1675A	Group Child Care Staff Record Checklist	
CFS-2026	Group Child Care Staff Orientation Checklist	
CFS-2027	Group Child Care Volunteer Training Confirmation	
CFS-2048	Group Child Care Policy Checklist	YES
CFS-2344	Health History and Emergency Care Plan	YES
DPH-4192	Child Care Immunization Record	
DPH-4192S	Registro De Immunizacion Para Guardería de Niños	

HFS-0064	Background Information Disclosure	YES
DMT-25	Forms Requisition Request	YES

This rule shall take effect on March 1, 2005, as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health and Family Services

Dated: October 26, 2004

By: _____
Helene Nelson
Secretary

SEAL: