State of Wisconsin

Department of Children and Families

Child Care Centers

Chapters HFS 45, 46, and 55

The Wisconsin Department of Children and Families proposes an order **to repeal** HFS **45.04** (5) (g) Note, **45.05** (2) (a) 9. Note, **45.06** (7) (a) 8., **45.09** (1) (b), **46.04** (2) (i) 8. Note, (6) (a) Note, **46.05** (2) (a) 11. Note and 12. Note, (2) (c) 6. and 10., **46.06** (9) (c) 3., (11) (b) 9., **55.04** (1), (7), (10), (20), **55.05** (1) (b) 3. to 5., (c) 8. (intro.) and b and (d) 1. to 5., **55.09** (1) (b), (2) (b) 1. and 2. and (3) (f) Note, **55.10**, **55.41** (2) (c), **55.43** (2) (a) 2. c. and (3) (c) 3., **55.44** (5) (d) Note, (e) 1.to 4., (6) (d) 2., (e) 1. c., (f) 1. e. and 3., and (7) (a) 2. and (c) 3., HFS 45 Appendix E, and HFS 46 Appendix E; **to renumber** HFS 45.07 (6) (g) 1. and 45.11 (3) (c) 5.; **to renumber and amend** HFS **45.05** (1) (b) 1. and Note, **45.06** (7) (a) 6. c., **45.07** (6) (f) 2., **45.08** (3), (5), **46.06** (12 (c), **46.08** (4) (b), **46.11** (4) (b) 4. Note, **55.05** (1) (c) 8. a., **55.06** and (title), **55.09** (intro) and (1) (c), (h), (2) (b) (intro.) and (3) (g), **55.42** (4), **55.44** (3) (a), (6) (b), (7) (a)1., 3. and 4. and (8) (a); **to amend** HFS **45.03** (10), (11) (intro.), (15) (b) to (d), (18), (27), (28), (34) and (37), **45.04** (2) (e) 3., 7. and 8., (g), (h) and (i), (3) (intro.), (a) and Note, (d) Note, (e), (i) and (j), (5) (intro.), (a) Note, (b) Note, (d), (e) Note and (g) and (6) (a) (intro.), 1. Note, 2. Note, and 3. and Note, 6. Note and (b), **45.05** (1) (a), (b) 3., 4. Note, and 5. (2) (a) 3. and (b) 3., and TABLE 45.05, **45.06** (1) (a), (b) 2. and 3., (2) (e), (3) and Note and (4) (a) Note, (6) (b) and (c), (9) (d), (11) (b) 2., 3. and 4., (12) (b), (c) (intro.) and 3. (intro.), **45.07** (1) (b) (intro.), (2) (c) (intro.) and 1., (3) (e), (6) (e) 1. and 2., (f) 1. (intro.) and Note, (k) Note, (L) 1., 2., 3. Note and 5. Note, (m) Note, and (7) (f) and (h), **45.08** (1) (a) Note and (2) (c) Note, (6) (b) and (d) Note, **45.09** (1) (c) 1. and Note and 5., **45.11** (2) (g) and (h), (8) (a), (b) Note and (11) (a), **46.01**, **46.03** (11), (11g), (14r) (b) to (d) and (34), **46.04** (1) (a), (2) (f), (h) 2., (i) 5. and 6., (k) and (L), (3) (intro), (a) and Note, (c), (g) and (j), (5) (a) 1. Note and 2. Note, (6) (a) 1. i. Note, 2. Note, 3. Note, 4. Note, 5. and Note, 6. Note, 6m Note and 7. Note; and (b), **46.05** (2) (a) (intro.) and 9., (c) 10. Note, (3) (b), (c) and (f), (4) Table HFS 46.05 – D, (d), (f) Note and (j), **46.06** (1) (a) Note, (2) (a), (3)

(intro.), (a), (b), (c) and Note, (4) (j) and Note, (6) (b) 1. and 3., (c) 3m. Note and (d) 2. a. (10) (f), and (11) (a) and (b) 5., 6. and 7. (12) (a), (b) and (c) 3., **46.07** (1) (a), (2) (e) (intro.) and 1., (4) (b) and (5) (a) 5. (intro.), 8. Note, (6) (a) 2., (c), (e) 2. and 3., (f) 1. (intro.), a. Note, c. and Note, and 2., (6) (g) 3., (j) 8., 9. and Note, and (k) 1., 2., and 3. Note, 5. Note, and (L) Note, and (7) (f), **46.08** (1), (2) (b) 3. Note and (3) (b) and Note, (4) (d) and (5) (b) 1., (6) (b) and (7) (a) Note, **46.09** (1) (am) 6. Note, (d) (intro.) 1. and 2., (h), and (4) (a) 3., (4) (a) 5. and 10., **46.095** (2) (intro.), (c), (e), (4) (a) 2. Note and 3., and (4) (b) 1. and 3., **46.11** (1) (i) and (2) (c) 2. and 5. Note, (5) (c) Note and (7) (a) 2., (9) (a) 5., and (10) (a), **55.02** (1), (2) and (4) and title, **55.03** (intro.) and title, (1), (2), (3) and (4), **55.04** (2), (3), (8), (9), (11), (13), (14), (17), (23), (25), (26) and (28), **55.05** (1) (a) (intro.), 1., 2., 3., 4. and 5., (b) (intro.), 1. and 2., (c) (intro.), 1., 2., 3., 4., and 5. (intro.), 6. and (d), (2), (4), (5) (intro.) and (a) to (d), (6) (a) (intro.) and 1. to 4. and (b), **55.07** (3) (b) (intro.), **55.08** (title), (1), (2), (4), (6), and (8), **55.09** (1) (a), (e), (f) (intro.) and 2. and (g), (2) (a) and (c), (3) (a), (b) and Note, (c) and (f), and (4) (b) and (e), **55.41** (1) (intro.), (b) and (c), (d), (e) 1.,2., 3., (f) (intro.), (g) 2., (i), (2) (intro.), (b), (d), (3) (a) (intro.), 1. and 2. (4) (title) and (a) (intro.), 1. a. to h., 6., **55.42** (1) (a), (c), and (d) and (2) (a) (intro.), 1. to 4., (b), (c) (intro.),1. and 2., and (d), (3) (title), (a), (b) and Note, (d), (e), and (4) (title), **55.43** (1) (c) Note and (d), (e), (2) (a) 3., 6. and 7., (b) 1., 2., 3. and 4., (3) (a) 1., 2., 4. and 5. and (b) 1., 2. and 3., (c) 2. and 5., (d) 1., 2., 3., and (e) 2., 4., 6. and 7., **55.44** (1) (a) (intro.), 1., 2., 4., 5. and 6., (b) 1., (2) (a), (c) 1. to 4., (3) (b) 1., and 2., (4) and (5) (a), (6) (a) 1. and 2. and (b) (title), (c) 1. and 2. a., and (d) 1. and 3., (6) (e) 1. a., b., and d. and 3., (f) 1. a., b., c., d., f., and g. and 2. and (6) (g), (7) (b) (title) and (intro.), (c) 1. and (e), (8) (b), (c) and (d), (9) (title) (intro.), (a), (b) and (c) and (12) (title), (intro.), (a), (b), (c) and (d); **to repeal and recreate** HFS **45.05** (1) (b) 2.; (c) and (3) (e) , **45.08** (4), **45.11** (4) (a) 2. , (5) (b) 2.; **46.04** (5) (a) 5., **46.05** (1), **46.06** (9) (b) 4. b. and 5., **46.08** (2) (a), **55.04** (5), (12), (15), (16), (24), (27), **55.05** (1) (a) 5. Note, (c) 5., (e) to (h) and (7), **55.07** (1) and (2); **55.08** (7), **55.09** (2) (b) 2. Note, (4) (f), (h) and (i), **55.41** (1) (a), (f) 1., 2., and 3., (g) (intro.) 1., 3., 4., 5. and 6., (2) (a), (4) (a) 7. and (b), **55.42** (2) (a) 7. , 8., 9., 10. and 11., (3) (c), and (f), **55.43** (1) (a), (b) and (c), (2) (a) 4. and 5., (3) (c) 1., **55.44** (1) (a) 3., (2) (b) and (c) (intro.), (5) (d) (intro.), (e), (f), (g), (6) (d) Note and (e) 1. (intro.), (g) Note, (7) (title), (b) 1. b., (8) (title), (9) (d), HFS 45 Appendix A, HFS 46 Appendix A, and HFS 55 Appendixes A and B; **to create** HFS **45.02** (1) (intro.) Note, **45.03** (4m), (11) (d), (13m), (14m), and (30m), **45.04** (2) (g) Note, (L), (m) and Note, (3) (L), (m) and Note, (4) (c), (5) (h)and Note, (i), (j), (k), (6) (a) 4.

Note, (b) Note, **45.05** (1) (b) 1. b. and Note, 6., 7., and Note, (c) Note, (2) (a) 10., 11., 12. and 13. and Note, (3) (L) and (m), (4) (d) and Note, **45.06** (2) (e) Note, (4) (e), (6) (b) Note, (7) (a) 6. c. 2., (12) (c) 6., **45.07** (1) (b) 8. and Note, (2) (c) 5., (6) (f) 2. b., 5. and 6., (g) 1. b. and c., (7) (h) Note, **45.08** (3) (b) and (c) and Note, (5) (b), (c), (d) and (e), (6) (e), **45.09** (4) (b) Note, **45.095, 45.11** (2) (d) Note, (3) (c) 5. , 6., 7. and 8., (4) (a) 5., 6., 7. and 8., and (5) (b) 5., 6., 7. and 8., **46.02** (1) (g) Note, **46.03** (4g) and (8r), **46.03** (11g) (d) and (13m), (28m) and (29g), **46.04** (2) (a) Note, (h) 2. a., b., c. and d., (i) 9., (n), (o) and Note and (p), (3) (m), (n), and (4) (c) Note, (5) (a) 6. and Note, 7. and 8., (6) (a) 8., (6) (b) Note, **46.05** (2) (a) 13., and 14. and Note, (3) (h) and (i), **46.06** (1) (b) Note, (2) (a) Note, (6) (b) 2. Note, (9) (a) 1m., (11) (b) 8. Note, and (12) (c) 6., **46.07** (1) (a) 7. and Note, (2) (e) 5., (3) (f), (5) (a) 6m., (6) (f) 5. and 6., and (6) (i) 6., 7., and (7) Note, **46.08** (3) (c), (4) (b) 2., 3., 4., and 5., and (5) (e), **46.09** (4) (a) 3. Note, **46.095** (4) (a) 5., **46.10** (4) (c) **46.11**(2) (c) 5g. and 5r., (3) (a) 5. and 6., (4) (b) 5. and 6., (7) (b) Note, **55.03** Note, (1m) and (6), **55.04** (3g), (4m), (11m), (13m), (15m), (18), (21g), (21r) and (22m), (23m), (27) Note, (29), **55.05** (1) (a) 2m., (c) 7., 9., 10. and Note, 11., 12. and Note, 13., 14. and 15., (5) (e), (f), (g), and (h), (6) (a) 5., (8), (9), and (10), **55.06** (1) Note, (2) and (3), **55.08** (9), (10), and Note **55.09** (1) (c) 2., (h) 1., 2., 3. and Note, (3) (g) 2. and 3., (4) (e) Note, **55.41** (1) (e) 4., (f) 3. a., b. c., and d., (g) 7., 8. and 9., (k), (L), (m), (n), (o) and Note and (p), (2) (a) Note, (f), (g), (h), (i), (j), (k) and Note and (L) and Note, (3) (a) 1. Note, 3. and Note, 4., 5. and Note, 6., and (c), (4) (a) 2. Note, 3. Note, 4. Note and 5. Note, 6. Note, 7. Note and 8. and Note, (c) and Note and (5), **55.42** (2) (a) 4. Note, 12. and 13., (e), (f), and (g), TABLE HFS 55.42, (3) (g), (h), (i), (j), and (k), (4) (b) and (c), **55.43** (1) (d) Note, (f) and Note, and (g), (2) (a) 8. and 9., (b) 4. Note, (3) (c) 6., 7., 8. and Note, (d) 1. Note, 2m. and Note, **55.44** (1) (a) 7. and 8., 9. and Note, (b) 3., 4., 5., 6., and 7., (2) (c) 5., (3) (a) 1., 2., 3., 4. and 5., (c) and (d), (5) (d) 1., 2., 3. and 4., (e) Note, (6) (b) 1., 2., 3., 4., and 5., (bm), (e) 1. a. Note, 4., 5., 6., 7., and (f) 1. a. Note, i., (h) and Note, (i) and (j), (7) (a), (am) 2. b., c., d. and e., 4., 5. and 6., (b) 4., 5. and 6., (8) (a), (e), (12) (e) and (f), and (13), rules relating to child care and affecting small businesses.

Analysis Prepared by the Department of Children and Families

Statute interpreted: Section 48.67, Stats.
Statutory authority: Section 48.67, Stats.
Related statute or rule: Sections 48.65, 48.66, 48.67, 48.68, and 347.48 (4) (as), Stats.

Explanation of Agency Authority

Effective July 1, 2008, agency authority to administer the licensing of child care centers was transferred from the Department of Health and Family Services (DHFS) to the Department of Children and Families (DCF). The Legislative Reference Bureau is currently making the technical corrections necessary to publish the DHFS rules and Department of Workforce Development rules that are now administered by DCF with the new agency information. The new DCF rules are expected to be published this fall. Until the DCF rules are published by the Legislative Reference Bureau, they will be referred to by their DWD or DHFS numbers.

Section 48.67 Stats., requires the Department to establish minimum requirements for the issuance of a license and standards for the operation of child care centers. Persons are required to have a license to operate a child care center under s. 48.65 Stats., if they provide care and supervision for 4 or more children under age 7 years for less than 24 hours per day. The standards are set forth in HFS 45, for family child care centers licensed to care for between 4 and 8 children under age 7 years; HFS 46, for group child care centers licensed to care for 9 or more children under age 7 years and HFS 55, for day camps licensed to offer a seasonal program for 4 or more children under age 7 years. To obtain a license, a person must meet the minimum requirements under s. 48.67 Stats., and pay the licensing fee.

Summary of the Proposed Rule

The proposed rules make the changes necessary to comply with the following statutory changes:

2005 Wisconsin Act 165 requires licensees who are individuals, employees, and volunteers who provide care to children under five years old to receive training under s. 253.14 (4), Stats., relating to shaken baby syndrome and impacted babies, before the individual is issued a license or before employment or volunteer work begins.

2007 Wisconsin Act 104 requires that all child care licensees and employees providing care to children have proficiency in the use of an automated external defibrillator which is achieved through instruction provided by an individual, organization or institution of higher education that is approved by the department.

2005 Wisconsin Act 184 creates s. 948.53, Stats., which prohibits a person from leaving a child being transported in a vehicle that is owned or leased by a child care provider or used to transport children to and from a child care provider. The Department's proposed rules incorporate requirements for procedures to ensure that children are tracked during transport and that parents are notified if a child does not arrive at a day care center as scheduled.

2005 Act 106 creates s. 347.48 (4) (as), Stats., on child safety restraint systems necessary when transporting children under eight years old in motor vehicles.

Chapter HFS 45 Family Child Care Centers

The Department also proposes to update and clarify ch HFS 45, relating to family child care centers, as follows:

- Create provisions for a licensee who does not provide care and supervision to children at least 50% of the hours of a center's operation including the following:
    - Develop and implement personnel policies for employees.
    - Ensure that employees are familiar with the applicable licensing rules.

    - Require the licensee to be present at the center at least 30 hours per month for the exclusive purpose of carrying out licensee responsibilities.
    - Complete at least one course from the Wisconsin Professional Credential for Child Care Administrators program within one year of the initial date that the licensee is not providing care and supervision to children at least 50% of the center's hours of operation..
    - Conduct staff meetings at least 9 times in a calendar year to allow communication between management and center staff and document that staff meetings have been held.
- Clarify when buildings used for family child care must meet commercial building codes.
- Create guidelines on when notification to a parent is required.
- Require additional licensee reporting to the Department and clarify existing reporting requirements.
- Revise training requirements for providers to do the following:
    - Require primary providers to have specified entry level training before working with children. Other providers would have up to six months to receive training.
    - Require all providers to be trained in the business side of operating a child care center.
    - Require staff at centers licensed to care for children under five years old to have training in shaken baby syndrome and appropriate ways to guide children's behavior. Section 48.67, Stats., as affected by 2005 Wisconsin Act 165, requires licensees who are individuals, employees, and volunteers who provide care to children under five years old to receive training relating to shaken baby syndrome and impacted babies before the individual is issued a license or before employment or volunteer work begins.
    - Require that all persons providing care and supervision to children have training in the use of an external automated defibrillator as part of the required training in cardiopulmonary resuscitation. Section 48.67, Stats., as created by 2007 Wisconsin Act 104, requires licensees and employees who provide care to children to have proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education that is approved by the department.
- Require all family child care providers licensed on or beginning to work with children on or after the effective date to have a certificate from The Registry to document completion of all required entry-level training.
- Revise the provider to child ratios to allow providers to care for additional school-age children (age five and enrolled in school) rather than children who are age seven and above.
- Require family child care centers that use on-premise play space to have a permanent boundary to protect children in care.
- Clarify requirements for child care business liability insurance if pets are accessible to children.
- Clarify rules related to pets and animals on the premises of a center.
- Require licensees to obtain driver records for persons who transport children for the center.

- Revise rules relating to car safety seat and booster seat usage to conform to s. 347.48 (4) (as), Stats.
- Require child care centers to have and implement procedures to ensure that no child is unattended in a vehicle.

Chapter HFS 46, Group Child Care Centers

The Department also proposes to update and clarify ch. HFS 46, relating to group child care centers as follows:

- Require licensees to create personnel policies pursuant to s. HFS 12.07 which requires staff to notify the licensee of convictions, investigations, governmental findings of abuse and neglect, or restrictions on certain credentials.
- Require centers have and implement a policy on transporting children in order to ensure that children are safely transported while under the care of the center.
- Require additional reporting requirements and clarify existing reporting requirements to the Department.
- Require additional training for center directors. Center directors are permitted additional time to meet the additional training requirements.
- Require training in shaken baby syndrome if the child care center is licensed to care for children under age five.
- Require that all persons providing care and supervision to children have training in the use of an external automated defibrillator as part of the required training in cardiopulmonary resuscitation. 2007 Wisconsin Act 103 revised s. 48.67, Stats., to require licensees and employees who provide care to children to have proficiency in the use of an automated external defibrillator which is achieved through instruction provided by an individual, organization or institution of higher education that is approved by the department.
- Clarify requirements for center personnel who have sole charge of children.
- Clarify requirements for persons who provide care to children during the center's opening and closing two hours.
- Clarify training requirements. The department is proposing to repeal and recreate HFS 46.05 (1) to remove the tables included in the current rule and reorganize and clarify the requirements.
- Require staff substitutes be at least 18 years old.
- Clarify rules relating to the use of a dishwashing machine to clean soiled dishes.
- Prohibit trampolines and bounce surfaces as play equipment.
- Allow the use of shredded rubber and poured surfacing on play grounds.
- Require all group child care centers that use on-premise play space to have a permanent boundary to protect children in care.
- Revise rules requiring car safety seat and booster seat usage to conform to s. 347.48 (4) (as), Stats.
- Require centers to have and implement procedures to ensure that no child is unattended in a vehicle.
- Clarify requirements for entry level staff training requirements for staff who care for school-age children.

- Allow school-age children to move between groups if the child care center has a procedure to track the children during movement.

Chapter HFS 55, Day Camps

The Department also proposes to update and clarify ch. HFS 55, relating to day camps, as follows:

- Prohibit children under age three years from being accepted for enrollment in a day camp.
- Create rules related to enforcement actions, revocations, appeal language, and general conditions for approval of a license.
- Clarify rules related to pets and animals on the premises of a center.
- Create rules related to car seat, booster seat and seat belt usage to conform with s. 347.48 (4) (as), Stats.
- Require driver records be obtained annually.
- Require licensees to have and implement procedures to ensure that no child is unattended in a vehicle.
- Expand the requirements for what must be included in camp policies and procedures.
- Add requirements for posting a license, any approved exceptions to a rule and enforcement actions.
- Require conformity with ch. HFS 12 and s. 48.685, Stats., relating to caregiver background checks.
- Add additional items that must be reported to the Department, including:
    - Any death of a child in care or any accident or incident that occurs while a child is in the care of a camp that requires professional medical treatment.
    - Any known convictions, pending charges or other offenses of the licensee, an employee or other person subject to a caregiver background check which could potentially relate to the care of children or the activities of a camp.
    - Any suspected abuse or neglect of a child by a staff member or any inappropriate discipline of a child in the care of the camp.
    - Any incident involving law enforcement that involves a licensee, household member or an employee of a camp in an incident that causes or threatens to cause physical or serious emotional harm to an individual including a child in the care of a camp.
    - Any changes in room usage at a camp.
    - Any incident related to a child who leaves the premises of a camp without the knowledge of a provider or any incident which results in a counselor not knowing the whereabouts of a child in attendance at a camp.
    - Any construction or remodeling that has the potential to affect an area accessible to children or a condition of the license.
- Add rules related to recording a child's attendance and parental notification for certain circumstances.
- Clarify camp director and camp counselor responsibilities.
- Increase the annual pre-camp training time for staff from 18 hours to 24 hours.
- Revise the pre-camp training components to include shaken baby syndrome prevention training.

- Require that a camp identify a base camp with a building or shelter available for use by the camp to be used during inclement weather.
- Require a working telephone on the premises.
- Add rules relating to safe food storage and preparation.
- Clarify requirements for safe drinking water.
- Require camps' program of activities be focused on out-door activities.
- Clarify what must be included in camp programs.
- Clarify rules on guiding children's behavior including a requirement that specifies that time outs, if utilized by the camp, must have a procedure included in the camp behavior guidance policy.
- Revise requirements for play equipment used by children.
- Revise requirements related to meal planning and special diets for children.
- Clarify requirements related to health supervisors, illness and communicable diseases and medication administration.
- Add requirements that define procedures to be used by caregivers who diaper children.
- Require that each child have a health history and emergency care plan on file at the camp with a procedure for sharing this information with counselors.
- Revise requirements when pools and beaches are on the premises. Including the following:
    - Requirements for waterfront supervisors.
    - Requirements related to boats, waterfront activities and other swimming related items.
- Require adventure-based activities.

Summary of, and Comparison with, Existing or Proposed Federal Regulations

There are no similar existing or proposed federal regulations.

Comparison with Rules in Adjacent States

Family Child Care Centers

Minnesota – Family Child Care Homes are defined as a program that takes place in an occupied residence and there are no more than 10 children in care (no more than 6 children under age 5). Each provider is limited to no more than one license. If the program is not located in an occupied residence, the program must be licensed as a child care center. Enclosures on outdoor play spaces are required if they are needed to protect children from rail, traffic, water or machinery hazards. Other family child care home rules are similar to Wisconsin.

Iowa – Child Care programs operated in a home are not required to be licensed in Iowa. A provider can voluntarily certify to the county that the program is in compliance with the child development home rules, but there is no routine oversight of these programs. There is no definition of a "home" in the child care development home rules, but the rules imply that a home is the residence of the person providing care. There are no regulations relating to enclosures on the child care development home premises.

Illinois – Day care homes means family homes which receive more than three up to a maximum of 12 children for care. By definition a day care home must be located in the residence of the person providing care. There are no specific requirements for enclosures on

outdoor play space although the rules specify that children shall be protected outside by physical means or adult supervision. Other day care home regulations are similar to those in Wisconsin.

Michigan – Michigan has a category of care for "Family and Group Child Care Homes" although the rules themselves do not define a "home". Other rules imply that the care is provided in the residence of the provider for not more than 6 children in a family child care home and 12 in a group child care home. Another category of care in Michigan refers to child care centers and the definition of a center specifies that the care is not provided in an occupied residence or home. Outdoor play spaces in a family or group child care home must be clean, safe and hazard-free. There are no specific requirements for a fence in family or group child care homes. Other regulations for family and group child care homes in Michigan are similar to those in Wisconsin.

Other states. Twenty-one states and the District of Columbia define a family child or day care programs as being located in a building that is currently occupied as a home. In addition, Alaska's licensing rules define a child care home as being in a facility usually an occupied residence and Oregon's licensing rules specify that a family child care home must be constructed as a single family dwelling although the rules do not specify that the building must be occupied as a home. Twelve states require that the license or certification for a family child care home be issued to the primary provider of care in those homes. Six states have rules that appear to imply that the person providing care to children in the occupied residence is the person to whom the license or certification is issued. Two states (Missouri and Nebraska) have rules that specifically prohibit a provider from holding more than one license.

Group Child Care Centers

Minnesota – Child Care Centers are programs that provide care to 14 or more children. Programs that provide care to fewer than 14 children and are not located in an occupied residence must be licensed as a child care center. Persons working as directors in a child care center in Minnesota must have at least nine quarter credits or 90 hours of training in staff supervision, human relations and child development. Directors must also have 1040 hours (paid or unpaid) of staff supervision experience. If the director will work as a teacher or plan the program for a child care center, the director must also meet the qualifications as a teacher. Teacher qualifications include at least 24 quarter credits of early childhood education and 4160 hours of experience as an assistant teacher. Enclosures are required on outdoor play spaces if the play space is adjacent to traffic, rail, water, machinery or other environmental hazard unless the outdoor play space is a public park or playground. Other child care center rules are similar to Wisconsin.

Iowa – Iowa regulations require that a child care program that provides care for 6 or more children (somewhere other than a home) must be licensed as a child care center. Center directors are responsible for the overall supervision of the operations of the center and the responsibility for insuring children's safety and protection. A center director must have at least one course or 12 hours of training in business or one year of administrative experience. A center director must also have education in child development or early childhood education. At a minimum, the director must have earned at least 100 points obtained through a combination of formal (for-credit) education, experience and informal child development training. Child Care Centers in Iowa must have safe outdoor place space available to children. The use of an enclosure to protect children is not specifically required. Other child care center rules are similar to those in Wisconsin.

Illinois – Illinois child care regulations require a child care center to be licensed if it provides care to more than three children in a facility that is not a home or senior citizen building or more than 8 children in a home. Center directors are required to be available in a center in a non-caregiving role except during specified times of the day. Center directors must be at 21 years of age, have a high school or equivalency diploma and meet general training requirements including CPR training. In addition, centers must employ a center director who has a recognized child care credential in the care of children such as the Child Development Associate (CDA) credential and at least 12 credits from a university or college in early childhood education or child development and have a minimum of two years of experience in a child care setting. All outdoor play areas must be fenced or otherwise enclosed or protected from hazards. Fences must be at least 48" high and installed so that children may not exit the area without adult supervision. Other child care center rules are similar to those in Wisconsin.

Michigan – In Michigan, a program is required to be licensed as a child care center if the program cares for one or more preschool or school-age children and is not located in a private residence. A program director is responsible for developing, implementing and directly supervising the entire program. The program director must have the child development associate credential awarded by the council for early childhood professional recognition and have completed not less than 12 semester hours in child development, child psychology, or early childhood education at an accredited college or university. A program director is not required to have experience in a child care setting. Program directors are required to be on the premises for a minimum of six hours per day when children are present. Outdoor play space must be safe. There is no specific requirement for a fence around the play space.

Day Camps

Minnesota – Day camps are not regulated as a separate entity in Minnesota. If a day camp meets the requirements for a license as a child care center, the child care center licensing rules apply.

Iowa – Day camps are not required to be regulated by the state of Iowa if they are nationally accredited. Programs that are not accredited, but meet the threshold for licensing as a child care center, must be licensed as a child care center. There are no specific rules related to licensed day camps.

Illinois – Camps that accommodate five or more children for at least five days each year are inspected and licensed annually to assure they are safe and sanitary. The regulations cover the following areas: water supply, sewage disposal system, electrical system, general sanitation, food service and water recreational facilities. There are no specific regulations relating to staff qualifications, staff to child ratios, supervision, or programming.

Michigan – Michigan regulates day camps if they provide care and supervision to children for 5 or more hours per day, 10 or more days in a 30-day period. Day camps are required to have a camp director on-site. Staff in day camps are required to attend pre-camp training for not less than 3 hours per week of the first 10 weeks of the camp sessions (minimum of 30 hours of pre-camp training, if the camp operates for at least 10 weeks). Camps must have a health supervisor on the premises. Requirements for the health supervisor are similar to Wisconsin's requirements. Requirements for high-adventure activities and other regulations are similar to those proposed in Wisconsin.

Summary of Factual Data and Analytical Methodologies

- The Department assembled and consulted with advisory councils for group and family child care and day camps. The advisory councils included representatives from privately owned and operated child care centers and day camps, professional organizations, the Children's Trust Fund and other state agencies such as the Departments of Commerce, Public Instruction and Workforce Development. The Department also met with representatives of the Child Care Providers Together – AFSCME child care union to discuss the proposed changes to ch. HFS 45. All programs affected by the proposed changes to chs. HFS 45, 46 and 55 will receive notice from the Department indicating times, dates 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.
- DHFS databases.
- Licensees maintain control and responsibilities for child care and day camp operations through the use of written procedures which are required by the rules.
- The Department used information provided by The Registry (www.the-registery.org) to determine costs associated with obtaining a Registry certificate for family child care providers. The Wisconsin Early Childhood Association (www.wecanaeyc.org) and the Wisconsin Technical College System (www.witechcolleges.com) provided data on the T.E.A.C.H. Early Childhood Scholarship program.
- The rules and the proposed changes are written to protect the health, safety and welfare of children receiving care in child care centers and day camps.

Effect on Small Business

Based on the following analysis, the Department believes that the proposed rules will have a limited impact on the small business affected by the changes.

Analysis and Supporting Documents Used to Determine Effect on Small Businesses

The proposed changes to chs. HFS 45, 46 and 55 will affect child care centers and day camps licensed to care for four or more children under age seven for less than 24-hours per day. As of January 2007, there are 3,120 family child care centers licensed to care for between four and eight children; 2,486 group child care centers licensed to care for nine or more children and 78 day camps licensed to provide a seasonal program for four or more children. Most of these entities are "small businesses" as the term is defined under s. 227.114 (1) (a), Stats.

Chapter HFS 45 – Family Child Care Centers

Changes to ch. HFS 45, would require that all family child care centers using on-premise play space have a permanent boundary. Typically these boundaries are fences; however, a fence is not required. There are several alternatives to fencing including plants and landscaping. The department estimates that approximately 80% of currently licensed family child care providers (2,500 of 3,124 licensees) already have outdoor play space enclosed by a fence or other permanent boundary. Another 1 to 2 % of facilities have permission to use off premises play space that is not required to be enclosed. The remaining 500 to 600 facilities currently utilize on-premises play space that is not enclosed. Depending on the type of material chosen, the Department estimates the cost to purchase and install a fence start at $300 and could go

considerably higher depending upon the type of enclosure selected by the licensee. For example, chain link fencing, installed is estimated to cost as much as $10,000 while wood fencing installed could be as high as $18,000. The Department used the low figure of $300 for installed fencing when calculating the effect on small businesses because this would meet the requirements of the rule. This would be a one-time expense. A decision by the licensee to use a more expensive type of fencing material is a business decision taking into account the particulars of the center. Some centers may qualify for an exception to the rule requiring permanent enclosures on outdoor play space due to other protections that could be put in place to adequately protect the children who are playing outside. These exceptions would be considered on a case by case basis.

Costs associated with being on the premises of a center for 30 hours per month to carry out the responsibilities of the licensee are estimated at $300 per month. The Department estimates that personnel policies could be developed for approximately $150 ($10 per hour for 15 hours) as a one-time only expense. The addition of nine staff meetings over a calendar year is not expected to appreciably increase the costs of a family child care center since those meetings could be informal discussions rather than a formal meeting held outside of the hours when care is provided to children.

The proposed rules will add a small additional one-time only cost of $27 - $42 for family child care providers who are required to obtain a certificate issued by The Registry that will document completion of entry level training and place the individual on a career ladder. The proposed rules do not require a Registry certificate be renewed annually. The training required for shaken baby syndrome prevention is included in the courses required for entry-level training, so no additional costs are anticipated. For providers or licensees who have not had training in shaken baby syndrome prevention, a stand-alone training is available at a cost per person of $10 - $15. This is a one time only cost. The new requirement for training in the use of an automated external defibrillator is expected to be included in the already required training in cardiopulmonary resuscitation. The Department estimates that 10% of all licensed family child care providers (312 of 3,124) are not providing care and supervision of children for 50% of the center's hours of operation. The programs that would be required to meet this new section could include centers where the licensee operated more than one program or centers where the licensee is not providing the care. In addition, the licensee would have to pay $300 for the required course in the Wisconsin Professional Credential for Child Care Administrators. Family child care providers are eligible for a T.E.A.C.H. Early Childhood © Wisconsin scholarship to most of the costs associated with this requirement. The T.E.A.C.H. Early Childhood© - Wisconsin scholarship covers 70% of tuition, 75% of books, a travel stipend and 75% of the credential fee. Scholarship recipients are eligible for a bonus on completion of a contract.

Family Child Care Center estimated annual income: $31,000 – 62,000. Estimated annual income for family child care centers was calculated by assuming an average weekly rate of $150 per child for 52 weeks. The range was determined by looking at the maximum number of children in care over a year, using the income if four children attended and eight children attend.

Reporting requirements for family child care centers have not increased appreciably with the proposed changes.

Chapter HFS 46 – Group Child Care Centers

Proposed rules for ch. HFS 46 would require directors in a group child care center to obtain additional credit-based education. Currently, there are 2,491 licensed group child care centers that would be affected by this rule change. The proposed changes would require the director of a small child care center licensed to care for 50 or fewer children (currently there are 1,538 small group child care centers licensed in Wisconsin) to complete one course from the Wisconsin Professional Credential for Child Care Administrators program from a technical college or university within one year after the effective date of the rule. Center directors in large group child care centers licensed to care for 51 or more children (953 currently licensed centers) would be required to complete the 18 - credit Wisconsin Professional Credential for Child Care Administrators within three years after the effective date of the rule. The Wisconsin Technical College System estimates that the cost of obtaining this credential is $2000 per credential including books and other materials. The T.E.A.C.H. Early Childhood© - Wisconsin scholarship program administered through the Wisconsin Early Childhood Association under contract with the Department of Workforce Development, is available to students enrolled in the Wisconsin Professional Credential for Child Care Administrators program. The T.E.A.C.H. Early Childhood© - Wisconsin scholarship covers 70% of tuition, 75% of books, a travel stipend, up to 15 hours of release time per semester and 75% of the credential fee. The center agrees to provide 20% of tuition, $300 bonus when a contract is completed and up to an additional 15 hours of release time. The scholarship recipient provides 10% of tuition, 25% of the cost of books and 25% of the credential fee. In addition, the scholarship recipient agrees to remain in his or her current position at the center for a year. The T.E.A.C.H. Early Childhood© - Wisconsin scholarship is open to any person currently working at least 25 hours per week in a licensed or certified child care center.

The proposed changes to ch. HFS 46, Licensing Rules for Group Child Care Centers would require that center directors obtain additional credit-based training. The Department estimates the cost of the training would be $2,000 for the center directors of 953 large group child care centers. Small center directors (1,538 programs) would need to complete only one of six courses from the Wisconsin Professional Credential Child Care Administrator program. Expected cost for one course including books is $350. The T.E.A.C.H. Early Childhood© – Wisconsin scholarship is available for center director's affected by this new requirement. The scholarship covers 70% of tuition and 75% of books. Centers are expected to cover 20% of tuition and 25% of books leaving 10% of tuition to be covered by the center director. The training required for shaken baby syndrome prevention is included in the courses required for entry-level training, so no additional costs are anticipated. For those new employees who have already met the training requirements, but have not yet had training in shaken baby syndrome prevention, a stand-alone training is available at a cost per person of $10 - $15. This is a one time only cost. The costs associated with obtaining training in the use of an external automated defibrillator are expected to be negligible because the training is expected to be included in the already required training in cardiopulmonary resuscitation.

The proposed rules require that all group child care centers using on-premise play space have a permanent enclosure surrounding the play space. An additional one time only cost for a permanent enclosure will affect less than 2% of the licensed group child care centers. The majority of the group child care centers already have enclosed play spaces. School-age only programs are not required to have permanent enclosures around play spaces. The Department

estimates this cost to begin at $300 and go upward depending on the type of permanent enclosure chosen by the licensee.

Group Child Care Center estimated annual income: $218,400 – 1,560,000

Estimated annual income for group child care centers was calculated by assuming an average weekly rate of $200 per child for 52 weeks. The range was determined by estimating an average of 21 children in attendance versus 150 children in attendance. According to a statistical report from the department's licensing database, there are 1,090 group child care centers with a capacity of between 21 and 50 children and 195 group child care centers with a capacity between 101 and 150 children. There are 74 group child care centers with a capacity of 151+ children and 448 group child care centers with a capacity of fewer than 21 children.

Reporting requirements for group child care centers have not increased appreciably with the proposed changes.

Chapter HFS 55 – Day Camps

Proposed changes to ch. HFS 55 would require training in child and adult Cardiopulmonary Resuscitation (CPR) for all camp counselors, waterfront supervisors and camp directors. CPR training is readily available from a variety of sources at various prices. The rule requires a current certificate of completion. Some certificates are valid for a two-year period while others are valid for one year. The Department estimates that 50% of existing camps (38 of 76 camps) already require CPR training for employees. For the remaining 38 camps the cost of providing CPR training might range from approximately $15 - $30 per student depending on who provided the training. These costs could be annual or biennial depending on the type of course chosen.

The proposed changes to HFS 55, Licensing Rules for Day Camps will require additional hours of pre-camp training which would include training CPR and shaken baby syndrome. The proposed rules will raise the number of pre-camp training hours from 18 to 24. The Department estimates that approximately 38 of the currently licensed 76 camps already require CPR for counselors. The cost of CPR training which will include training in the use of an automated external defibrillator is estimated to be $15 - $30 per student.

Day camp estimated annual income is $110,000. Day camp estimated annual income was calculated by assuming a $200 weekly rate for 11 weeks with 50 children in attendance.

Increases in reporting requirements for day camps have increased substantially. However, the Department believes that the additional reporting requirements are necessary to ensure that the health, safety and welfare of children is protected. In most cases, the reports can be made by phone with a follow-up written report that can be submitted electronically. There should be minimal increases to staff time to accommodate the increased reporting requirements.

Agency Contact Person

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Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to the agency contact person that is listed above until the date given in the upcoming notice of public hearing. The deadline for submitting comments and the notice of public hearing will be posted on the Wisconsin Administrative Rules Website at http://adminrules.wisconsin.gov when the hearing is scheduled. The notice of public hearing will also be published in the Wisconsin Administrative Register.

SECTION 1. HFS 45.02 (1) (intro.) (note) is created to read:

HFS 45.02 (1) (intro.) (note): **Note:** Section 48.65 (2), Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for a license. As specified under s. 49.155 (4), Stats., or s. DWD 56.04 (1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy.

SECTION 2. HFS 45.03 (4m) is created to read:

HFS 45.03 (4m) "Crib" means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

SECTION 3. HFS 45.03 (10) and (11) (intro.) are amended to read:

HFS 45.03 (10) "Field trip" means any experience a child has away from the premises of the center while in the care of center staff, whether a child walks or is transported.

(11) "Fit and qualified" means displaying the capacity to successfully nurture and care for children and ~~shall not~~ may include consideration of any of the following:

SECTION 4. HFS 45.03 (11) (d), (13m), and (14m) are created to read:

HFS 45.03 (11) (d) A history of civil or criminal offenses or any other action that demonstrates an inability to manage the activities of a center.

(13m) "Hazard" means a potential source of harm that can jeopardize the health, safety or well-being of a child in care.

(14m) "Household member" means any person who resides, or is expected to reside, at the family child care center and who has or may have direct contact with a child in the care of the center, whether or not related to the licensee.

SECTION 5. HFS 45.03 (15) (b) to (d), (18), (27), and (28) are amended to read:

HFS 45.03 (15) (b) Temperatures above 90 ~~F.~~ degrees Fahrenheit.

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

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

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

(27) "Provider" means an adult who has met the requirements specified in s. HFS 45.05 (1) in a family child care center and 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, or other children who reside in the family child care center.

SECTION 6. HFS 45.03 (30m) is created to read:

HFS 45.03 (30m) "Shaken baby syndrome" or "SBS" means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

SECTION 7. HFS 45.03 (34) and (37) are amended to read:

HFS 45.03 (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 ss. HFS 45.05 (3) (j) and (m) and 45.07 (7) (e).

(37) "Volunteer" means a person who is not paid, but who agrees to give time, with or without ~~compensation~~ reimbursement for expenses, to transport children attending a family child care center or to work ~~with children~~ in a family child care center.

SECTION 8. HFS 45.04 (2) (e) 3., 7. and 8., and (g) are amended to read:

HFS 45.04 (2) (e) 3. Child and provider absences, including a procedure to contact a parent if a child is absent from the center without prior notification from the child's parent.

7. Child guidance, including appropriate ways to manage crying, fussing or distraught children.

8. Transportation of children for any purpose including field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.

(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~~ if transportation is provided. Liability insurance on the child care business 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).

SECTION 9. HFS 45.04 (2) (g) (note) is created to read:

HFS 45.04 (2) (g) (note): The information provided could be included as a rider on a homeowner policy or a separate insurance policy on the child care business. A certificate of insurance or other documentation from an insurance company that indicates the number of children covered, dates of coverage and types of pets covered is acceptable.

SECTION 10. HFS 45.04 (2) (h) and (i) are amended to read:

HFS 45.04 (2) (h) ~~Display~~ Post 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, including any rule violations cited by the department, any notice of enforcement action, including revocation or denial, and any stipulations, conditions, exceptions or exemptions that affect the license. Items posted shall be visible to parents.

SECTION 11. HFS 45.04 (2) (L), (m) and Note are created to read:

HFS 45.04 (2) (L) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when a person aged 10 and above becomes a household member.

(m) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current household member who turns age 10.

Note: For more information about caregiver background checks refer to the administrative rule under ch. HFS 12. Information on how to obtain a copy of the Background information Disclosure form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 12. HFS 45.04 (3) (intro.), (3) (a) and Note, (d) Note, (e), (i) and (j) are amended to read:

HFS 45.04 (3) (intro.) The licensee shall report to the department all of the following~~:~~. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail and letter are acceptable ways of filing a written report:

(3) (a) Any death of a child in care, or any incident or accident that occurs while the child is in the care of the center 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~~ department's form ~~CFS-0055~~, ~~Child Care Accident/Death Report~~ Accident Report – Child Care Centers, ~~listed in Appendix E~~ available from any regional licensing office in Appendix A, the department's web site, http://dcf.wisconsin.gov or the licensee's own form to report incidents, accidents and deaths.

(d) Note: The licensing representative will notify the licensee ~~that~~ whether 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~~ member or other ~~persons~~ person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department's next business day.

(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 including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child's hours of attendance within 24 hours after the incident.

(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.~~

SECTION 13. HFS 45.04 (3) (L), (m) and Note, and (4) (c) are created to read:

HFS 45.04 (3) (L) Seasonal closings at least 5 calendar days before the closing.

(m) Any confirmed case of a communicable disease reportable under ch. HFS 145 in a child enrolled in the child care center or a person in contact with children at the center within 48 hours.

Note: See s. HFS 45.07 (6) (e) 1. for other requirements relating to communicable disease reporting.

(4) (c) The licensee shall notify a parent of a child in care of all of the following circumstances:

1. The child is or has been exposed to a diagnosed or suspected communicable disease reportable under ch. HFS 145 as specified under s. HFS 45.07(6).

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. 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.

2. The child becomes ill or is injured seriously enough to require professional medical treatment. Notification shall be made immediately.

3. The child has sustained a minor injury that does not appear to require professional medical treatment. Notification may be made when the child is picked up at the center or delivered to the parent or other authorized person.

4. The date, time and destination of any field trip as specified in sub. (6) (a) 2.

SECTION 14. HFS 45.04 (5) (intro.), (a) Note, (b) Note, (d), (e) Note and (g) are amended to read:

HFS 45.04 (5) STAFF RECORDS. The licensee shall maintain a file for each provider, employee, or substitute and make the file available for review by the licensing representative. The file shall contain all of the following ~~items~~:

(a) Note: The ~~Department's~~ department's form ~~CFS-0053, Child Care~~, Staff Record-Child Care Centers, is used for recording staff information. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

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

(e) Note: The department's form ~~CFS-0054~~, ~~Child Care Provider~~ Staff Health Report-Child Care Centers, is used for recording physical examination information. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(g) Documentation of the entry level training ~~required~~ requirements 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)~~.

SECTION 15. HFS 45.04 (5) (g) Note is repealed.

SECTION 16. HFS 45.04 (5) (h), (i), (j) and (k) are created to read:

HFS 45.04 (5) (h) Documentation of the training required under s. HFS 45.05 (1) (b) 7. in shaken baby syndrome prevention.

(i) For persons who transport children, a copy of the person's driver's license and driving record that is obtained by the licensee under s. HFS 45.08 (3) (b).

(j) Documentation of the continuing education required under s. HFS 45.05 (1) (b) 4. and 5.

(k) For persons licensed or beginning work with children on or after the effective date of this section... [legislative reference bureau inserts date], a certificate from The Registry. Substitutes are not required to have a Registry certificate until they have worked for 240 hours.

SECTION 17. HFS 45.04 (6) (a) (intro.), 1. Note, 2. Note, and 3. and Note are amended to read:

HFS 45.04 (6) (a) The licensee shall maintain a current written record at the center on each child enrolled, including the provider's own children under age 7, and shall make the record available to the ~~department~~ licensing representative on request. Each record shall include all of the following:

1. Note: The department's ~~form~~ ~~CFS-0062 or CFS-0062A,~~ forms, Child Care Enrollment ~~Form~~ and the ~~CFS2345~~ Health History and Emergency Care Plan ~~Form~~ are used for recording enrollment and health history information. Information on how to obtain ~~the~~ department forms is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. See s. HFS 45.07 (6) (L) 5. for information on sharing information related to a child's special health care needs.

2. 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~~ department forms is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

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~~ or other activities and to go from the center to school, home ~~and~~ or other activities unless the child is accompanied by a parent or other authorized person or the child is transported by the center.

Note: The licensee may use either the department's form ~~CFS-0104~~, ~~Day Care School-Age Agreement~~, Alternate Arrival/Release Agreement - Child Care, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 18. HFS 45.04 (6) (a) 4. Note is created to read:

HFS 45.04 (6) (a) 4. Note: See HFS 45.07 (6) (L) 1. and 2. for information on frequency of health exams. The department's form, Child Health Report – Child Care Centers, is used to document a child's health exam. Information on how to obtain the department form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 19. HFS 45.04 (6) (a) 6. Note and (b) are amended to read:

HFS 45.04 (6) (a) 6. 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 department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) The licensee shall maintain a current, accurate written record of the daily attendance on a form prescribed by the department that includes the actual time of arrival and departure ~~and birthdate~~ for each child for the length of time the child is enrolled in the program.

SECTION 20. HFS 45.04 (6) (b) Note is created to read:

HFS 45.04 (6) (b) Note: The department's form, Daily Attendance Record – Child Care, is used for recording a child's daily attendance. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 21. HFS 45.05 (1) (a) is amended to read:

HFS 45.05 (1) (a) Minimum age and competence. A family child care provider shall be physically, mentally and emotionally able to provide responsible care ~~for~~ to all children, including children with disabilities and shall be at least 18 years of age.

SECTION 22. HFS 45.05 (1) (b) 1. and Note are renumbered HFS 45.05 (1) (b) 1. a. and Note and as renumbered are amended to read:

HFS 45.05 (1) (b) 1. a. A provider shall have satisfactorily completed ~~40 hours or~~ 3 credits of broad-based early childhood training or a non-credit course in caring for children 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~~ before receiving a license or working with children.

Note: ~~Non-credit courses entitled *introduction to the child care profession* and *Fundamentals of Family Child Care*, together, meet the requirement for 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).~~ The non-credit course called *Introduction To The Child Care Profession* is the non-credit course in caring for children that has been approved by the department. Acceptable broad-based early childhood education courses taken for credit include child development, child psychology or introduction to early childhood education. Information on agencies offering department-approved courses is available on the department's website at http://dcf.wisconsin.gov.

SECTION 23. HFS 45.05 (1) (b) 1. b. and Note are created to read:

HFS 45.05 (1) (b) 1. b. A person licensed or beginning to work with children after the effective date of this section . . . [legislative reference bureau inserts date] shall have

satisfactorily completed a non-credit course in operating a child care business approved by the department or its equivalent before becoming licensed or working with children.

Note: The non-credit course entitled *Fundamentals of Family Child Care* is the non-credit course in operating a child care business that has been approved by the department. Information on agencies offering the department-approved course is available on the department's website at http://dcf.wisconsin.gov.

SECTION 24. HFS 45.05 (1) (b) 2. is repealed and recreated to read:

HFS 45.05 (1) (b) 2. If more than one provider is required to meet the staff-to-child ratios, each additional provider shall meet the training requirements as specified under this paragraph.

SECTION 25. HFS 45.05 (1) (b) 3. 4., Note, and 5. are amended to read:

HFS 45.05 (1) (b) 3. A substitute ~~hired~~ or volunteer used to meet staff-to-child ratios need not meet the training requirements specified in this section until the substitute or volunteer has worked in the center for 240 hours, except that the substitute or volunteer used to meet staff-to-child ratios shall complete department-approved training in shaken baby syndrome prevention before providing care and supervision to children under age 5.

4. A provider shall receive and document having received 15 hours of continuing education each year in child growth and development, early childhood education, caring for children with disabilities, 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.

4. Note: The licensee may use either the ~~Department's~~ department's form ~~CFS-0053A~~, ~~Child Care~~ Staff Continuing Education Record-Child Care Centers, or the licensee's own form to document the completion of continuing education. Information on how to obtain the ~~Department's~~ department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5. A provider shall obtain within 6 months of licensure or date of hire and maintain a current certificate of completion for a department-approved course in infant and child cardiopulmonary resuscitation including training in the use of an automated external defibrillator. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

SECTION 26. HFS 45.05 (1) (b) 6., 7. and Note are created to read:

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

7. Before becoming licensed or providing care and supervision to children under age 5, a provider, substitute, volunteer, emergency back-up or any other person providing care and supervision to children in a family child care center shall have completed department-approved training in shaken baby syndrome prevention unless the person has documentation of completion of one of the non-credit, department-approved, entry-level courses that contain the required materials taken after July 1, 2005.

Note: *Introduction to the Child Care Profession* and *Fundamentals of Infant and Toddler Care* are the names of the non-credit, department-approved, entry-level courses that contain the required shaken baby syndrome prevention materials. Information on agencies offering the department-approved courses is available on the department's website at http://dcf.wisconsin.gov.

SECTION 27. HFS 45.05 (1) (c) is repealed and recreated to read:

HFS 45.05 (1) (c) No person may offer child care training as specified in this section unless the person and the course have been approved by the department.

SECTION 28. HFS 45.05 (1) (c) Note is created to read:

HFS 45.05 (1) (c) Note: Information on the approval process for non-credit courses is available on the department's website, http://dcf.wisconsin.gov.

SECTION 29. HFS 45.05 (2) (a) 3. is amended to read:

HFS 45.05 (2) (a) 3. ~~Location of~~ A review of children's records including emergency contact information.

SECTION 30. HFS 45.05 (2) (a) 9. Note is repealed.

SECTION 31. HFS 45.05 (2) (a) 10., 11., 12. and 13. and Note are created to read:

HFS 45.05 (2) (a) 10. The procedure to contact a parent if a child is absent from the center without prior notification of the absence from the parent.

11. Review of center policies required under s. HFS 45.04 (2) (e).

12. Review of this chapter.

13. Review of s. HFS 12.07 (1) which requires a provider to notify the licensee as soon as possible but no later than the provider's next working day when any of the following occurs:

a. The provider has been convicted of a crime.

b. The provider has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

c. The provider has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.

d. A professional license held by a provider has been denied, revoked, restricted or otherwise limited.

Note: The department's form, Staff Orientation Checklist- Family Child Care Centers, is used to document completion of employee orientation. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 32. HFS 45.05 (2) (b) 3. is amended to read:

HFS 45.05 (2) (b) 3. Location of children's files <u>including emergency contact information, consent for emergency medical treatment and any special health care needs</u>.

SECTION 33. HFS 45.05 (3) (e) is repealed and recreated to read:

HFS 45.05 (3) (e) Except when a substitute is providing care, at least one provider who has completed the training required under s. HFS 45.05 (1) (b) 1. shall supervise children at all times. Substitutes shall have completed the training in shaken baby syndrome prevention required under s. HFS 45.05 (1) (b) 7. before working as a substitute.

SECTION 34. HFS 45.05 (3) (L) and (m) are created to read:

HFS 45.05 (3) (L) The licensee shall implement a procedure to ensure that the number, names and whereabouts of children in care are known to the provider at all times.

(m) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool with water in it is present in the outdoor play space specified in s. HFS 45.06 (11) (b).

SECTION 35. TABLE 45.05 is amended to read:

Table HFS 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 School-age Children ~~in First Grade Or Above~~ In Care For Fewer Than 3 Hours a Day	Maximum Number of Children

SECTION 36. HFS 45.05 (4) (d) and (note) are created to read:

HFS 45.05 (4) (d) Each provider may care for no more than 2 children under age 2 when care is provided on a level that is more than 6 feet above or below the ground level. A center may care for 3 or 4 children under age 2 when care is provided on a level that is more than 6 feet above or below the ground level only if there is more than one qualified provider.

Note: Section HFS 45.06 (4) (e) requires an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

SECTION 37. HFS 45.06 (1) (a), (b) 2. and 3., and (2) (e) are amended to read:

HFS 45.06 (1) (a) Family child care centers located in ~~other than~~ a building that is not 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.

(b) 2. The inside temperature of the center may not be less than 67~~ F.~~ degrees Fahrenheit.

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

(2) (e) The center's indoor and outdoor child care space shall be free of hazards including any recalled products.

SECTION 38. HFS 45.06 (2) (e) Note is created to read:

HFS 45.06 (2) (e) Note: Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp or by contacting the United States Consumer Products Safety Commission (US CPSC) at 1-800- 638-2772.

SECTION 39. HFS 45.06 (3) and Note and (4) (a) Note are amended to read:

HFS 45.06 (3) Each center shall have a written plan for taking appropriate action in the event of a fire or tornado, missing child or other emergency. The center shall practice the fire evacuation plan monthly and the tornado plan monthly from April though October with the children ~~each month~~ and document when the ~~plan was~~ plans were practiced.

Note: The licensee may use either ~~Department's~~ the department's form ~~CFS-0460~~, Fire Safety and Emergency Response Documentation - Family Child Care ~~Fire and Safety Report~~ Centers, or the licensee's own form to document when the fire and tornado emergency ~~plan was~~ plans were practiced. Information on how to obtain the ~~Department's~~ department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(4) (a) Note: The licensee may use either the ~~Department's~~ department's form ~~CFS-0460~~, Fire Safety and Emergency Response Documentation - Family Child Care ~~Fire and Safety Report~~ Centers, or the licensee's own form to record the results of smoke detector tests. Information on how to obtain the ~~Department's~~ department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 40. HFS 45.06 (4) (e) is created to read:

HFS 45.06 (4) (e) The center shall be equipped with an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

SECTION 41. HFS 45.06 (6) (b) is amended to read:

HFS 45.06 (6) (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 by a laboratory certified under ch. HSS 165. Bottled water shall be used for infants under 6 months of age if the water tests above the maximum allowable levels of nitrates.

SECTION 42. HFS 45.06 (6) (b) Note is created to read:

HFS 45.06 (6) (b) Note: Section NR 890.09 sets the maximum allowable level of nitrate-nitrogen in public drinking water at 10 milligrams per liter (10 parts per million).

SECTION 43. HFS 45.06 (6) (c) is amended to read:

HFS 45.06 (6) (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.

SECTION 44. HFS 45.06 (7) (a) 6. c. is renumbered to 6. c. 1. and as renumbered is amended to read:

HFS 45.06 (7) (a) 6. c. 1. ~~A~~ Except in an upstairs duplex, 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.

SECTION 45. HFS 45.06 (7) (a) 6. c. 2. is created to read:

HFS 45.06 (7) (a) 6. c. 2. A center located in the upstairs unit of a duplex shall have 2 exits leading directly to the ground floor or to a platform as described in subd. pars. 6. a. and b.

SECTION 46. HFS 45.06 (7) (a) 8. is repealed.

SECTION 47. HFS 45.06 (9) (d) and (11) (b) 2., 3. and 4., (12) (b), (c) (intro.), and 3. (intro.) are amended to read:

HFS 45.06 (9) (d) Food shall be covered and stored at temperatures that protect against spoilage. Refrigerators shall be maintained at 40 ~~° F.~~ degrees Fahrenheit or lower and freezers shall be maintained at 0 ~~° F.~~ degrees Fahrenheit or lower.

(11) (b) 2. There shall be at least 75 square feet of outdoor place space for each child using the space at a given time. A center with a licensed capacity of 8 children is required to have a minimum of 600 square feet.

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. Wood treated with creosote, including railroad ties, may not be used in areas accessible to children.

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 protect the safety

of children in care. Fencing, plants or landscaping may be used to create a permanent enclosure. Programs licensed prior to the effective date is this rule [legislative reference bureau inserts date. . .] have until one year after the effective date [legislative reference bureau inserts date. . .] to install a permanent enclosure.

(12) (b) ~~Wading pools~~ A wading pool on the premises may be used if the water is changed daily and the pool is disinfected daily. Supervision requirements and staff-to-child ratios under s. HFS 45.05 (3) and (4) shall be met.

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

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

SECTION 48. HFS 45.06 (12) (c) 6. is created to read:

HFS 45.06(12) (c) 6. If some of the children are in the water and others are not, there shall be at least 2 providers supervising the children. One provider shall supervise the children who are in the water, and the other provider shall supervise the children who are not in the water.

SECTION 49. HFS 45.07 (1) (b) (intro.) is amended to read:

HFS 45.07 (1) (b) A provider shall plan daily activities according to the age and developmental level of ~~the children~~ each child in care and shall include a flexible balance of all of the following:

SECTION 50. HFS 45.07 (1) (b) 8. and Note are created to read:

HFS 45.07(1) (b) 8. Develop literacy skills.

Note: Wisconsin has an information and referral service for persons with questions or concerns about a child's development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area. When a provider or a parent has concerns about a child's growth or development a referral to a Birth-to-Three agency or the local public school should be considered to determine if the child is eligible for special services. With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

SECTION 51. HFS 45.07 (2) (c) (intro.) and 1. are amended to read:

HFS 45.07 (2) (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, throwing, or inflicting any other form of corporal punishment on the child.

SECTION 52. HFS 45.07 (2) (c) 5. is created to read:

HFS 45.07 (2) (c) 5. Actions that are cruel, aversive, humiliating or frightening to the child.

SECTION 53. HFS 45.07 (3) (e), (6) (e) 1. and 2., and (f) 1. (intro.) and Note are amended to read:

HFS 45.07 (3) (e) Trampolines and inflatable bounce surfaces on the premises shall not be in areas accessible to children and may not be used by the children in care.

(6) (e) 1. When it is determined that a person in contact with children or 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, the department and parents of all the enrolled children shall be notified.

2. A licensee, provider, household member, employee, volunteer, visitor or parent or a child in care may be readmitted to the family child care center if ~~the child's parents provide a~~ there is a written statement from a physician that the ~~child's~~ condition is no longer contagious or if the ~~child~~ person has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department in ch. HFS 145.

(f) 1. A provider may give prescription or non-prescription medications such as pain relievers, teething gels or cough syrup to a child only under the following conditions:

Note: The ~~Department's~~ department's form ~~CFS-0059 or CFS-0059A~~, Authorization to Administer Medication - Child Care Centers, is used to obtain the parent's authorization to provide medications. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 54. HFS 45.07 (6) (f) 2. is renumbered to HFS 45.07 (6) (f) 2. a. and as renumbered is amended to read:

HFS 45.07 (6) (f) 2. a. Sunscreen, lip balm 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 insect repellent. If parents provide the sunscreen, lip balm or insect

repellent, the sunscreen, lip balm or repellent shall be labeled with the child's name. Authorizations shall be reviewed periodically and updated as necessary. The recording of the application of sunscreen, lip balm or insect repellent is not required.

SECTION 55. HFS 45.07 (6) (f) 2. b., 5. and 6. are created to read:

HFS 45.07 (6) (f) 2. b. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.

5. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

6. Medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.

SECTION 56. HFS 45.07 (6) (g) 1. is renumbered HFS 45.07 (6) (g) 1. a.

SECTION 57. HFS 45.07 (6) (g) 1. b. and c. are created to read:

HFS 45.07 (6) (g) 1. b. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands shall be washed immediately with soap and running water.

c. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.

SECTION 58. HFS 45.07 (6) (k) Note, (L) 1., 2. and 3. Note and 5. Note, (m) Note, and (7) (f) and (h) are amended to read:

HFS 45.07 (6) (k) Note: The ~~Department's Child Care Enrollment~~ department's form, ~~CFS-0062 and CFS-0062A~~, Child Care Enrollment, includes authorization for the center to obtain emergency medical care for a child. Information on how to obtain forms is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(L) 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 examination at least once every 6 months ~~after admission~~ thereafter.

2. ~~Except for a school-aged child, each~~ Each child 2 years of age or older, including a provider's own 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~~ thereafter. School-age children are not required to have a health exam.

3. Note: The ~~Department's~~ department's form ~~CFS-0060 or CFS-0060A~~, Child Health Report-Child Care Centers, is used to record health examination information. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5. Note: The ~~Department's~~ department's form ~~CFS-2345~~, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(m) Note: The ~~Department's~~ department of health services 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 provider may be used in place of DPH-4192 or DPH-4192S. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(7) (f) Pets are prohibited in any food preparation or serving area when food is being prepared or served unless the pet is confined in a cage or kennel. ~~Pet feeding dishes, cages and litter~~ Litter boxes are prohibited in any food preparation, storage or serving areas. ~~Animal~~ Litter boxes and animal feeding dishes ~~and litter boxes~~, excluding water dishes, may not be placed in areas accessible to children.

(h) Proof of liability insurance on the child care business indicating the number of children covered and the dates of coverage 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.

SECTION 59. HFS 45.07 (7) (h) Note is created to read:

HFS 45.07(7) (h) Note: Documentation could be included as a rider on a homeowner policy or a separate insurance policy on the child care business. A certificate of insurance or other documentation from the insurance company that indicates the number of children covered, dates of coverage and types of pets covered is acceptable. Service animals used to assist persons with disabilities are not considered pets when functioning as a service animal.

SECTION 60. HFS 45.08 (1) (a) Note and (2) (c) Note are amended to read:

HFS 45.08 (1) (a) Note: The ~~Department's~~ department's form ~~CFS-0056 Child Care~~, Transportation Permission-Child Care Centers, may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child's residence or other location is provided. ~~See Appendix E for information~~ Information on how to obtain ~~copies~~ a copy of ~~Department forms~~ the department form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(2) (c) Note: The licensee must use the ~~Department's~~ department's form ~~CFS-0062 or CFS-62A~~, Child Care Enrollment ~~Form,~~ to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the ~~Department's~~ department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 61. HFS 45.08 (3) is renumbered HFS 45.08 (3) (a) and as renumbered is amended to read:

HFS 45.08 (3) (a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid Wisconsin operator's license for the type of vehicle driven.

SECTION 62. HFS 45.08 (3) (b) and (c) and Note are created to read:

HFS 45.08 (3) (b) The licensee shall obtain a copy of the driving record for each driver annually and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

(c) A driver whose driving record poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608)261-2566 or http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm.

SECTION 63. HFS 45.08 (4) is repealed and recreated to read:

HFS 45.08 (4) (a) The licensee shall ensure that each vehicle, including a licensed contract motor carrier vehicle, such as a hired school bus, that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation.

2. Clean, uncluttered and free of obstruction on the floors, aisles and seats.

3. Enclosed. Children may not be transported in a truck except in the cab.

4. In safe operating condition.

(b) 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, 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 available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(c) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

SECTION 64. HFS 45.08 (5) is renumbered HFS 45.08 (5) (a) and as renumbered is amended to read:

HFS 45.08 (5) (a) Each child ~~under 4 years~~ who is less than 1 year of age or ~~40~~ who weighs less than 20 pounds being transported in a vehicle shall be properly seated and restrained in ~~an~~ a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats. ~~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.~~

SECTION 65. HFS 45.08 (5) (b), (c), (d) and (e) are created to read:

HFS 45.08 (5) (b) Each child who is at least one year old but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

(c) Each child who is at least 4 years old but less than 8 years of age, who weighs less than 80 pounds or who is 4 feet 9 inches tall or less shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48 Stats.

(d) Each child who is not required to be in an individual child car safety seat or booster seat required under par. (a), (b) or (c) when being transported shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

(e) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

SECTION 66. HFS 45.08 (6) (b) and (d) Note are amended to read:

HFS 45.08 (6) (b) Children under age 13 years who are in the care of the center 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.~~

(d) Note: Form ~~CFS-0056 Child Care Center~~, Transportation Permission ~~form~~ -Child Care Centers, may be used to designate an adult to receive a child being transported. ~~See Appendix E for information~~ Information on how to obtain a copy of this form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 67. HFS 45.08 (6) (e) is created to read:

HFS 45.08 (6) (e) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

SECTION 68. HFS 45.09 (1) (b) is repealed.

SECTION 69. HFS 45.09 (1) (c) 1. and Note and 5. are amended to read:

HFS 45.09 (1) (c) 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. The information shall be at the center before the child is left for care on the child's first day of attendance. A provider and the child's parents shall periodically discuss the child's development and routines.

Note: The ~~Department's~~ department's form ~~CFS-0061~~, ~~Day Care~~ Intake for Children 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. Wisconsin has an information and referral service for persons with questions or concerns about a child's development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area. When a provider or a parent has concerns about a child's growth or development a referral to a Birth-to-Three agency should be considered to determine if the child is eligible for special services. With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) coordinate programming activities with the local Birth-to-Three agency.

5. Safety gates shall be ~~provided~~ used at open stairways when children are awake.

SECTION 70. HFS 45.09 (4) (b) Note is created to read:

HFS 45.09 (4) (b) Note: A quaternary ammonia product is any of a group of compounds in which a central nitrogen atom is joined to four organic radicals and one acid radical, used as antiseptics and disinfectants. Benzalkonium chloride, dimethyl benzyl ammonium chloride, and dodecyl dimethyl ammonium chloride are the names of some common ammonium compounds that might identify a product as a quaternary ammonium product. The chemical name for bleach is sodium hypochlorite.

SECTION 71. HFS 45.095 is created to read:

HFS 45.095 **Additional requirements when the licensee is not providing care to children at least 50% of the licensed hours of center operation**. A licensee who does not

provide care and supervision to children at least 50% of the hours of a center's operation shall comply with the following requirements:

(1) The licensee shall complete at least one course from the Wisconsin Professional Credential for Child Care Administrators program within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center's operation.

(2) The licensee shall be responsible for the following:

(a) Management, finance, physical plant, and day-to-day operations of the center.

(b) Supervision of the planning and implementation of the center's program for children.

(c) Supervision of center staff, including the following duties:

1. Implement and maintain a written job description for each staff position.

2. Implement and maintain a written personnel policy that addresses hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures, and the disciplinary process. The personnel policy shall contain a procedure that requires staff to notify the licensee and the licensee to notify the department as soon as possible, but no later than the next business day, when any of the following occurs:

a. The employee has been convicted of a crime.

b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

c. The employee has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.

d. A professional license held by the employee has been denied, revoked, restricted, or otherwise limited.

3. Ensure that each employee is familiar with the employee's job description, personnel policies, and applicable licensing rules.

4. Conduct staff meetings at least 9 times in a calendar year and document that the meetings have been held.

5. Ensure staff compliance with continuing education requirements.

(3) The licensee shall be at the center for at least 30 hours per month for the exclusive purpose of carrying out licensee responsibilities in sub. (2).

SECTION 72. HFS 45.11 (2) (d) Note is created to read:

HFS 45.11 (2) (d) Note: See HFS 45.03 (11) for the definition of "fit and qualified."

SECTION 73. HFS 45.11 (2) (g) and (h) are amended to read:

HFS 45.11 (2) (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 <u>or</u> employee had a child care license <u>or certification</u> 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 <u>or continuation</u> 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.

SECTION 74. HFS 45.11 (3) (c) 5. is renumbered HFS 45.11 (3) (c) 9.

SECTION 75. HFS 45.11 (3) (c) 5. , 6., 7. and 8. are created to read:

HFS 45.11 (3) (c) 5. Results of a water test if the center has a private well.

6. Results of a vehicle safety inspection if the center will transport children.

7. Documentation of liability insurance on the child care business required under s. HFS 45.04 (2) (g) if the center has cats or dogs that are in areas accessible to children.

8. A copy of all center policies as specified under s. HFS 45.04 (2) (e).

SECTION 76. HFS 45.11 (4) (a) 2. is repealed and recreated to read:

(4) (a) 2. Any completed Background Information Disclosure forms including any applicable fees required under s. 48.685 (6) (a) Stats., and s. HFS 45.04 (2) (L) and (m).

SECTION 77. HFS 45.11 (4) (a) 5., 6., 7., and 8., are created to read:

HFS 45.11 (4) (a) 5. Results of a water test if the center has a private well.

6. Results of a vehicle safety inspection if the center will transport children.

7. Documentation of liability insurance on the child care business required under s. HFS 45.04 (2) (g) if the center has cats or dogs that are in areas accessible to children.

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

SECTION 78. HFS 45.11 (5) (b) 2 is repealed and recreated to read:

(5) (b) 2. Any completed Background Information Disclosure forms including any applicable fees required under s. 48.685 (6) (a), Stats. and s. HFS 45.04 (2) (L) and (m).

SECTION 79. HFS 45.11 (5) (b) 5., 6., 7., and 8. are created to read:

5. Results of a water test if the center has a private well.

6. Results of a vehicle safety inspection if the center will transport children.

7. Documentation of the liability insurance on the child care business required under s. HFS 45.04 (2) (g) if the center has cats or dogs that are in areas accessible to children.

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

SECTION 80. HFS 45.11 (8) (a), (b) Note and (11) (a) are amended to read:

HFS 45.11 (8) (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, a household member or any other person having regular contact with the children is, has or has been any of the following:

(b) Note: See s. HFS 45.03 (11) for the definition of "fit and qualified." Examples of charges ~~and~~ , actions or offenses the Department will consider when making a determination under this paragraph that an act substantially relates to the care of children ~~are~~ include but are not limited to the following: abuse or neglect of a child; sexual assault; abuse ~~or~~ 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. This list is illustrative. Other types of offenses may be considered.

(11) (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~~

sent to 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.~~

SECTION 82. 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 ~~day~~ 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 child care centers.

SECTION 83. HFS 46.02 (1) (g) Note is created to read:

HFS 46.02 (1) (g) Note: Section 48.65, Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons who come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement of a license. As specified under s. 49.155 (4), Stats., or s. DWD 56.04 (1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy. To be eligible for child care subsidy payments under s. 49.155 (4), Stats. or DWD 56.04 (1), programs, other than those operated by public schools, may be required to be licensed by the department or certified by a county agency.

SECTION 84. HFS 46.03 (4g) and (8r) are created to read:

HFS 46.03 (4g) "Center-provided transportation" means transportation provided in a vehicle owned, leased or contracted for by the center or in volunteer or staff-owned vehicles regardless of whether the driver is reimbursed for the use of the vehicle.

(8r) "Crib" means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

SECTION 85. HFS 46.03 (11) and (11g) are amended to read:

HFS 46.03 (11) "Field trip" means any experience a child has away from the premises of the center, while under the care of center staff, whether a child walks or is transported.

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

SECTION 86. HFS 46.03 (11g) (d) and (13m) are created to read:

HFS 46.03 (11g) (d) A history of civil or criminal offenses or any other action that demonstrate an inability to manage financial resources or the activities of a center.

(13m) "Hazard" means a potential source of harm that can jeopardize the health, safety or well-being of children in care.

SECTION 87. HFS 46.03 (14r) (b) to (d) are amended to read:

HFS 46.03 (14r) (b) Temperatures above 90 ~~F.~~ degrees Fahrenheit.

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

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

SECTION 88. HFS 46.03 (28m) and (29g) are created to read:

HFS 46.03 (28m) "Shaken baby syndrome" or "SBS" means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

(29g) "Substitute" means a person who replaces a regularly scheduled person and meets the requirements under s. HFS 46.05 (1) (h).

SECTION 89. HFS 46.03 (34) is amended to read:

HFS 46.03 (34)"Volunteer" means a person who is not paid, but agrees to give time, with or without ~~compensation~~ reimbursement for expenses, to transport children attending a group child care center or to work ~~with children~~ in a group child care center.

SECTION 90. HFS 46.04 (1) (a) is amended to read:

HFS 46.04 (1) (a) The number of children at a group ~~day~~ child care center at any one time may not exceed the number for which the center is licensed.

SECTION 91. HFS 46.04 (2) (a) Note is created to read:

HFS 46.04 (2) (a) Note: Under the state public accommodation law, s. 106.52 (3), 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.

SECTION 92. HFS 46.04 (2) (f) and (h) 2. are amended to read:

HFS 46.04 (2) (f) Prior to receiving or continuing a license, complete all application forms and pay all fees and forfeitures due ~~and owing prior to receiving a license~~ to the department.

(h) 2. Personnel, including job descriptions, hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures and the disciplinary process. The personnel policy shall contain a procedure that requires staff to notify the licensee and the licensee to notify the department as soon as possible but no later than the next business day when any of the following occurs:

SECTION 93. HFS 46.04 (2) (h) 2. a., b., c. and d. are created to read:

HFS 46.04 (2) (h) 2. a. The employee has been convicted of a crime.

b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

c. The employee has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.

d. When a professional license held by an employee has been denied, revoked, restricted or otherwise limited.

SECTION 94. HFS 46.04 (2) (i) 5. and 6. are amended to read:

HFS 46.04 (2) (i) 5. Child guidance including appropriate ways to manage crying, fussing or distraught children.

6. Contingency plans to be followed in the event of a fire, tornado, missing child or other emergency.

SECTION 95. HFS 46.04 (2) (i) 8. Note is repealed.

SECTION 96. HFS 46.04 (2) (i) 9. is created to read:

HFS 46.04 (2) (i) 9. Transportation, if the center will transport children either on field trips or on a regular schedule. The policy shall include a procedure to ensure that no child is left unattended in a vehicle.

SECTION 97. HFS 46.04 (2) (k) and (L) are amended to read:

HFS 46.04 (2) (k) ~~Display~~ Post the ~~day~~ child care license near the entrance or in some other conspicuous area of the center that is ~~accessible~~ visible to the public.

46.04 (2) (L) Post next to the ~~day~~ child care center license ~~any rule violations cited by the department in its~~ the results of the most recent licensing inspection, including any rule violations

cited by the department and any notice of enforcement action including, license revocation or ~~non-renewal~~ denial and any stipulations, conditions, exceptions, or exemptions that affect the license.

SECTION 98. HFS 46.04 (2) (n), (o) and Note and (p) are created to read:

HFS 46.04 (2) (n) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when there is a change in the board chairperson or a person aged 10 and above becomes a household member.

(o) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current household member who turns age 10.

Note: For more information about caregiver background checks refer to the administrative rule under ch. HFS 12. Information on how to obtain a copy of the Background Information Disclosure form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(p) Submit a current delegation of administrative authority signed by the licensee that outlines the organizational structure and designates, in a chain of command form, those persons on the premises in charge of the center for all hours of operation.

SECTION 99. HFS 46.04 (3) (intro), (a) and Note, (c), (g) and (j) are amended to read:

HFS 46.04 (3) REPORTS. The licensee shall report to the department all of the following. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail, and letter are acceptable ways of filing a written report:

(a) Any death of a child in the care of the center or any incident or accident that occurs while the child is in the care of the center that results in an injury ~~requiring~~ that requires professional medical treatment ~~while the child is in the care of the center. The department shall 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-Child Care Centers, or the licensee's own form to report incidents, accidents or deaths. Information on how to obtain the Department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(c) A change in the ~~board chairperson,~~ administrator or center director of a ~~day~~ child care center, within 30 days after the change.

(g) Any known convictions, pending charges or other offenses of the licensee, child care center employees or other ~~persons~~ person subject to ~~checks~~ a caregiver background check which

could potentially relate to the care of children at the center or activities of the center by the Department's next business day.

(j) Any suspected abuse or neglect of a child by ~~a staff member~~ an employee or volunteer that was reported under s. HFS 46.04 (8) (a) or any inappropriate discipline of a child by ~~a staff member~~ an employee or volunteer including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, during the child's hours of attendance within 24 hours after the occurrence.

SECTION 100. HFS 46.04 (3) (m) and (n), and (4) (c) Note are created to read:

HFS 46.04 (3) (m) Any confirmed case of a communicable disease reportable under ch. HFS 145 in a child enrolled at the child care center or a person in contact with children at the center within 48 hours.

(n) Any change in meal preparation arrangements or transportation services at least 5 calendar days before the change. Centers adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals on the premises.

(4) (c) Note: When a child care worker or a parent has concerns about a child's growth or development, a referral to a Birth-to-Three agency or the local public school should be considered to determine if the child is eligible for special services. Wisconsin has an information and referral service for persons with questions or concerns about a child's development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area.

SECTION 101. HFS 46.04 (5) (a) 1. Note and 2. Note are amended to read:

HFS 46.04 (5) (a) 1. Note: The licensee may use the Department's form ~~CFS-0053~~, ~~Child Care~~ Staff Record-Child Care Centers, or the licensee's own form for recording staff information. Information on how to obtain the Department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. Note: The Department's form ~~HFS-64~~, Background Information Disclosure, is used for reporting background information. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 102. HFS 46.04 (5) (a) 5. is repealed and recreated to read:

HFS 46.04 (5) (a) 5. A certificate from the registry documenting that the person has met the educational qualifications for the position if the person has worked as a teacher, director or administrator at the center for at least 3 months. A copy of an educator's license issued by the

department of public instruction as a teacher may substitute for a certificate from the registry. For persons not required to have a registry certificate including assistant teachers and a teacher, center director or administrator who has not worked for the center for more than 3 months, documentation of the person's educational qualifications shall be on file.

SECTION 103. HFS 46.04 (5) (a) 6. and Note, 7. and 8. are created to read:

HFS 46.04 (5) 6. Documentation of orientation and continuing education received under s. HFS 46.05 (2).

Note: The licensee may use either the Department's form, Staff Continuing Education Record – Child Care Centers, or the licensee's own form to document the completion of continuing education. The licensee may use either the Department's form, Staff Orientation Checklist-Group Child Care Centers, or the licensee's own form to document completion of staff orientation. Information on how to obtain Department's forms is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

7. Documentation of training in shaken baby syndrome prevention taken before beginning work if the person will provide care and supervision to children under age 5.

8. Documentation of days and hours worked when the person was included in the staff-to-child ratio.

SECTION 104. HFS 46.04 (6) (a) Note is repealed.

SECTION 105. HFS 46.04 (6) (a) 1. i. Note, 2. Note, 3. Note, 4. Note, 5. and Note, 6. Note, 6m Note and 7. Note are amended to read:

HFS 46.04 (6) (a) 1. i. Note: See HFS 46.09 (1) (~~a~~ am) 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 – Child Care Centers, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. Note: The licensee may use either the Department's form ~~CFS-0062 or CFS-0062A~~, Child Care 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

3. Note: The licensee may use either the Department's form ~~CFS-0056~~, ~~Child Care Center~~ Transportation Permission – Child Care Centers, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

4. Note: The licensee may use either the Department's form ~~CFS-0058 or CFS-0058A~~, ~~Child Care~~ Field Trip or Other Activity Notification/Permission, or the licensee's own form for securing parental information. The Department's form ~~CFS-62 and CFS-0062A~~ ,Child Care Enrollment, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5. Authorization from the parent outlining the plan for a ~~school-age~~ child to come to the center from school, home or other activities ~~and~~ or to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or transported by the center.

Note: The licensee may use either the Department's form ~~CFS-0104~~, ~~Child Care School-Age Agreement~~ Alternate Arrival/Release Agreement – Child Care Centers, or the licensee's own form for securing the parent's ~~signed agreement~~ authorization. Information on how to obtain the Department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

6. Note: The Department's form ~~CFS-2345~~, Health History and Emergency Care Plan is used for health history information. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

6m Note: The ~~Department's~~ form ~~DPI-4192~~, ~~Child~~ Day 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 ~~DPI-4192 or DPH-4192S~~ the Day Care Immunization Record. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix 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 – Child Care Centers, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 106. HFS 46.04 (6 (a) 8. is created to read:

HFS 46.04 (6) (a) 8. The health examination report required under s. HFS 46.07 (6) (k) 3.

SECTION 107. HFS 46.04 (6) (b) is amended to read:

HFS 46.04 (6) (b) The licensee shall maintain a current, accurate written record of the daily attendance and date of birth of each child for the length of time the child is enrolled in the program. The ~~hours~~ actual time of arrival and departure for each child shall be recorded if hours of arrival and departure vary among children.

SECTION 108. HFS 46.04 (6) (b) Note is created to read:

HFS 46.04 (6) (b) Note: The form, Daily Attendance Record – Child Care, may be used to record a child's daily attendance. Information on how to obtain the Department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 109. HFS 46.05 (1) is 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 all children including children with disabilities.

(b) *Shaken baby syndrome prevention training.* Except for a volunteer who is not counted in staff-to-child ratios, each child care worker including the administrator, center director, teachers, assistant teachers, and substitutes who provide care and supervision to children under 5 years of age shall receive department-approved training in shaken baby syndrome and impacted babies and appropriate ways to manage crying, fussing or distraught children. The training shall be completed by one of the following methods:

1. Complete the department-approved, in-person training on shaken baby syndrome prevention and impacted babies before the date on which the child care worker begins to work with children under age 5 years.

2. View a department-approved video or complete a department-approved, web-based course on shaken baby syndrome prevention before the date on which the child care worker begins to work with children under age 5 years and complete a department-approved, in-person training within 6 months of beginning to work with children under age 5.

Note: Department-approved training in shaken baby syndrome prevention is included in the department-approved non-credit courses called *Introduction to the child care profession* and *fundamentals of infant and toddler*, if the course was taken after 7/1/05. Information on department-approved training in shaken baby syndrome is available from the Child Care Information Center at 800-362-7353.

(c) *Cardiopulmonary resuscitation training.* All employees in regular contact with children shall obtain and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation and automated external defibrillator use from an agency approved by the department within 6 months after beginning to work with children. Volunteers included in

determining staff-to-child ratios shall obtain a certificate of completion in infant and child cardiopulmonary resuscitation after volunteering for 240 hours. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

(d) *Administrator.* 1. The licensee may act as administrator of a group child care center. If the licensee does not act as administrator, the licensee shall designate a person or persons to be the administrator or administrators of the center. The administrator shall be responsible for the center's management, including personnel, finance, physical plant and the day to day operation of the center.

2. An administrator shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

3. Before a person assumes the position of administrator, the person shall have both of the following:

a. One year of experience as a manager or satisfactory completion of one credit or non-credit department-approved course in business or program administration.

b. One year of experience as a center director or child care teacher in a licensed 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.

4. If the board of a parent cooperative is responsible for management of a center, the requirements under subds. 2., and 3., do not apply.

5. Within one year of assuming the position, each administrator shall complete at least 10 hours of training in supervision or personnel management, if the administrator has not previously received that training. The training may be counted as part of the annual continuing education requirement.

(e) *Center director.* 1. The licensee may act as the center director. If the licensee does not act as center director, the licensee shall designate a person or persons to be the center director for each center location.

2. The center director shall be responsible for the supervision of the planning and implementation of the center's program for children, the supervision of staff at the center, staff meetings and orientation and continuing education for the staff.

3. A center director shall be employed on one of the following schedules:

a. At least 10 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 50 or fewer children.

b. At least 20 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 51 or more children.

4. A center director for a program licensed to serve 50 or fewer children shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

c. Have at least 80 full days or 120 half days of experience as a teacher or assistant teacher in a licensed child care center or other approved setting.

d. Prior to beginning to work as a center director have completed at least one of the following training requirements.

1. Two non-credit department-approved courses in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

2. Two courses for credit in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

3. Forty eight credits from an institution of higher education with at least 3 credits in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

4. A certificate from The Registry indicating the person is on Registry Level 12 or above.

5. A one-year child care diploma from an institution of higher education.

6. An associate degree in early childhood education or child care from an institution of higher education.

7. Child development associate (CDA) credential issued by the council for early childhood professional recognition and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

8. A bachelor degree from an institution of higher education in early childhood education or child development or a license from the Wisconsin department of public instruction to act as a kindergarten, pre-kindergarten or early childhood (regular or special education) teacher.

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl/index.html.

e. Complete at least 10 hours of training in supervision or personnel management within one year of assuming the position of center director, if the director has not previously received that training. The training may be counted as part of the annual continuing education requirement.

5. A center director for a program licensed to serve 51 or more children shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

c. Have at least 2 years of experience as a child care teacher or center director in a licensed child care center or other approved setting.

d. Prior to beginning to work as a center director have completed one of the following training requirements.

1. Four non-credit department-approved courses in early childhood education or its equivalent and within 3 years of assuming the position the Wisconsin Child Care Administrator Credential. Up to two courses in the Wisconsin Child Care Administrator may be used to meet the early childhood education requirement, if taken prior to beginning to work as a center director.

2. Four courses for credit in early childhood education from an institution of higher education and within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential. Up to two courses in the Wisconsin Child Care Administrator Credential may be used to meet the early childhood education requirement, if taken prior to beginning to work as a center director.

3. An associate degree in early childhood education or child care from an institution of higher education.

4. A bachelor degree in early childhood education from an institution of higher education or a license from Wisconsin department of public instruction to act as a kindergarten, pre-kindergarten or early childhood (regular or special education) teacher.

5. A certificate from The Registry indicating the person is on Registry Level 14 or above.

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl/index.html.

(f) *Child care teacher*. 1. A child care teacher shall plan, implement and supervise the daily activities for a group of children.

2. A person who is a child care teacher shall be at least 18 years of age and have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

3. A person who is a child care teacher shall document at least 80 full days or 120 half days of experience as an assistant child care teacher in a licensed child care center or other approved early childhood setting.

4. Prior to assuming the position, a person hired to be a child care teacher shall be qualified by having completed one of the following:

a. Two non-credit department-approved courses in early childhood education.

b. Two courses for credit in early childhood education or its equivalent from an institution of higher education.

Note: *Introduction to the Child Care Profession* and *Skills and Strategies for the Child Care Teacher* are the names of the non-credit courses approved by the Department to meet the entry level training requirements for a child care teacher.

c. Certificate from The Registry indicating that the person is qualified as a child care teacher.

d. Forty-eight credits from an institution of higher education with at least 3 credits in early childhood education or its equivalent.

e. A one-year child care diploma from an institution of higher education

f. An associate degree in early childhood education or child care from an institution of higher education.

g. Child development associate credential issued by the council for early childhood professional recognition.

h. Certificate from American Montessori Society, Association Montessori International, or Montessori Accreditation Council for Teacher Education.

i. A bachelor degree in education from an institution of higher education or a license from the Wisconsin department of public instruction to act as a teacher

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl/index.html.

j. Certificate from the bureau of apprenticeship standards as a child development specialist

(g) *Assistant child care teacher.* 1. An assistant child care teacher shall work under the supervision of a child care teacher with a group of children.

2. A person hired to be assistant child care teacher shall be qualified in one of the following ways:

a. The person shall be at least 18 years old and have satisfactorily completed one non-credit department-approved course in early childhood education or completes that training within 6 months after assuming the position.

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. Information on agencies offering the department-approved course is available on the department's website at http://dcf.wisconsin.gov.

b. The person shall be at least 18 years old and have satisfactorily completed one course for credit in early childhood education or its equivalent at an institution of higher education, or is enrolled in that course within 6 months after assuming the position.

c. The person shall have satisfactorily completed an assistant child care teacher training program approved by the Wisconsin department of public instruction.

3. A parent serving as an assistant child care teacher in a center operated by a parent cooperative is exempt from the training requirements under subd. 2.

(h) *Non-credit course criteria.* Non-credit courses offered to meet the non-credit course requirements specified in this subsection shall contain the components prescribed by the department and shall be approved by the department before being offered. The department may at any time withdraw its approval of a non-credit course. Instructors of non-credit department-approved courses shall be approved by the department prior to teaching a course.

Note: Information on the components prescribed by the department may be obtained by contacting one of the regional licensing offices in Appendix A. A list of agencies approved to offer non-credit department-approved courses is available on the department's website at http://dcf.wisconsin.gov.

(i) *Certificate.* Each administrator, center director and child care teacher shall obtain a certificate from The Registry (the Wisconsin early childhood professional recognition system) within 3 months after assuming the position. An administrator, a center director and teachers in a school-age only program shall obtain a certificate from The Registry within 6 months after assuming the position. Persons holding a teacher license issued by the department of public instruction are not required to obtain a Registry certificate.

Note: Information about how to obtain a certificate may be obtained from The Registry's website, http://www.the-registry.org/Application/Application.htm or by calling 608-222-1123.

(j) *Substitutes.* 1. When a regular required staff member is absent from a center, there shall be a substitute who is at least 18 years of age.

2. A substitute who is employed by the same licensee for more than 240 hours shall obtain at least one non-credit, department approved course or be currently enrolled in training to meet this requirement before completing 240 hours of work as a substitute. A substitute who provides care and supervision to children under age 5 shall have completed department-approved training in shaken baby syndrome as specified under par. (b) before working with children.

3. The center director or designee shall maintain a record of the days and hours worked by each substitute child care worker.

(k) *Volunteers and student teachers.* 1. Volunteers and student teachers shall participate in the orientation required under sub. (2) (a).

2. A volunteer who is used to meet staff-to-child ratios shall obtain at least one non-credit, department-approved course or be currently enrolled in training to meet this requirement before completing 240 hours of work as a volunteer. A volunteer who provides care and supervision to children under age 5 shall have completed department-approved training in shaken baby syndrome as specified under par. (b) before working with children.

Note: *Introduction to the Child Care Profession* is the non-credit course approved by the department to meet this requirement.

3. A volunteer who is not used to meet staff to child ratios shall have training in child care programming and procedures before working with children. The training shall include the responsibilities of the volunteer, general child supervision techniques, a review of the daily schedule and general health and safety practices including meal or snack preparation, dishwashing, toileting, personal hygiene and emergency evacuation procedures. This includes volunteers working in a center operated by a parent cooperative.

4. The center director or designee shall coordinate the volunteer program and keep on file documentation of the hours worked by volunteers who are used to meet staff to child ratios.

5. Student teachers who are not employed by the child care center may not be used to meet the staff to child ratios during the time the person is working as a student teacher.

(L) 1. Except as provided under subd. 2., persons who work directly with children, except volunteers, shall have a health examination within 12 months before beginning work at a specific child care center or within 30 days after beginning work at the center. The results of the examination shall be stated on a form provided by the department. The report shall be dated and

signed by a licensed physician, physician assistant or HealthCheck provider. The report shall indicate all of the following:

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

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

Note: The Department's form, Staff Health Report – Child Care Provider, is used for recording physical examination information. Information on how to obtain the Department form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. The health examination requirement under subd. 1. does not apply to a person who request an exemption from the department in writing. The exemption is granted based on adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

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 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 o 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 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.

5. 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 tests that the person is not a carrier of the disease.

SECTION 110. HFS 46.05 (2) (a) and 9. are amended to read:

(2) (a) *Orientation*. Except as provided under subd. ~~2.~~ 12., 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:

9. The procedure for ensuring that all child care workers know the children assigned to their care and their whereabouts at all times including during center-provided transportation.

SECTION 111. HFS 46.05 (2) (a) 11. Note and 12. Note are repealed.

SECTION 112. HFS 46.05 (2) (a) 13., 14., and Note are created to read:

HFS 46.05 (2) (a) 13. The procedure to contact a parent if a child is absent from the center without prior notification from the parent.

14. Information on any special needs a child enrolled in the center may have and the plan for how those needs will be met.

Note: The licensee may use the Department's form, Staff Orientation Checklist – Group Child Care Centers, for documenting staff orientation. Information on how to obtain the Department form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 113. HFS 46.05 (2) (c) 6. and 10. are repealed.

SECTION 114. HFS 46.05 (2) (c) 10. Note, (3) (b), (c) and (f) are amended to read:

HFS 46.05 (2) (c) 10. Note: The licensee may use either the Department's form ~~CFS-0053A~~, ~~Child Care~~ Staff Continuing Education Record – Child Care Centers, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(3) (b) Assistant child care teachers who are at least 18 years of age and have completed the training required for the position may provide sole supervision to a group of children in full-day ~~care~~ centers for opening and closing hours, not to exceed the first 2 hours and the last 2 hours of center operation.

(c) Each child shall be closely supervised by a child care worker who is within the sight and sound of the children to guide the children's behavior and activities, prevent harm and assure safety.

(f) The center shall implement a procedure to ensure that the number ~~and~~, names and whereabouts of children in care are known to assigned child care workers at all times.

SECTION 115. HFS 46.05 (3) (h) and (i) are created to read:

HFS 46.05 (3) (h) The center shall implement a procedure to contact a parent if a child is absent from the center without prior notification from the parent.

(i) No child shall be left in sole charge of a person under the age of 18.

SECTION 116. HFS 46.05 (4) TABLE 46.05 – D, (d), (f) Note and (j) are amended to read:

TABLE HFS 46.05-D
MAXIMUM GROUP SIZE AND MINIMUM NUMBER OF CHILD CARE WORKERS IN GROUP ~~DAY~~ CHILD CARE CENTERS

Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 2 Years	1:4	8
2 years to 2½ Years	1:6	12
2½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	24
5 Years to 6 Years	1:17	~~32~~ 34
6 Years and Over	1:18	~~32~~ 36

HFS 46.05 (4) (d) Maximum group size does not apply to field trips, outdoor play areas~~,~~ ~~pools~~ and areas of the center reserved exclusively for eating, ~~but~~ however staff-to-child ratios shall be maintained in those settings.

(f) Note: The licensee may use the Department's form ~~CFS-0078~~, Child Care Staff-To-Child Ratio Worksheet – Group Child Care Centers, to adjust the staff-to-child ratio. Information on how to obtain the ~~Department~~ Department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(j) When 9 or more children are on a field trip there shall be at least 2 ~~adults~~ child care workers accompanying the children and the staff-to-child ratios in Table HFS 46.05-D shall be maintained. At least one of the ~~adults~~ child care workers shall be a child care teacher.

SECTION 117. HFS 46.06 (1) (a) Note is amended to read:

HFS 46.06 (1) (a) Note: Inspections can be obtained ~~by~~ from a commercial 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 ch. 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.

SECTION 118. HFS 46.06 (1) (b) Note is created to read:

HFS 46.06 (1) (b) Note: Alterations, additions or changes of use to commercial buildings may require submittal of plans to and approval by the Department of Commerce or its agent before commencing construction. It is recommended that an architect or engineer be consulted prior to the beginning of any construction to determine whether plans must be submitted. When a center chooses to prepare meals on the premises after the initial building inspection has been completed, a new inspection may be necessary to ensure that the applicable commercial building codes related to kitchens have been met.

SECTION 119. HFS 46.06 (2) (a) is amended to read:

HFS 46.06 (2) (a) The indoor and outdoor premises shall be free of hazards including any recalled products.

SECTION 120. HFS 46.06 (2) (a) Note is created to read:

HFS 46.06 (2) (a) Note: Lists of recalled products are available on the department of agriculture, trade and consumer protection website at http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp or by contacting the united states consumer products safety commission (US CPSC) at 1-800- 638-2772.

SECTION 121. HFS 46.06 (3) (intro.), (a), (b), (c) and Note, (4) (j) and Note, (6) (b) 1. and 3. are amended to read:

HFS 46.06 (3) EMERGENCIES. Each center shall have a written plan for responding to a fire, a tornado, a tornado warning, a missing child or other emergency. A center shall do all of the following:

(a) Post the fire evacuation and tornado plan and practice implementing ~~it~~ the fire evacuation plan monthly. Tornado drills shall be conducted monthly from April through October.

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

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

Note: The licensee may use the Department's form ~~CFS-00543~~, ~~Group Child Care Center~~ Fire ~~and~~, Safety ~~Checklist~~ and Emergency Response Documentation – Group Child Care Centers, to record dates and times of the monthly fire or tornado practice. Information on how to obtain the Department form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(4) (j) Fire alarms, alarm systems and smoke detectors shall be maintained in good working order ~~and~~. Fire alarms and smoke detectors shall be used to conduct monthly fire

evacuation drills. Fire alarms and smoke detectors shall be tested weekly and a record ~~shall be~~ kept of the test results.

Note: The licensee may use the Department's form ~~CFS-00543~~, ~~Group Child Care Center~~ Fire ~~and~~, Safety ~~Checklist~~, and Emergency Response Documentation – Group Child Care Centers, to document the results of the weekly testing of fire alarms and smoke detectors. Information on how to obtain the Department's form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(6) (b) 1. Water samples from the well shall be tested annually for lead and bacteria by a laboratory certified under ch. HSS 165 ~~and found bacteriologically safe~~. The laboratory report shall be available to the department upon request.

3. If water test results indicate the water contains high levels of lead or 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. If the water tests above the maximum allowable level of nitrates, bottled water shall be used for infants under 6 months of age.

SECTION 122. HFS 46.06 (6) (b) 2. Note and (9) (a) 1m. are created to read:

HFS 46.06 (6) (b) 2. Note: Section NR. 890.09 sets the maximum allowable level of nitrate-nitrogen in public drinking water at 10 milligrams per liter (10 parts per million).

(9) (a) 1m. Centers preparing or serving only snacks are not required to have a sink unless dishes or utensils requiring dishwashing are used. Centers preparing or serving only snacks are not required to have a microwave or stove unless the snacks served require heating. Refrigerators are required if the center serves milk or other perishable snacks.

SECTION 123. HFS 46.06 (9) (b) 4. and 5. are repealed and recreated to read:

HFS 46.06 (9) (b) 4.a. If a center uses a commercial dishwasher to clean dishes and utensils, the dishwasher shall have a readily visible temperature gauge located in the wash compartment. If the dishwasher is a spray type or immersion type dishwasher, a temperature gauge shall also be located in the rinse water line.

b. Wash at 130 degrees Fahrenheit to 150 degrees Fahrenheit for at least 20 seconds, using an effective cleaning agent, and rinse and sanitize at 180 degrees Fahrenheit for 10 seconds or more, using an automatic rinse injector.

c. When using a spray-type dishwashing machine, the dishes and utensils shall be washed, rinsed and sanitized in the dishwasher according to the manufacturer's operating instructions. A chemical sanitizer shall be used in the final rinse.

5. If the center uses a home-type dishwasher to clean dishes and utensils, the dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in $1^1/_2$ teaspoons of bleach per gallon of water or other solution approved by the department.

SECTION 124. HFS 46.06 (9) (c) 3. is repealed.

SECTION 125. HFS 46.06 (9) (c) 3m. Note and (d) 2. a., (10) (f), and (11) (a) and (b) 5., 6. and 7. are amended to read:

HFS 46.06 (9) (c) 3m. Note: Chapter HFS 196 ~~of the administrative rules address~~ addresses restaurants and other public eating establishments. Chapter ATCP 75 ~~of the administrative rules address~~ addresses retail food establishments.

(d) 2. a. Dry foods, such as flour, sugar, cereals and beans shall be stored in bags with zip-type closures or metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled. In this paragraph, "food grade plastic" means any plastic material used in the manufacture of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

(10) (f) Soap, toilet paper, disposable paper towels or blower-type air dryers and a wastepaper container shall be provided and accessible to children using the facilities.

(11) (a) A center shall have outdoor play space if children are present for more than 3 hours ~~a~~ per day or if outdoor play is included in the center program.

(b) 5. An energy-absorbing surface, such as loose sand, pea gravel or pine or bark mulch, in a depth of at least 9 inches is required under climbing equipment, swings and slides and in a fall zone of 4 feet beyond and whenever play equipment is 4 feet or more in height. Shredded rubber and poured surfacing shall be installed to the manufacturer's specifications based on the height of the equipment.

6. 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. Wood containing creosote, including railroad ties, may not be accessible to children.

7. The boundaries of the outdoor play space shall be defined ~~in such a way as~~ by a permanent enclosure not less than 4 feet high to protect the children. ~~A permanent enclosure not less than 4 feet high shall be provided where there are hazards nearby, including but not limited to traffic or bodies of water, which present a threat to the safety of children in care.~~ Fencing, plants or landscaping may be used to create a permanent enclosure.

SECTION 126. HFS 46.06 (11) (b) 8. Note is created to read:

46.06 (11) (b) 8. Note: The Consumer Products Safety Commission has a publication entitled Handbook for Public Playground Safety, Pub. No. 325 which provides information on playground safety guidelines designed to help child care centers build safe playgrounds. To obtain copies of this publication and a related public playground safety checklist, contact the Consumer Products Safety Commission at www.cpsc.gov or 1-800-638-2772.

SECTION 127. HFS 46.06 (11) (b) 9. is repealed.

SECTION 128. HFS 46.06 (12) (a) and (b) are amended to read:

HFS 46.06 (12) (a) Above-ground and in-ground swimming pools, and beaches on the premises may not be used by children in care ~~and~~. Swimming pools shall be enclosed by a 6-foot ~~fences~~ fence with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 4 inches or less. Access to a beach shall be restricted by a 6-foot fence.

(b) A wading pool on the premises may be used if the water is changed and the pool is disinfected daily. Supervision and staff-to-child ratio requirements under s. HFS 46.05 (3) and (4) shall be met.

SECTION 129. HFS 46.06 (12) (c) is renumbered 46.06 (12) (c) (intro.) and as renumbered is amended to read:

46.06 (12) (c) (intro.) A ~~swimming~~ wading pool, pool, water attraction or beach that is not located on the center premises may be used by children, if all the following conditions are met~~.~~:

SECTION 130. HFS 46.06 (12) (c) 3. is amended to read:

HFS 46.06 (12) (c) 3. While children are in the water of a pool, wading pool, water attraction or beach ~~other than a wading pool~~, staff-to-child ratios for child care workers who can swim shall be:

SECTION 131. HFS 46.06 (12) (c) 6. is created to read:

HFS 46.06 (12) (c) 6. If some of the children are in the water and others are not, there shall be at least 2 child care workers supervising the children. One child care worker shall supervise the children who are in the water, and the other child care worker shall supervise children who are not in the water.

SECTION 132. HFS 46.07 (1) (a) is amended to read:

HFS 46.07 (1) (a) Each group child care center shall have a written program of activities which are suitable for the developmental level of each child and each group of children. The program shall provide each child with experiences which will promote all of the following:

SECTION 133. HFS 46.07 (1) (a) 7. and Note is created to read:

HFS 46.07 (1) (a) 7. Literacy.

Note : With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

SECTION 134. HFS 46.07 (2) (e) (intro.) and 1. are amended to read:

HFS 46.07 (2) (e) (intro.) 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, throwing or inflicting any other form of corporal punishment.

SECTION 135. HFS 46.07 (2) (e) 5. and (3) (f) are created to read:

HFS 46.07 (2) (e) 5. Actions that are cruel, aversive, frightening or humiliating to the child.

(3) (f) Trampolines and inflatable bounce surfaces on the premises shall not be accessible to children and shall not be used by children in care.

SECTION 136. HFS 46.07 (4) (b) and (5) (a) 5. (intro.) is amended to read:

HFS 46.07 (4) (b) Child care workers shall permit a child who does not sleep after 30 minutes and a child who awakens to get up and to have quiet time through the use of equipment or activities which will not disturb other children.

(5) (a) 5. Menus for meals and snacks provided by the center shall:

SECTION 137. HFS 46.07 (5) (a) 6m. is created to read:

HFS 46.07 (5) (a) 6m. When snacks are provided by parents for all children, a record of the snack served shall be posted in an area accessible to parents and kept on file for 3 months.

SECTION 138. HFS 46.07 (5) 8. Note and (6) (a) 2., (c), (e) 2. and 3., and (f) 1. (intro.), a. Note, c. and Note, and 2. are amended to read:

HFS 46.07 (5) (a) 8. Note: See Appendix B and C for information on the U.S. department of agriculture child care food program minimum meal requirements.

(6) (a) 2. Any injury to a child or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care shall be recorded in a ~~medications and injury~~

medical log book and reported immediately to the administrator or other person in charge of the center.

(c) *Ill child procedure.* The following procedures shall apply when a child with ~~a sore throat, inflammation of the eyes, fever, lice, ringworm of the scalp, rash, vomiting, diarrhea or other~~ an illness or condition, such as vomiting or diarrhea, having the potential to affect the health of other persons is observed in the ~~day~~ child care center:

(e) 2. When it is determined that a person in contact with children or a child enrolled in a 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, the department and the parents of exposed children shall be notified.

3. ~~A~~ An employee, volunteer or a child may be readmitted to the group ~~day~~ child care center if ~~the parents provide~~ there is a statement from a physician that the ~~child's~~ condition is no longer contagious or if the ~~child~~ person has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department**.**

(f)1. Center staff may give prescription or non-prescription medication, such as pain relievers, teething gels or cough syrup ~~medicine~~, to a child only under the following conditions:

a. Note: The Department's form ~~CFS-0059 or CFS-0059A~~, Authorization to Administer Medication – Child Care Centers, is used to obtain the parent's authorization to provide medications. Information on how to obtain the Department form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

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~~ medical log book on the same day that the medication is administered.

Note: See s. HFS 46.04 (6) (c) on maintaining a center ~~medications and injury~~ medical log book.

2. Sunscreen, lip balm 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 repellent. Authorizations shall be reviewed every 6 months and updated as necessary. If sunscreen, lip balm or insect repellent is provided by the parent, the sunscreen, lip balm or repellent shall be labeled with the child's name. The recording of the application of sunscreen, lip balm or insect repellent is not necessary.

SECTION 139. HFS 46.07 (6) (f) 5. and 6. are created to read:

HFS 46.07 (6) (f) 5. All medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.

6. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

SECTION 140. HFS 46.07 (6) (g) 3. is amended to read:

HFS 46.07 (6) (g) 3. Children shall be protected from sunburn with protective clothing ~~or parent provided and labeled~~, if not protected by sunscreen.

SECTION 141. HFS 46.07 (6) (i) 6. and 7. are created to read:

HFS 46.07 (6) (i) 6. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands must be washed immediately with soap and running water.

7. Disinfecting hand sanitizers may not replace the use of soap and water when washing hands.

SECTION 142. HFS 46.07 (6) (j) 8., 9. and Note, and (k) 1. 2., and 3. Note, 5. Note, and (L) Note are amended to read:

HFS 46.07 (6) (j) 8. A daily record of injuries shall be kept in the ~~center medications and injury~~ medical log book.

9. Records of injuries shall be reviewed by the director or designated person with staff every 6 months in order to ~~determine~~ ensure that all possible preventive measures are being taken. There shall be documentation in the ~~medications and injury~~ medical log book that reviews have taken place.

Note: See s. HFS 46.04 (6) (c) on maintaining a ~~center medications and injury~~ medical log book.

(k) 1. Each child under 2 years of age shall have an initial health examination not more than 6 months prior to nor 3 months after being admitted to a center, and a follow-up health examination at least once every 6 months ~~after admission~~ thereafter.

2. ~~Except for a school-age child, each~~ Each child 2 years of age and older shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to the center, and a follow-up health examination at least once every 2 years ~~after admission~~ thereafter. School-age children are not required to have a health exam.

3. Note: The Department's form ~~CFS-0060 or CFS-0060A~~, Child Health Report – Child Care Centers, is used to record health examination information. Information on how to obtain the Department form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5. Note: The Department's form ~~CFS-2345~~, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(L) Note: The ~~Department's~~ form ~~DPH-4192 or DPH-4192S~~, Day Care Immunization Record, ~~is~~ 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~~ the Day Care Immunization Record. Information on how to obtain the form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 143. HFS 46.07 (7) Note is created to read:

HFS 46.07 (7) Note: Service animals used to assist persons with a disability are not considered pets when they are used as a service animal.

SECTION 144. HFS 46.07 (7) (f) is amended to read:

(7) (f) Pets in classrooms shall be confined in cages while food is being prepared or served in the classroom. Pets, ~~pet feeding dishes,~~ cages and litter boxes are prohibited in ~~any food preparation, storage or serving areas~~ kitchens, lunch rooms, and food storage areas. Pet and animal feeding dishes, excluding water dishes, and litter boxes may not be placed in areas accessible to children.

SECTION 145. HFS 46.08 (1) is amended to read:

HFS 46.08 (1) This section applies to all center-provided ~~or center-contracted~~ transportation of children, including both regularly scheduled transportation to and from the center and transportation for field trips that are under the auspices of the center.

SECTION 146. HFS 46.08 (2) (a) is repealed and recreated to read:

HFS 46.08 (2) (a) The center shall be responsible for a child between the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

SECTION 147. HFS 46.08 (2) (b) 3. Note and (3) (b) and Note are amended 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 – Child Care Centers, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(3) (b) The ~~center shall have on file~~ licensee shall obtain a copy annually of the driving record ~~of the~~ for each driver of a center-provided vehicle and shall place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

Note: Information on how to obtain driver license records can be obtained by ~~calling~~ contacting the Department of Transportation at 608-~~266-2353~~ 261-2566 or http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm.

SECTION 148. HFS 46.08 (3) (c) is created to read:

HFS 46.08 (3) (c) A driver whose driving record poses a threat to the children may not transport children.

SECTION 149. HFS 46.08 (4) (b) is renumbered HFS 46.08 (4) (b) 1. and as renumbered is amended to read:

HFS 46.08 (4) (b) 1. Each child who is under ~~4 years of age or 40 pounds 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 age 4 years and above shall be restrained in an individual vehicle safety seat belt or a car safety seat. Each accompanying adult shall be restrained by an individual seat belt. Seat belts may not be shared~~ 1 year of age or who weighs less than 20 pounds shall be properly restrained in a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

SECTION 150. HFS 46.08 (4) (b) 2., 3., 4., and 5. are created to read:

HFS 46.08 (4) (b) 2. Each child who is at least 1 year of age but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

3. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48 Stats.

4. Each child who is not required to be transported in an individual child car safety seat or booster seat when being transported in a vehicle shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

5. Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

SECTION 151. HFS 46.08 (4) (d) and (5) (b) 1. are amended to read:

HFS 46.08 (4) (d) Children under age 13 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 period a child is a passenger in the front seat.~~

(5) (b) 1. There are more than 3 children who are either under 2 years of age or have a ~~handicap~~ disability which limits their ability to respond in an emergency.

SECTION 152. HFS 46.08 (5) (e) is created to read:

HFS 46.08 (5) (e) The center shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

SECTION 153. HFS 46.08 (6) (b) and (7) (a) Note is amended to read:

HFS 46.08 (6) (b) The center shall maintain written safety precautions to be followed and implemented when transporting ~~handicapped~~ children with disabilities or children who have a limited ability to respond in an emergency.

(7) (a) 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 the Department form is ~~in Appendix E~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 154. HFS 46.09 (1) (am) 6. Note, (d) (intro.), 1. and 2., (h), and (4) (a) 3. are amended to read:

HFS 46.09 (1) (am) 6. Note: The licensee may use the Department's form ~~CFS-0061~~, ~~Child Care~~ Intake for Child Under 2 Years – Child Care Centers, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(d) ~~An~~ Each infant ~~or~~ and toddler shall be ~~assigned to~~ cared for by a regularly assigned child care worker in a specific self-contained room or area ~~with a regularly assigned child care worker and~~. Infants and toddlers may not be transferred to the care of another child care worker or another group or room in order to adjust group sizes or staff-to-child ratios, except under one of the following circumstances:

1. During ~~opening and closing hours~~ the first 2 hours and the last 2 hours of center operation.

2. When the number of children in ~~care~~ a group is one or 2 children to one child care worker.

(h) ~~The~~ For centers licensed on or after the effective date of this section….[revisor inserts date], the space occupied by ~~permanently erected~~ cribs shall be deducted in determining the 35 square feet space requirement under s. HFS 46.06 (7) (a) for each child.

(4) (a) 3. Change each 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 tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia product prepared in accordance with label directions.

SECTION 155. HFS 46.09 (4) (a) 3. Note is created to read:

HFS 46.09 (4) (a) 3. Note: A quaternary ammonia product is any of a group of compounds in which a central nitrogen atom is joined to four organic radicals and one acid radical, used as antiseptics and disinfectants. Benzalkonium chloride, dimethyl benzyl ammonium chloride, and dodecyl dimethyl ammonium chloride are the names of some common ammonium compounds that might identify a product as a quaternary ammonium product. The chemical name for bleach is sodium hypochlorite.

SECTION 156. HFS 46.09 (4) (a) 5. and 10. are amended to read:

HFS 46.09 (4) (a) 5. Place disposable soiled diapers and gloves, if used, in a plastic-lined, ~~foot-activated~~ hands-free, covered container immediately.

10. Apply lotions, powders or salves to a child during diapering only at the specific written direction of the child's parent or the child's physician. The directions on use shall be ~~recorded and~~ posted in the ~~diapering~~ diaper changing area. Recording the use of lotions, powders or salves during diapering in the medical log book is not required.

SECTION 157. HFS 46.095 (2) (intro.), (c), (e), (4) (a) 2. Note and 3. are amended to read:

HFS 46.095 (2) EXCEPTIONS FOR GROUP CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN. All requirements under ss. HFS 46.04 to 46.08 and 46.11 apply to group ~~day~~ child care centers serving school-age children~~,~~ except for the following requirements:

(c) Section HFS 46.06 (11) (b) ~~6~~ 7. concerning a permanent enclosure of outdoor space. ~~Where~~ If hazards exist, such as traffic or bodies of water, the boundaries of outdoor play space shall be made known to the children.

(e) Section HFS 46.05 (3) (b), relating to supervision of children, does not apply to children 8 years of age and older in the ~~building~~ child care center.

(4) (a) 2. Note: The licensee may use either the Department's form ~~CFS-0104~~, ~~Child Care School-Age~~ Alternate Arrival/Release Agreement – Child Care Centers, 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~~ available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

3. School-age children 8 years of age and older may be authorized by staff to participate in center-sponsored activities in the ~~building~~ child care center away from direct supervision by center staff.

SECTION 158. HFS 46.095 (4) (a) 5. is created to read:

HFS 46.095 (4) (a) 5. School-age children 8 years of age and older may move between groups if a tracking method is implemented to ensure that child care workers know the whereabouts of each child assigned to the worker's care.

SECTION 159. HFS 46.095 (4) (b) 1. and 3. are amended to read:

HFS 46.095 (4) (b) 1. The administrator of a center serving only school-age children shall meet the requirements in s. HFS 46.05 (1) (b) 2. and 3. or ~~the requirements in s. HFS 46.05 (1) (b) 2. along with~~ department-approved experience, credits or courses in elementary education, physical education, child guidance or recreation or other department-approved training.

3. Each assistant child care teacher shall meet the requirements in s. HFS 46.05 (1) (e) or shall have satisfactorily completed at least 10 hours of training approved by the department in the care of school-age children ~~or equivalent as approved by the department~~ within 6 months after assuming the position.

SECTION 160. HFS 46.10 (4) (c) is created to read:

HFS 46.10 (4) (c) Fire evacuation drills shall be practiced during night care hours at least 2 times per year.

SECTION 161. HFS 46.11 (1) (i) and (2) (c) 2. and 5. Note are amended to read:

HFS 46.11 (1) (i) The department shall consider a licensee who fails to submit any of the materials described in sub. (3) or (4) by the expiration or continuation 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) (c) 2. A completed background information disclosure form provided by the department for the applicant ~~and, if~~. If the center is or will be located in a residence, a completed background information disclosure form shall be submitted for any household member aged 10 and above.

5. Note: Information on how to obtain a copy of ~~CFS-2048~~ the Group Child Care Policy Checklist is available ~~in Appendix E~~ on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 162. HFS 46.11 (2) (c) 5g. and 5r., (3) (a) 5. and 6., and (4) (b) 5. and 6., are created to read:

HFS 46.11 (2) (c) 5g. The articles of incorporation and by-laws if the licensee is organized as a corporation, association or cooperative. If the licensee is a limited liability company, articles of organization shall be submitted.

5r. A written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the center and identify by position or name, those persons on the premises who are in charge of the center for all hours of operation.

(3) (a) 5. Any changes to the delegation of administrative authority if not previously submitted.

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

(4) (b) 5. Any changes to the delegation of administrative authority if not previously submitted.

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

SECTION 163. HFS 46.11 (4) (b) 4. Note is renumbered HFS 46.11 (4) (b) 6. Note and as renumbered is amended to read:

HFS 46.11 (4) (b) 6. Note: The department will supply a copy of the ~~CFS-65~~ form, ~~Group Child Care Center~~ License Application ~~form~~ – Group Child Care Centers, prior to the continuation date of the license.

SECTION 164. HFS 46.11 (5) (c) Note and (7) (a) 2. are amended to read:

HFS 46.11 (5) (c) Note: The Department's form ~~CFS-0065~~, ~~Group Child Care~~ License Application ~~form~~ – Group Child Care Centers, 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~~ that the center will move to a new location.

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

SECTION 165. HFS 46.11 (7) (b) Note is created to read:

HFS 46.11 (7) (b) Note: See HFS 46.03 (11g) for the definition of "fit and qualified." Examples of charges, actions or offenses the department will consider in making a determination

under this paragraph that an act substantially relates to the care of children include the following: 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, interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

SECTION 166. HFS 46.11 (9) (a) 5., and (10) (a) are amended to read:

HFS 46.11 (9) (a) 5. The licensee or a person under the supervision of the license has committed an action or has created a condition relating to the operation or maintenance of the ~~day~~ child care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(10) (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~~ sent to 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.

SECTION 167. HFS 55.02 (1), (2) and (4) and title are amended to read:

HFS 55.02 Authority and purpose. (1) AUTHORITY. This subchapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for child care centers and day camps for children.

(2) PUPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of children being cared for in day ~~care centers [~~camps~~]~~ in Wisconsin.

(4) EXCEPTION TO ~~RULES~~ A REQUIREMENT. The department may grant ~~a variance~~ an exception to a requirement of this chapter when it is ~~assured that~~ demonstrated to the satisfaction of the department that granting the exception will not jeopardize the health, safety ~~and~~ or welfare of the children served ~~will not be jeopardized~~. A request for ~~a variance~~ an exception shall be in writing, shall be sent to the department, and shall include justification for the requested action and an explanation of the alternative provisions planned to meet the intent of the ~~rule~~ requirement.

SECTION 168. HFS 55.03 (intro.) and title are amended to read:

HFS 55.03 ~~Applicability~~ Included and excluded care arrangements. This chapter applies to all ~~day care centers, whether the facility in which the child care and supervision are~~

~~provided is known as a day care center, day camp, camp, day nursery, nursery school, preschool, head start or other designation, except that~~ day camps but it does not ~~apply to~~ include family ~~day~~ child care centers ~~which are~~ regulated under ch. HFS 45, ~~to~~ group ~~day~~ child care centers ~~which are~~ regulated under ch. HFS 46 or to any of the following:

SECTION 169. HFS 55.03 Note is created to read:

HFS 55.03 Note: Section 48.65 Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for a license. As specified under s. 49.155 (4), Stats., or s. DWD 56.04 (1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy.

SECTION 170. HFS 55.03 (1) is amended to read:

HFS 55.03 (1) Group lessons to develop a talent or skill, such as dance or music lessons, social group meetings and activities, and group athletic activities ~~and religious education classes where a child attends for 2 hours or less a day or 5 hours or less a week;~~ .

SECTION 171. HFS 55.03 (1m) is created to read:

HFS 55.03 (1m) Care and supervision of children in a program, including religious education classes, which operates no more than 4 hours a week.

SECTION 172. HFS 55.03 (2), (3) and (4) are amended to read:

HFS 55.03 (2) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities~~;~~.

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

(4) Care and supervision in emergency situations~~; and~~.

SECTION 173. HFS 55.03 (6) is created to read:

HFS 55.03 (6) Care and supervision at the site while the parent who is a recipient of temporary assistance to needy families or Wisconsin Works is involved in orientation, enrollment or initial assessment prior to the development of an employability plan.

SECTION 174. HFS 55.04 (1) is repealed.

SECTION 175. HFS 55.04 (2) and (3) are amended to read:

HFS 55.04(2) "Base camp" means the permanent or temporary premises, public or private, on which the day camp is operated.

(3) "Camp director" means the individual on the campsite who is responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.

SECTION 176. 55.04 (3g) and (4m) are created to read:

HFS 55.04 (3g) "Camp-provided transportation" means transportation provided in a vehicle owned, leased or contracted for by the center or transportation provided in volunteer or staff-owned vehicles regardless of whether the driver is reimbursed for the use of the vehicle.

(4m) "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 camp.

SECTION 177. HFS 55.04 (5) is repealed and recreated to read:

HFS 55.04 (5) "Complaint" means an allegation that a provision of this chapter or of ch. 48, Stats., has been violated.

SECTION 178. HFS 55.04 (7) is repealed.

SECTION 179. HFS 55.04 (8) and (9) are amended to read:

HFS 55.04(8) "Counselor" or "camp counselor" means a staff member who works directly with children.

(9) "Day camp" or "camp" means a ~~licensed~~ ~~day care center~~ program regulated under this chapter that provides ~~an experience~~ care and supervision to 4 or more children 3 years of age and older in a seasonal program oriented to the out-of-doors for periods less than 24 hours a day.

SECTION 180. HFS 55.04 (10) is repealed.

SECTION 181. HFS 55.04 (11) is amended to read:

HFS 55.04 (11) "Department" means the Wisconsin department of ~~health and family services~~ ~~unless otherwise noted~~ children and families.

SECTION 182. HFS 55.04 (11m) is created to read:

HFS 55.04 (11m) "Division" means the department's division of ~~children and family services~~ early care and education.

SECTION 183. HFS 55.04 (12) is repealed and recreated to read:

HFS 55.04 (12) "Emergency" means a situation requiring immediate attention, such as fire; tornado; flood; extreme heat or cold; loss of building service, including, no heat, water, electricity, or telephone; threats to the camp or its occupants; lost or missing children; medical emergency, or illness.

SECTION 184. HFS 55.04 (13) is amended to read:

HFS 55.04 (13) "Field trip" means any experience a child has away from the premises of the ~~center~~ camp while under the care of ~~center~~ camp staff whether the child walks or is transported.

SECTION 185. HFS 55.04 (13m) is created to read:

HFS 55.04 (13m) "Fit and qualified" means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of 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.

(d) A history of civil or criminal offenses or any other actions that demonstrate an inability to manage financial resources or the activities of a camp.

SECTION 186. HFS 55.04 (14) is amended to read:

HFS 55.04 (14) "Group" means a specific number of children who have ~~the same child care worker~~ a regularly assigned counselor responsible for the children's well-being and meeting the children's basic needs ~~and who are cared for in the same self-contained room or area at the center~~.

SECTION 187. HFS 55.04 (15) is repealed and recreated to read:

HFS 55.04 (15) "Hazard" means a potential source of harm that can jeopardize the health, safety or well-being of children in care.

SECTION 188. HFS 55.04 (15m) is created to read:

HFS 55.04(15m) "In care" means enrolled in the camp, with the camp providing supervision, either on or off the premises, for the safety and developmental needs of the child or children.

SECTION 189. HFS 55.04 (16) is repealed and recreated to read:

HFS 55.04 (16) "Inclement weather" means stormy or severe weather such as any of the following:

(a) Heavy rain.

(b) Temperatures above 90 degrees Fahrenheit.

(c) Wind chills of 0 degrees Fahrenheit or below.

SECTION 190. HFS 55.04 (17) is amended to read:

HFS 55.04 (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 ~~care center~~ camp and for meeting the ~~licensing rules~~ requirements of this chapter.

SECTION 191. HFS 55.04 (18) is created to read:

HFS 55.04 (18) "Licensing representative" means a department employee responsible for licensing day camps.

SECTION 192. HFS 55.04 (20) is repealed.

SECTION 193. HFS 55.04 (21g), (21r) and (22m) are created to read:

HFS 55.04 (21g) "Pet" means an animal kept for amusement or companionship.

(21r) "Physical restraint" means the use of physical force to restrict the free movement of all or part of a child's body.

(22m) "Pre-camp training" means a program developed by the licensee containing the elements specified in s. HFS 55.42 (2) (a) and attended by camp staff prior to the opening of each year's camp session.

SECTION 194. HFS 55.04 (23) is amended to read:

HFS 55.04 (23) "Premises" means a tract of land ~~with~~ on which the camp is located, including all buildings, structures, or shelters on ~~it~~ that land.

SECTION 195. HFS 55.04 (23m) is created to read:

HFS 55.04 (23m) "Regularly assigned counselor" means a person who meet the requirements of a counselor under s. HFS 55.42 and who is assigned to a specific group of children.

SECTION 196. HFS 55.04 (24) is repealed and recreated to read:

HFS 55.04 (24) "Shaken baby syndrome" or "SBS" means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

SECTION 197. HFS 55.04 (25) and (26) are amended to read:

HFS 55.04 (25) "Supervision of children" means guidance of the behavior and activities of children for their health, safety and well-being by counselors who are close enough to prevent harm and assure safety.

(26) "Supervision of staff" means guidance of the behavior and activities of ~~center~~ camp employees which may include provision of instructions to carry out activities for limited periods of time out of sight or hearing of the supervisor.

SECTION 198. HFS 55.04 (27) is repealed and created to read:

HFS 55.04 (27) "Universal precautions" mean measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health services centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

SECTION 199. HFS 55.04 (27) Note is created to read:

HFS 55.04 (27) 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 website at http://osha.gov. Information is also available from the Child Care Information Center, 1-800-362-7353.

SECTION 200. HFS 55.04 (28) is amended to read:

HFS 55.04 (28) "Volunteer" means a person who agrees to give time, with or without ~~compensation~~ reimbursement for expenses, to provide transportation or to work ~~with children~~ in a day ~~care center~~ camp.

SECTION 201. HFS 55.04 (29) is created to read:

HFS 55.04 (29) "Waterfront supervisor" means an adult present in a water activity area during times when children are using the water and who meets the requirements under s. HFS 55.44 (7) (b).

SECTION 202. HFS 55.05 (1) (a) (intro.), 1. and 2. are amended to read:

HFS 55.05 Licensing administration. (1) LICENSING PROCEDURES. (a) A person making an inquiry to the department about obtaining a license to operate ~~a group day care center or~~ a day camp shall be provided with all of the following:

1. ~~Provided with the relevant parts~~ A copy of this chapter~~;~~.

2. ~~Given other written materials or listings of publications about establishing a day care center;~~ Written procedures on how to obtain a day camp license.

SECTION 203. HFS 55.05 (1) (a) 2m. is created to read:

HFS 55.05 (1) (a) 2m. A copy of the Background Information Disclosure form.

SECTION 204. HFS 55.05 (1) (a) 3., 4. and 5. are amended to read:

HFS 55.05 (1) (a) 3. ~~Offered an~~ An opportunity to meet with a ~~departmental~~ licensing representative to discuss the materials~~;~~.

4. ~~Supplied with the~~ The necessary forms if licensing is desired~~; and~~.

5. ~~Assisted through~~ Assistance to complete the licensing process by a ~~departmental~~ licensing representative.

SECTION 205. HFS 55.05 (1) (a) 5. Note is repealed and recreated to read:

HFS 55.05 (1) (a) 5. Note: A packet of materials, including the License Application – Day Camp for Children form, is available from any of the regional offices listed in Appendix A.

SECTION 206. HFS 55.05 (1) (b) (intro.), 1. and 2. are amended to read:

HFS 55.05(1) (b) An applicant shall ~~file~~ submit an application and other materials required for ~~group day care center or~~ day camp licensure and ~~licensure renewal~~ license continuation on forms provided by the department at least:

1. Sixty days prior to the date proposed for the ~~center~~ camp to begin operating~~;~~.

2. ~~Except for day camps, 30~~ Thirty days prior to the end of the current ~~licensing~~ license continuation period~~;~~.

SECTION 207. HFS 55.05 (1) (b) 3. to 5. are repealed.

SECTION 208. HFS 55.05 (1) (c) (intro.), 1, 2., 3., 4., and 5. (intro.) are amended to read:

HFS 55.05 (1) (c) ~~Group day care centers and day camps~~ An applicant for an initial day camp license or a licensee continuing a regular license shall ~~include the following materials when submitting an application for licensure~~ submit all of the following materials to the department:

1. A clearly defined statement of purpose as it relates to the provision of child care services~~;~~.

2. A signed statement by the applicant or licensee accepting legal responsibility for complying with ~~applicable parts of~~ this chapter~~;~~.

3. The articles of incorporation and by-laws if the ~~center~~ camp is organized as a corporation, association or cooperative~~;~~.

4. A signed authorization which permits the department to make whatever investigation it considers necessary for the verification of pertinent application information~~;~~.

5. Specifications regarding the ~~center's~~ camp's premises as follows:

SECTION 209. HFS 55.05 (1) (c) 5. is repealed and recreated to read:

HFS 55.05 (1) (c) 5. A general description of the camp area, geographic location and size of the base camp or the proposed itinerary of field trips if a program will consist primarily of field trips.

SECTION 210. HFS 55.05 (1) (c) 6. is amended to read:

HFS 55.05 (1) (c) 6. ~~Group Day Care and day camp applicants shall include a~~ A written delegation of administrative authority signed by the licensee ~~which outlines~~. The delegation of administrative authority shall describe the organizational structure ~~and designates, in a chain of command form,~~ of the camp and identify by position or name those persons on the premises in charge of the ~~center~~ camp for all hours of operation~~;~~.

SECTION 211. HFS 55.05 (1) (c) 7. is created to read:

HFS 55.05 (1) (c) 7. The name, address, and telephone number of the person to be contacted by the licensing representative for the pre-camp licensing review.

SECTION 212. HFS 55.05 (1) (c) 8. (intro.) and b. are repealed.

SECTION 213. HFS 55.05 (1) (c) 8. a. is renumbered HFS 55.05 (1) (c) 8. and as renumbered is amended to read:

HFS 55.05 (1) (c) 8. A statement from the state laboratory of hygiene or a state approved laboratory indicating that the water from a private well providing drinking water ~~source~~ has been tested and found to be safe~~; and~~.

SECTION 214. HFS 55.05 (1) (c) 9., 10. and Note, 11., 12. and Note, 13., 14. and 15. are created to read:

HFS 55.05 (1) (c) 9. The license fee required under s. 48.65 (3) (a), Stats.

10. A completed Background Information Disclosure form provided by the department for the applicant and if the camp will be located in a residence, any household member aged 10 and above.

Note: The form, Background Information Disclosure, is used for reporting background information. Information on how to obtain the form is available on the department's website http://dcf.wisconsin.gov, or from any of the regional offices in Appendix A.

11. A statement from the applicant that indicates the camp is in compliance with this chapter.

12. A copy of all the policies required under s. HFS 55.41(1) (f) and (g) and a completed copy of the day camp policy checklist on a form provided by the department.

Note: Information on how to obtain a copy of the form, Policy Checklist – Day Camp, is available on the department's website http://dcf.wisconsin.gov, or from any of the regional offices in Appendix A.

13. The test results from the water on any beach on the premises of the camp that will be used for waterfront activities by the children in care.

14. A report indicating that any building used primarily for day camp purposes is in compliance with applicable commercial building codes.

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

SECTION 215. HFS 55.05 (1) (d) is amended to read:

HFS 55.05 (1) (d) ~~Within 20 working days after receiving an application for initial licensure, a~~ Upon submission of a complete application, a ~~departmental~~ licensing representative shall ~~contact the applicant in person or by phone and develop a check list for the applicant to utilize in meeting pre-licensing requirements, including:~~ conduct an investigation to determine whether the applicant is eligible for a license.

SECTION 216. HFS 55.05 (1) (d) 1. to 5. are repealed.

SECTION 217. HFS 55.05 (1) (e) to (h) are repealed and recreated to read:

HFS 55.05 (1) (e) If the department determines that the applicant for an initial license 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 for an initial license 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.

(g) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(h) If the department determines that the licensee continuing a regular license 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.

SECTION 218. HFS 55.05 (2), (4), (5) (intro.) and (a) to (d) are amended to read:

HFS 55.05 (2) AMENDMENT TO LICENSE. A written request for an amendment to the license shall be submitted to the department by the licensee before changes are made in the conditions of the current license such as ~~maximum number of children~~ a change in the licensed capacity of the camp, age range of children, hours, days of the week, months of the year in operation or change in the name of the ~~center~~ camp.

(4) ADDITIONAL LICENSE. A licensee seeking licensure for an additional day camp or child care center location shall demonstrate compliance with applicable parts of this chapter in the operation of the existing center. The licensee shall pay any fines, forfeitures or other fees due to the department under s. 48.715, Stats., on other facilities licensed by the department before the department issues an additional license.

(5) CONDITION OF LICENSURE. The department may ~~refuse to grant~~ deny a license or may suspend or revoke a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the licensee, applicant or proposed or current ~~employe~~ employee, volunteer, household member or ~~volunteer~~ any other person having regular contact with children is, or has been any of the following:

(a) ~~Is the~~ The subject of a pending criminal charge if the charge substantially relates to the ~~circumstances of caring for~~ care of children or activities of the ~~center;~~ camp.

(b) ~~Has been convicted~~ Convicted of a felony, misdemeanor or other offense ~~the circumstances of~~ which substantially ~~related~~ relates to the care of children or activities of the ~~center;~~
camp.

(c) ~~Has been determined~~ 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 camp.

(d) ~~Is the~~ 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 so as to seriously endanger the physical health of a child.

SECTION 219. HFS 55.05 (5) (e), (f), (g), and (h) are created to read:

HFS 55.05 (5) (e) The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. HFS 129.10.

(f) Had a child care center license, day camp license or certification revoked or denied within the last 5 years.

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

(h) Made false statements or withheld information.

SECTION 220. HFS 55.05 (6) (a) (intro.) and 1. to 4. are amended to read:

HFS 55.05 (6) SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. 227.51 (3), Stats., the department may order the summary suspension of a license and, therefore, ~~the closing of a day care center following a finding of imminent danger to the~~ close a day camp when the department finds the public health, safety or welfare ~~of the children in care~~ requires emergency action and incorporates a finding to that effect into its order. A finding of ~~imminent danger~~ the requirement for summary suspension of the license may be based on ~~but not limited to,~~ 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 ~~or~~, a volunteer, a household member 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 injury~~;~~ .

3. The licensee, an employee ~~or~~, a volunteer, a household member or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other

offense or has a pending criminal charge which substantially relates to the circumstances of caring for children or activities of the ~~center; or~~ camp.

4. The licensee, an employee ~~or~~, a volunteer, a household member 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 protected services agency or law enforcement agency to have abused or neglected a child.

SECTION 221. HFS 55.05 (6) (a) 5. is created to read:

HFS 55.05 (6) (a) 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 camp that directly threatens the health, safety or welfare of any child under the care of the licensee.

SECTION 222. HFS 55.05 (6) (b) is amended to read:

HFS 55.05 (6) (b) An initial order ~~to close~~ summarily suspending the license and closing a day camp may be a verbal order by a ~~departmental~~ licensing representative ~~but shall be approved at a regional administrative level before it becomes effective~~. The department shall within 72 hours of the ~~approval~~ closing either permit the reopening of the center or initiate proceedings in accordance with s. 227.51 (3), Stats., for the revocation of the license to operate. A preliminary hearing on the revocation shall be ~~provided~~ 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.

SECTION 223. HFS 55.05 (7) is repealed and recreated to read:

HFS 55.05 (7) LICENSE DENIAL OR REVOCATION. (a) The department may deny or revoke a license, initiate other enforcement actions specified under this chapter or under 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, is 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 camp.

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

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 camp.

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. Determined to have had a child care center license, day camp license or certification revoked or denied within the last 5 years.

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

8. Determined to have 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. (10) (a).

Note: See HFS 55.04 (13m) for the definition of fit and qualified. Examples of charges, actions or offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children include but are not limited to: 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, interfering with the custody of a child; or civil or criminal actions demonstrating an inability to manage financial resources or activities of the camp. The list is illustrative. Other types of offenses may be considered.

(c) The department may not license a person if the department has received certification pursuant to s. 49.857 (2), Stats., from the department of workforce development that the applicant or licensee has failed to pay court-ordered payments of child or family support or expense related to the support of a child or former spouse or has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency related to paternity or child support proceedings. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided under s. 49.857, Stats., and not as provided in s. 48.72, Stats.

(d) The department may not license a person if the department has received certification pursuant to s. 73.0301, Stats., from the department of revenue certifying that the applicant or licensee has a delinquent tax liability. 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.

SECTION 224. HFS 55.05 (8), (9), and (10) are created to read:

HFS 55.05 (8) EFFECT OF NOTICE TO REVOKE OR DENY A LICENSE. (a) 1. If the department decides under sub. (7) to deny 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. (9).

(b) Upon receipt of the notice under par. (a) and during any revocation or denial procedures which may result, a day camp 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) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. 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 sent to 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 regional licensing office listed in Appendix A.

(10) GENERAL CONDITIONS FOR APPROVAL OF A LICENSE. (a) Persons licensed to operate a day camp 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 care of children by the applicant, owner, manager, representative, employee, camp resident, or other individual directly or indirectly participating in the operation of the day camp. 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.

(b) The department shall issue a day camp 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.

Note: See HFS 55.04 (13m) for the definition of "fit and qualified."

(c) A facility that provides care on a regular basis to 4 or more children under the age of 7 years shall be deemed to be providing care for compensation and shall be licensed.

(d) 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.

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

(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 camp or any household member of the camp 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 day camp or 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 day camp or 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 or day camp license or certification revoked or denied.

(i) The department shall consider a licensee who fails to submit any of the materials described in sub. (1) (c) by the expiration or continuation 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 day camp.

SECTION 225. HFS 55.06 and (title) are renumbered HFS 55.06 (title) and (1) and as renumbered are amended to read:

HFS 55.06 Complaints, Inspections and Enforcement Actions. (1) COMPLAINTS. ~~All complaints concerning a licensed or illegally operating day care center shall be submitted~~ Anyone having a complaint about a licensed or illegally operating day camp may submit that complaint to the department by telephone, letter, e-mail, fax or personal interview. ~~Complaints will~~ Every complaint shall be investigated by a licensing representative ~~of the department~~. A written report of the findings of the investigation ~~will~~ shall be sent to the complainant upon request.

SECTION 226. HFS 55.06 (1) Note, (2) and (3) are created to read:

HFS 55.06 (1) Note: A complaint should be sent, phoned or delivered to the appropriate regional licensing office listed in Appendix A.

(2) INSPECTION. Pursuant to s. 48.73, Stats., the department may visit and inspect any day camp at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises, either temporary or permanent, identified in the license; children served; staff records and any other materials or other individuals as determined by the department.

(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.

SECTION 227. HFS 55.07 (1) and (2) are repealed and recreated:

HFS 55.07 (1) DISCRIMINATION PROHIBITED. (a) The licensee shall ensure that the day camp does not discriminate in employment against properly qualified individuals in a manner prohibited in ss. 111.31 to 111.395, Stats.

(b) The licensee shall ensure that the day camp does not discriminate against any enrolled child and family or any applicant for enrollment in admission, privilege of enrollment, or discharge condition on the basis of age, race, color, sex, sexual orientation, creed, disability, national origin, or ancestry as provided in s. 106.52, Stats.

(2) CONFIDENTIALITY OF RECORDS. (a)The licensee is responsible for the day camp's compliance with s. 48.78, Stats., and this subsection.

(b) Persons who have access to children's records may not discuss or disclose personal or other information about a child or a child's relatives. This paragraph does not apply to any of the following:

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

2. An agency that is assisting in planning for the child if the parent has given consent.

3. An agency authorized under s. 48.78, Stats., to have access to children's records.

(c) If a parent requests a record or report on the parent's child, the day camp shall make the record or report accessible to the parent upon request.

(d) All records required by the department for licensing purposes shall be made available to licensing representatives upon request.

SECTION 228. HFS 55.07 (3) (b) (intro.) is amended to read:

(3) (b) The licensee shall ensure that every ~~child care~~ day camp worker who comes in contact with the children at the day ~~care center~~ camp has received annual pre-camp training in all of the following:

SECTION 229. HFS 55.08 (title), (1), (2), (4), (6), and (8) are amended to read:

HFS 55.08 Pets and ~~livestock~~ other animals. (1) ~~Dogs and cats~~ Pets that are kept on the premises of a day ~~care center~~ camp shall be maintained in good health and appropriately vaccinated against ~~diseases for which vaccines are available and which present a hazard to the health of children~~ rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(2) ~~Pets~~ A pet that is suspected of being ill, or infested with external lice, fleas ~~and~~, ticks or internal worms shall be removed from the ~~center~~ camp.

(4) Turtles, skunks, exotic animals, wild animals and poisonous reptiles ~~are prohibited from being~~ may not be kept as pets on the premises of ~~a~~ the day ~~care center as pets in order to prevent salmonella, rabies and poisoning~~ camp.

(6) All contact between pets or animals and children shall be under the supervision of a camp counselor 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. Pets shall be kept and handled in a manner which protects the well-being of both children and pets.

(8) No horses or other ~~farm animals~~ livestock may be permanently quartered closer than 500 feet from ~~the~~ any building in which the day ~~care center~~ camp is located.

SECTION 230. HFS 55.08 (7) is repealed and recreated to read:

(7) Pets in rooms used by children shall be confined in cages while food is being prepared or served. Pets, cages and litter boxes are prohibited in kitchens, lunch rooms and other food storage areas. Pet and animal feeding dishes and litter boxes may not be placed in areas accessible to children.

SECTION 231. HFS 55.08 (9), (10) and Note are created to read:

HFS 55.08 (9) Pets that pose any risk to the children shall be restricted from the areas used by children.

(10) Procedures to be followed when children have contact with animals, other than pets, while in the care of the camp shall be included in the camp's health policy.

Note: Service animals used by a person with a disability to assist that person are not considered pets under this rule while they are working as a service animal.

SECTION 232. HFS 55.09 is renumbered HFS 55.09 (intro.) and as renumbered is amended to read:

HFS 55.09 Transportation. ~~This subsection applies~~ The following requirements apply to all ~~center~~ camp -provided ~~or center-contracted~~ transportation of children, including both regularly scheduled transportation to and from the ~~center~~ camp and field trip transportation~~.~~:

SECTION 233. HFS 55.09 (1) (a) is amended to read:

HFS 55.09 (1) GENERAL. (a) The ~~center~~ camp shall assume responsibility for a child between the time the child is ~~picked up until the child is delivered to the parent or to a responsible person designated by the parent.~~ placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

SECTION 234. HFS 55.09 (1) (b) is repealed.

SECTION 235. HFS 55.09 (1) (c) is renumbered HFS 55.09 (1) (c) 1. and as renumbered is amended to read:

HFS 55.09 (1) (c) 1. Whenever the ~~center~~ camp contracts with a firm for the provision of transportation, the ~~center~~ camp shall ensure that the firm complies with all applicable requirements of this subsection.

SECTION 236. HFS 55.09 (1) (c) 2. is created to read:

HFS 55.09 (1) (c) 2. When services for transportation are contracted, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the camp.

SECTION 237. HFS 55.09 (1) (e), (f) (intro.) and 2., and (g) are amended to read:

HFS 55.09 (1) (e) When regularly scheduled transportation is provided by the ~~center~~ camp, the name of each driver, type of license held and the date of expiration of the license shall be on file at the ~~center~~ camp. ~~When services are contracted, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the center.~~

(f) The ~~center~~ camp shall maintain a written plan for regularly scheduled transportation of children between the children's homes or camp pick-up and drop-off locations and the ~~center~~ camp, which shall include:

2. The ~~schedule of the~~ transportation route and scheduled stops;

(g) The ~~center~~ camp shall have written safety precautions to be followed when transporting ~~handicapped~~ children with disabilities or children who have a limited ability to respond to an emergency.

SECTION 238. HFS 55.09 (1) (h) is renumbered HFS 55.09 (1) (h) (intro.) and as renumbered is amended to read:

HFS 55.09 (1) (h) ~~Emergency~~ The following information ~~as required under s. HFS 46.04 (6) (a) 1. d. and e. and 2.~~ shall be carried in the vehicle~~.~~ for each child being transported:

SECTION 239. HFS 55.09 (1) (h) 1., 2., 3. and Note are created to read:

HFS 55.09 (1) (h) 1. An address and telephone number where a parent or other adult can be reached in an emergency.

2. The name, address, and telephone number of the child's physician or medical facility.

3. Written consent from the child's parent for emergency medical treatment.

Note: The licensee may use either the Department's form, Child Care Center Transportation Permission, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Forms may be obtained from the Department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 240. HFS 55.09 (2) (a) is amended to read:

HFS 55.09 (2) DRIVER. (a) The driver of a ~~center operated or center contracted~~ vehicle used to transport children enrolled in the camp shall ~~hold~~ have a valid Wisconsin operator's license for the type of vehicle being driven.

SECTION 241. HFS 55.09 (2) (b) (intro.) is renumbered HFS 55.09 (2) (b) and as renumbered is amended to read:

HFS 55.09 (2) (b) The ~~center~~ camp shall have a copy of the ~~staff member's~~ driver's driving record on file before that person may ~~act as a driver~~ drive a camp-provided vehicle. The ~~driver~~ licensee shall~~:~~ obtain and review annually, each driver's driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

SECTION 242. HFS 55.09 (2) (b) 1. and 2. are repealed.

SECTION 243. HFS 55.09 (2) (b) 2. Note is repealed and recreated to read:

HFS 55.09 (2) (b) Note: Information on how to obtain driver license records can be obtained by calling the Department of Transportation at 608-261-2566 or via the Internet at http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm.

SECTION 244. HFS 55.09 (2) (c) and (3) (a), (b) and Note, (c) and (f) are amended to read:

HFS 55.09 (2) (c) The driver of a vehicle shall be at least 18 years of age ~~but under 70 years of age~~ and have at least one year of experience as a licensed driver.

(3) VEHICLE. (a) All ~~center -provided or center contracted transportation~~ vehicles used to transport children shall be registered by the state of Wisconsin.

(b) ~~Center-owned~~ All vehicles used to transport children shall be in safe operating condition, and at ~~6~~ 12 -month intervals the licensee shall provide the department with evidence of the vehicle's safe operating condition on ~~forms~~ a form provided by the department.

Note: Form ~~DCS-52~~, Vehicle Safety Inspection ~~for Day Care Vehicles~~, may be obtained from ~~Forms Center, Division of Children and Family Services, P.O. Box 7851, Madison WI 53701-7851.~~ the Department's website at http://dcf.wisconsin.gov or from any regional office listed in Appendix A.

(c) ~~Center -owned vehicles~~ Vehicles used to transport children shall be equipped with a first aid kit.

(f) ~~When seat belts are available, children 4 years of age and older shall wear them.~~ Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

SECTION 245. HFS 55.09 (3) (f) Note is repealed.

SECTION 246. HFS 55.09 (3) (g) is renumbered HFS 55. (3) (g) 1. and as renumbered is amended to read:

HFS 55.09 (3) (g) 1. ~~When children~~ Each child under ~~the age of~~ 4 years of age or who weighs less than 40 pounds ~~are~~ being transported in a ~~motor~~ vehicle ~~each child~~ shall be properly restrained in a forward-facing child car safety ~~restraint system or in a~~ seat ~~belt in accordance with~~ as specified in s. 347.48, Stats.

SECTION 247. HFS 55.09 (3) (g) 2. and 3. are created to read:

HFS 55.09 (3) (g) 2. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat before being transported in a vehicle as specified in s. 347.48 Stats.

3. Each child not required to be transported in an individual child car safety seat or booster seat shall be properly restrained by a seat belt. Each adult in a vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

SECTION 248. HFS 55.09 (4) (b) and (e) are amended to read:

HFS 55.09 (4) (b) 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~~ disability or limited ability to respond to an emergency.

(e) After transporting a child to his or her destination, the driver shall wait until the child enters the building or is in the hands of ~~a designated authorized adult.~~ an adult designated by the parent, unless otherwise authorized by the parent.

SECTION 249. HFS 55.09 (4) (e) Note is created to read:

HFS 55.09 (4) (e) Note: The licensee may use either the Department's form, Alternate Arrival/Release Agreement- Child Care Centers, or the licensee's own form for securing the parent's signed authorization. Information on how to obtain the Department's form is on the department's website at http://dcf.wisconsin.gov or from any regional office in appendix A.

SECTION 250. HFS 55.09 (4) (f), (h) and (i) are repealed and recreated to read:

HFS 55.09 (4) (f) A seat shall be provided for each child. In a vehicle not required to have seat belts, the camp shall follow the manufacturer's recommendation regarding the capacity of the vehicle.

(h) Children under age 13 may not ride in the front seat.

(i) The camp shall implement a procedure to ensure that all children exit the vehicle after transportation to a destination.

SECTION 251. HFS 55.10 is repealed.

SECTION 252. HFS 55.41 (1) (intro.) is amended to read:

HFS 55.41 (1) (intro.) ADMINISTRATON. The licensee shall do all of the following:

SECTION 253. HFS 55.41 (1) (a) is repealed and recreated to read:

HFS 55.41 (1) (a) Comply with all laws governing the camp and its operation.

SECTION 254. HFS 55.41 (1) (b), (c), (d) and (e) 1., 2. and 3. are amended to read:

HFS 55.41 (1) (b) Comply with all ~~applicable~~ requirements in this chapter~~;~~.

(c) Designate, in writing, as part of the application under s. HFS 55.05 (1), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with ~~the applicable~~ all requirements in this chapter, if the licensee resides in another state~~;~~.

(d) Meet, upon request, with the licensing representative on matters pertaining to licensing~~;~~.

(e) 1. General liability insurance which provides coverage with limits of not less than $25,000 or each person and total limits of $75,000 for each occurrence~~;~~.

2. Vehicle liability insurance, when transportation is provided, with minimums no less than those specified in s. 121.53, Stats.~~; and~~

3. Non-owned vehicle liability insurance when transportation is provided by other than camp-owned vehicles~~;~~.

SECTION 255. HFS 55.41 (1) (e) 4. is created to read:

HFS 55.41 (1) (e) 4. Specific adventure-based activities identified in s. HFS 55.44 (13) when offered as part of the camp program.

SECTION 256. HFS 55.41 (1) (f) (intro.) is amended to read:

HFS 55.41 (1) (f) Develop written policies and procedures on the following subjects, submit them to the department for review and implement them:

SECTION 257. HFS 55.41 (1) (f) 1., 2. and 3. are repealed and recreated to read:

HFS 55.41 (1) (f) 1. Discharge of enrolled children.

2. Fee payments and refunds.

3. Personnel policies including job descriptions, hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures and the disciplinary process. The personnel policy shall also contain a procedure requiring staff to notify the licensee and the licensee to notify the department as soon as possible but no later than the next working day when any of the following occurs:

SECTION 258. HFS 55.41 (1) (f) 3. a., b. c., and d. are created to read:

HFS 55.41 (1) (f) 3. a. The employee has been convicted of a crime.

b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

c. The employee has a governmental finding substantiated against them of abuse or neglect of a child or adult or of misappropriation of a client's property.

d. When a professional license held by a provider has been denied, revoked, restricted or otherwise limited.

SECTION 259. HFS 55.41 (1) (g) (intro.) and 1. are repealed and recreated to read:

HFS 55.41 (1) (g) (intro.) Develop, submit to the department for approval, and implement approved written policies and procedures on all the following subjects:

1. Admission, including a procedure to contact a parent if a child is absent from the camp without prior notification from the parent.

SECTION 260. HFS 55.41 (1) (g) 2. is amended to read:

HFS 55.41 (1) (g) 2. Program objectives and a description of activities designed to carry out the program objectives~~;~~.

SECTION 261. HFS 55.41 (1) (g) 3., 4., 5. and 6. are repealed and recreated to read:

3. Transportation if children may be transported to and from the camp or for field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.

4. Plans to be followed in the event of a fire, tornado, missing child or other emergency. If an open-sided shelter is used as a base camp, the plan shall identify the location of a designated tornado shelter and the procedure to ensure the camp receives information about tornado watches or warnings. The plan shall include a procedure to ensure that children reach the tornado shelter in a timely fashion.

5. The plan for providing pre-camp training to staff.

6. The plan for supervising children during water activities and waterfront activities including emergency procedures to be carried out if a child participating in water activities cannot be found.

SECTION 262. HFS 55.41 (1) (g) 7., 8. and 9. are created to read:

HFS 55.41(1) (g) 7. Child guidance, including ways to manage crying, fussing or distraught children.

8. Health, including procedures to be followed when there is contact with animals.

9. Nutrition.

SECTION 263. HFS 55.41 (1) (i) is amended to read:

HFS 55.41 (1) (i) Ensure that all published statements such as brochures and publicity are accurate~~; and~~ .

SECTION 264. HFS 55.41 (1) (k), (L), (m), (n), (o) and Note and (p) are created to read:

HFS 55.41 (1) (k) Post the day camp license at the base camp in an area visible to parents and the public.

(L) Post next to the day camp license the results of the most recent licensing inspection, including any rule violations cited by the department and any notice of enforcement action, including license revocation or denial, and any stipulations, conditions, or exceptions that affect the license.

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

(n) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when there is a change in board chairperson or a person aged 10 and above becomes a camp household member.

(o) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current camp household member who turns age 10.

Note: For more information about caregiver background checks refer to the administrative rule under ch. HFS 12. Information on how to obtain a copy of the Background Information Disclosure form is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

(p) Submit a written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the camp and identify by position or name, those person on the premises of the camp who are in charge of the camp for all hours of operation.

SECTION 265. HFS 55.41 (2) (intro.) is amended to read:

HFS 55.41 (2) REPORTS. The licensee shall report to the department all of the following. If the report was made via telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days. Fax, e-mail and letter are acceptable ways of filing a written report:

SECTION 266. HFS 55.41 (2) (a) is repealed and recreated to read:

HFS 55.41(2) (a) The death of a child in care or any accident or incident that occurs while the child is in the care of the camp that results in professional medical treatment within 48 hours after the occurrence.

SECTION 267. HFS 55.41 (2) (a) Note is created to read:

HFS 55.41 (2) (a) Note: The licensee may use either the Department's form, Child Care Accident Report, or the licensee's own form to report accidents. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

SECTION 268. HFS 55.41 (2) (b) is amended to read:

HFS 55.41 (2) (b) ~~A catastrophe which damages the base camp,~~ Any damage to the base camp which may affect compliance with this chapter within 24 hours after the occurrence~~;~~.

SECTION 269. HFS 55.41 (2) (c) is repealed.

SECTION 270. HFS 55.41 (2) (d) is amended to read:

HFS 55.41 (2) (d) A change of the day camp director, within 7 days ~~of~~ after the change~~; and~~.

SECTION 271. HFS 55.41 (2) (f), (g), (h), (i), (j), (k) and Note and (L) and Note are created to read:

HFS 55.41(2) (f) Any known convictions, pending charges or other offenses of the licensee, day camp employees or other persons subject to a caregiver background check which could potentially relate to the care of children at the camp or the activities of the camp by the department's next business day.

(g) Any suspected abuse or neglect of a child by a staff member that was reported under s. HFS 55.07(3) (a) or any inappropriate discipline of a child, including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, by a staff member during the child's hours of attendance, within 24 hours after the occurrence.

(h) Any incident involving law enforcement within 24 hours after the occurrence in which any of the following occurs:

1. A licensee, a household member or an employee of the camp is involved 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 camp.

2. A person responsible for transporting children is involved in a traffic-related incident.

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

(j) Any incident related to a child who leaves the premises of the camp without the knowledge of a counselor or any incident which results in a counselor not knowing the whereabouts of a child in attendance at the camp within 24 hours after the occurrence.

(k) 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 the plan shall 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.

(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 in writing before the construction or remodeling begins.

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 272. 55.41 (3) (a) (intro.) and 1. are amended to read:

HFS 55.41 (3) (a) Maintain a file on each employee which is available for examination by the licensing representative ~~and which includes~~. Each employee's file shall include all of the following:

1. The employee's name, address, date of birth, education, position, previous experience in child care ~~and a signed statement affirming that he or she has not been convicted or is not the subject of a pending criminal charge as specified under s. HFS 55.05 (5) or (6);~~ including the reason for leaving previous positions and the name, address, and telephone numbers of persons to be notified in an emergency.

SECTION 273. HFS 55.41 (3) (a) 1. Note is created to read:

HFS 55.41 (3) (a) 1. Note: The licensee may use the Department's form, Staff Record – Child Care Centers, or the licensee's own form for recording staff information. Information on how to obtain the Department's form is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

SECTION 274. HFS 55.41 (3) (a) 2. is amended to read:

HFS 55.41 (3) (a) 2. Documentation of any pertinent certification or training required for the position; ~~and~~ including department-approved training in shaken baby syndrome prevention and the effects of shaking an infant or young child, taken before to beginning to work with children, if the person will provide care to children under age 5 years.

SECTION 275. HFS 55.41 (3) (a) 3. and Note, 4., 5. and Note, 6., and (c) are created to read:

HFS 55.41 (3) (a) 3. A Background Information Disclosure form, completed before the employee's first day of employment and every 4 years thereafter.

Note: The Department's form, Background Information Disclosure is used for reporting background information. Information on how to obtain the form is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

4. 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.

5. Documentation of successful completion of pre-camp training.

Note: The licensee may use the department's form, Pre-camp Training Documentation - Day Camps, or the licensee's own form to document the successful completion of pre-camp training. Information on how to obtain the department's form is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

6. Documentation of the days and hours worked when the person was included in the counselor-to-child ratio.

(c) Maintain a staff record which meets the requirements specified in par. (a) 1. 6. for each student teacher or person who works at the camp and is compensated from sources other than the camp.

SECTION 276. HFS 55.41 (4) (title) and (a) (intro.), 1. a. – h. are amended to read:

HFS 55.41 (4) CHILDREN'S RECORDS FILES. (a) The licensee shall maintain ~~an up-to-date written record on~~ at the camp, a current written record for each child enrolled at the camp ~~and~~. The record shall be on file before the child's first day of attendance and updated annually. The licensee shall make the record available to the licensing representative. Each ~~record~~ child's file shall include all of the following:

1. a. The name and birthdate of the child~~;~~.

b. ~~Full names of~~ Names and contact information for the child's parents~~;~~.

c. The child's home address and telephone number~~;~~.

d. Address and telephone number where a parent can be reached while the child is in care~~;~~.

e. Name, address, telephone number and relationship to the child of the person to be notified in an emergency, when a parent cannot be reach immediately~~;~~.

f. Names, address and telephone number of the physician or medical facility caring for the child~~;~~.

g. Names, addresses and telephone numbers of persons authorized to ~~call for~~ pick-up the child; ~~and~~ or to accept the child who is dropped off.

h. Dates of camp session in which the child is enrolled~~; and~~.

SECTION 277. HFS 55.41 (4) (a) 2. Note, 3. Note, 4. Note and 5. Note are created to read:

HFS 55.41 (4) (a) 2. Note: The licensee may use either the Department's form, Child Care Enrollment, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

3. Note: The licensee may use either the Department's form, Transportation Permission – Child Care Centers, or the licensee's own form to obtain authorization to transport children to and from the camp. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

4. Note: The licensee may use either the Department's form, Field Trip or Other Activity Permission/Notification – Child Care Centers, or the licensee's own form for securing parental information. The Department's form, Child Care Enrollment, also contains an authorization from the parent to participate in field trips if the camp chooses to use that form. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

5. Note: The licensee may use either the Department's form, Informed Consent for Observation or Testing by an Outside Agency – Child Care Centers, or the licensee's own form for securing the parent's written consent. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

SECTION 278. HFS 55.41 (4) (a) 6. is amended to read:

HFS 55.41 (4) (a) 6. The child's health history and any other matters relating to the child's health; ~~and~~ on a form provided by the department.

SECTION 279. HFS 55.41 (4) (a) 6. Note is created to read:

HFS 55.41 (4) (a) 6. Note: The Department's form, Health History and Emergency Care Plan, is used for health history information. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

SECTION 280. HFS 55.41 (4) (a) 7. is repealed and recreated to read:

HFS 55.41 (4) (a) 7. Authorization from the parent outlining the plan for a child to come to the camp from school, home or other activities and to go from the camp to school, home or other activities unless the child is accompanied by a parent or other authorized pick-up person.

SECTION 281. HFS 55.41 (4) (a) 7. Note and 8. and Note are created to read:

HFS 55.41 (4) (a) 7. Note: The licensee may use either the Department's form, Alternate Arrival/Release Agreement – Child Care Centers, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain forms is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in Appendix A.

8. Assessment of the child's swimming ability, if swimming is included in the program of activities.

Note: Either parents or the camp may assess the child's swimming ability.

SECTION 282. HFS 55.41 (4) (b) is repealed and recreated to read:

HFS 55.41 (4) (b) 1. The licensee shall record in a medical log any medication dispensed to a child by a camp employee and any injury received by a child enrolled in the program on the day the medication is dispensed or the injury is received.

2. The medical log shall be a book with stitched binding and lined and numbered pages. Each entry shall be recorded in ink and signed or initialed by the person making the entry. The pages in the log may not be skipped or removed.

3. The log shall be maintained for the length of time the child is enrolled in the camp.

Note: See HFS 55.44 (6) (a) 2. for information on recording entries in the center medical log book.

SECTION 283. HFS 55.41 (4) (c) and Note and (5) are created to read:

HFS 55.41 (4) (c) The licensee shall maintain a current, accurate, written record of the daily attendance and birthdate for each child enrolled in the program. If the hours of arrival and

departure of the children vary, the actual time of arrival and departure for each child shall be recorded. Each record shall be maintained as long as the child is enrolled in the program.

Note: The department form, Daily Attendance Record – Child Care, may be used to document a child's daily attendance. Information on how to obtain the Department's form is available from the department's website, http://dcf.wisconsin.gov, or any regional licensing office in appendix A.

(5) NOTIFICATIONS TO PARENTS. (a) The camp director shall notify the parents of an enrolled child of all of the following:

1. Exposure of the child to a diagnosed or suspected communicable disease reportable under ch. HFS 145. Notification shall occur when the information becomes known to the camp director.

2. Illness or injury to the child that requires professional medical treatment. Notification shall occur immediately.

3. Minor injury to the child. Notification shall occur when a parent picks up a child or when the child is delivered.

4. When the child participates in a field trip. The camp shall provide parents with a current and accurate schedule of all the field trips prior to the trips. Changes in the schedule of trips shall be communicated to parents.

5. When a child is missing.

SECTION 284. HFS 55.42 (1) (a), (c), and (d) and (2) (a) (intro.), and 1. to 4. are amended to read:

HFS 55.42 Personnel. (1) STAFF: PAID AND VOLUNTEER. (a) Each day camp shall have a person designated as camp director on the premises at all times. <u>If the camp director is not on the premises, a similarly qualified adult shall be present. The camp director shall be responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.</u>

(c) ~~Paid counselors~~ <u>Counselors, whether paid or unpaid,</u> who are counted in determining the counselor-to-child ratio shall <u>be at least 18 years of age and</u> have completed high school or the equivalent as determined by the department of public instruction.

(d) ~~Paid or volunteer counselors~~ <u>Counselors</u> who are considered in determining counselor-to-child ratio ~~shall be at least 18 years of age.~~ <u>may not provide care to children more than 10 hours in any 24-hour period. Camps providing an occasional overnight activity for children enrolled in the camp may allow a counselor to exceed the maximum 10-hour per day work schedule to permit the counselor to remain with the children during the overnight session.</u>

(2) STAFF TRAINING. (a) Each day camp shall develop a written pre-camp training ~~program~~ plan~~, a copy of which shall be submitted to the department~~. A copy of the plan shall be submitted to the department for approval and implemented as approved. The plan shall include~~, but is not limited to,~~ all of the following:

1. A review of the applicable parts of this chapter~~;~~.

2. A review of camp policies and procedures~~;~~ are required under s. HFS 55.41 (1) (f) and (g).

3. Job responsibilities in relation to job descriptions~~;~~.

4. Training in the recognition of childhood illnesses ~~of children;~~ and infectious disease control, including handwashing procedures and universal precautions for handling body fluids.

SECTION 285. HFS 55.42 (2) (a) 4. Note is created to read:

HFS 55.42 (2) (a) 4. 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 Public Health, Department of Health Services, 1 W. Wilson St. Madison, WI 53703.

SECTION 286. HFS 55.42 (2) (a) 7. , 8., 9., 10. and 11. are repealed and recreated to read:

HFS 55.42 (2) (a) 7. Review of plans required under ss. HFS 55.41 (1) (g) and 55.43 (2) including the plan for what happens if a child is missing, fire and tornado plans and the supervised swim plan if applicable.

8. The procedure for ensuring that camp counselors know the children assigned to their care and their whereabouts at all times.

9. Training in the use of fire extinguishers and recognition of local poisonous plants, snakes and other potential hazards on the premises, and procedures to be followed to protect the children from these hazards.

10. Review of child abuse and neglect laws, and the camp reporting procedures.

11. Information on the care of children with disabilities enrolled in the camp and the procedure for sharing information related to a child's special health care needs including any physical, emotional, social or cognitive disabilities with any person who may be assigned to care for that child throughout the day.

SECTION 287. HFS 55.42 (2) (a) 12. and 13. are created to read:

HFS 55.42 (2) (a) 12. Child management techniques.

13. Department-approved training in shaken baby syndrome prevention and appropriate ways to manage crying, fussing or distraught children for any person who will be providing care and supervision to children under 5 years of age.

SECTION 288. HFS 55.42 (2) (b), (c) (intro.),1. and 2., and (d) are amended to read:

HFS 55.42 (2) (b) All ~~paid and volunteer~~ counselors, whether paid or unpaid, who are counted in determining the counselor-to-child ratio shall have pre-camp training. The pre-camp training ~~program~~ shall be for a minimum of ~~3 camp days or 18~~ 24 hours and shall include orientation at the base camp.

(c) Campers' parents serving as ~~staff~~ counselors and volunteers who are not used to meet the counselor-to-child ratio, may be exempted from the ~~3 camp days or 18~~ 24 hour pre-camp training ~~when~~ if the following conditions are met:

1. The parent or volunteer receives at least 4 hours of training in day camp programming required under par. (a), including orientation at the base camp~~; and~~.

2. The parent or volunteer works under the supervision of a ~~staff person~~ counselor who has met the training requirements specified in par. (b).

(d) The camp director shall plan and implement monthly staff meetings which will provide ongoing supervision and in-service training for the staff.

SECTION 289. HFS 55.42 (2) (e), (f), and (g) are created to read:

HFS 55.42 (2) (e) All camp staff in regular contact with the children, including the camp director and counselors shall obtain and maintain a current certificate of completion for child and adult cardiopulmonary resuscitation (CPR) including department-approved training in the use of an automatic external defibrillator prior to working with children. The CPR training may be included in pre-camp training.

(f) The camp director shall coordinate the volunteer program and keep on file documentation of the hours worked for volunteers who are included in determining the counselor-to-child ratio.

(g) Camp staff, including the camp director, camp counselors, and volunteers counted in the counselor – to – child ratio shall be physically, mentally and emotionally able to provide responsible care for children.

SECTION 290. HFS 55.42 (3) (title), (a), (b) and Note are amended to read:

HFS 55.42 (3) STAFFING AND SUPERVISION. (a) Each child shall be closely supervised at all times to guide the child's behavior and activities, prevent harm and assure safety.

(b) ~~There shall be a ratio of at least one counselor to every 4 children under 4 years of age. There shall be a ratio of at least one counselor to every 6 children 4 years of age. There shall be a ratio of one counselor to every 12 children 5 and 6 years of age.~~ The ratio of counselors to children may not be less than the minimum number of counselors to children specified in Table HFS 55.42. When there is a mixed-age group, the ~~staff-~~ counselor- to-child ratio shall be adjusted on a prorata basis, according to age.

Note: ~~Worksheets for prorating staff-~~ The Department's form, Counselor - to-~~child ratios~~ Child Ratio Worksheet may be used to prorate the staff-to-child ratio for mixed age groups ~~are~~. The department form is available from any of the ~~Forms Center, Division of Children and Family Services, P.O. Box 7851, Madison,WI 53707-7851~~ regional licensing offices in Appendix A or from the department's website, http://dcf.wisconsin.gov.

SECTION 291. TABLE HFS 55.42 is created to read:

TABLE HFS 55.42 COUNSELOR –TO – CHILD RATIO FOR CHILDREN IN A DAY CAMP	
Age of Children	Minimum Number of Counselors to Children
3 Years to 4 Years	1:4
4 Years to 5 Years	1:6
5 Years and 6 Years	1:12
7 Years and Over	1:18

SECTION 292. HFS 55.42 (3) (c) is repealed and recreated to read:

HFS 55.42 (3) (c) Support staff, such as maintenance, clerical, housekeeping and food service staff, may only be considered in determining counselor – to – child ratios under the following circumstances:

1. During those hours when the support staff give full attention to the care and supervision of children.

2. If the support staff meet the qualifications of a camp counselor.

SECTION 293. HFS 55.42 (3) (d), and (e) are amended to read:

HFS 55.42 (3) (d) The camp director ~~may not leave the base camp~~ shall be at the camp during the hours of operation ~~unless another qualified person is at the base camp~~, unless the children are on a field trip in which case the camp director shall accompany the children. ~~This person~~ When some of the children are on a field trip and others are at the base camp, the camp director may accompany the children on the field trip if there is a reliable method of communicating easily with the camp. If the camp director is not present either at the base camp

or on a field trip, another qualified person shall be identified in a written delegation of administrative authority, present at the camp and ~~shall be~~ authorized to make decisions for the camp.

(e) When 9 or more children are present at the ~~base~~ camp, there shall be at least 2 adults available at all times and at least one of the adults shall be a counselor.

SECTION 294. HFS 55.42 (3) (f) is repealed and recreated to read:

(f) When children 7 years of age and older are served in the same group with children ages 3 and 4, the ratio of counselors to children in the group shall be consistent with the requirements for the youngest children in the group as specified in HFS TABLE 55.42.

SECTION 295. HFS 55.42 (3) (g), (h), (i), (j), and (k) are created to read:

HFS 55.42 (3) (g) All children in care shall be assigned to a counselor. The camp shall implement a procedure to ensure that the number, names, and whereabouts of children in care are known to the assigned camp counselor at all times.

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

(i) Camp counselors shall not engage in any duties that are not related to caring for children when they are counted in meeting the counselor – to – child ratios.

(j) Children of staff who attend the camp and who are on the premises for supervision and care shall be included in determining counselor-to-child ratios.

(k) When 9 or more children are on a field trip at least 2 adults shall accompany the children. The counselor-to-child ratios in Table HFS 55.42 shall be met on field trips.

SECTION 296. HFS 55.42 (4) (title) is amended to read:

HFS 55.42 (4) HEALTH ~~QUALIFICATIONS~~.

SECTION 297. HFS 55.42 (4) is renumbered HFS 55.42 (4) (a) and as renumbered is amended to read:

HFS 55.42 (4) (a) No ~~staff member~~ licensee, employee, volunteer, visitor or parent with symptoms of communicable disease, reportable under ch. HFS 145, or ~~physical~~ serious illness, ~~or whose behavior gives the camp director reason to be concerned for the safety of the children~~, which presents a safety or health risk to children may be ~~allowed on the premises of the day camp~~ in contact with the children in care.

SECTION 298. HFS 55.42 (4) (b) and (c) are created to read:

HFS 55.42 (4) (b) 1. No licensee, employee, volunteer, visitor, or parent whose behavior gives reasonable concern for the safety of the children may be in contact with the children in care.

2. The department may require a licensee, employee or other person in contact with the children in care, 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.

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

SECTION 299. HFS 55.43 (1) (a), (b), and (c) are repealed and recreated to read:

HFS 55.43 (1) (a) The licensee shall identify a base camp that provides an environment that allows the program to be oriented to the out-of-doors. The base camp shall be maintained in a clean and sanitary condition at all times.

(b) The base camp shall have a building or shelter for use by the camp during inclement weather. If the shelter is not enclosed, the camp shall implement a procedure for ensuring that children are protected from the elements.

(c) The base camp shall be located on a well-drained site not subject to flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the property or to the health or safety of the occupants. No camp may be located in an area that is situated so that drainage for any source of filth, such as garbage or animal waste disposal, can be deposited on the site.

SECTION 300. HFS 55.43 (1) (c) Note and (d) are amended to read:

HFS 55.43 (1) (c) Note: Local authorities should be consulted to obtain any required zoning clearances or building permits. Chapter NR 115 and s. NR 116.12 (2) (b) may affect the camp's location with regard to flood plains and shore land areas.

(d) Buildings and shelters on sites used or constructed primarily for day camp purposes shall comply with ~~chs. Comm 50 to 64,~~ the applicable Wisconsin Commercial Building Code and applicable local ordinances. A copy of the building inspection report shall be on file with the department.

SECTION 301. HFS 55.43 (1) (d) Note is created to read:

HFS 55.43 (1) (d) Note: Inspections can be obtained from a 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. Local authorities should be consulted to obtain any required zoning clearances or building permits.

SECTION 302. HFS 55.43 (1) (e) is amended to read:

HFS 55.43 (1) (e) All buildings and structures used by children for day camp purposes shall have not less than 2 plainly marked exits <u>that are free of obstruction</u>.

SECTION 303. HFS 55.43 (1) (f) and Note, and (g) are created to read:

HFS 55.43 (1) (f) The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of the changes.

Note: Alterations or changes of use to commercial buildings may require submittal of plans to and approval by the department of commerce or its agent prior to the commencement of construction. For information on plan submittal, please see the department of commerce website at http://commerce.wi.gov/SB/SB-DivPlanReview.html.

(g) If the base camp includes an enclosed building used by children, the inside temperature of the building may not be less than 67 degrees Fahrenheit. If the inside temperature exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with fans or by other means.

SECTION 304. HFS 55.43 (2) (a) 2. c. is repealed.

SECTION 305. HFS 55.43 (2) (a) 3. is amended to read:

HFS 55.43 (2) (a) 3. All equipment and facilities used by the children and staff, whether <u>or not it is</u> owned by the camp ~~or not~~, shall be in safe operating condition and <u>shall</u> not present undue risk to children.

SECTION 306. HFS 55.43 (2) (a) 4. and 5. are repealed and recreated to read:

HFS 55.43 (2) (a) 4. A licensee, employee, volunteer or other individual in contact with children may not consume alcoholic beverages or any non-prescribed controlled substances specified in ch. 961, Stats., on the premises of the camp or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the camp's operation.

5. Children shall be protected from indoor and outdoor hazards and the premises shall be maintained in a clean, neat condition and free from refuse, insects and rodents.

SECTION 307. HFS 55.43 (2) (a) 6. and 7. are amended to read:

HFS 55.43 (2) (a) 6. Substances which may be toxic if ingested, inhaled, or handled, including drugs, chemicals and pesticides, shall be ~~clearly labeled~~ stored in the original, covered and labeled container and shall be stored in areas not accessible to children.

7. A motor vehicle shall be immediately available ~~at all times for emergency transportation.~~ at the camp in case of emergency if a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call.

SECTION 308. HFS 55.43 (2) (a) 8. and 9. are created to read:

HFS 55.43 (2) (a) 8. Smoking is prohibited on the premises of the camp when the children are present.

9. The camp shall have a working telephone at the camp during the hours of operation. A list of emergency telephone numbers, including fire, law enforcement and poison control shall be immediately available to staff. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

SECTION 309. HFS 55.43 (2) (b) 1., 2., 3. and 4. are amended to read:

HFS 55.43 (2) (b) *Fire protection*. 1. All fire protection facilities and equipment, including fire extinguishers, shall be operable and maintained in working order by a qualified person. Fire extinguishers shall be inspected ~~and maintained in working order by a qualified person~~ once per year by a qualified person, and bear a label indicating its present condition and the date of the last inspection.

2. Flammable and combustible liquids shall be in ~~plainly marked~~ original, covered and labeled containers and stored in areas accessible only to designated adults.

3. Before camp opens, written notification of the camp operation shall be given to the nearest fire department or forest ranger service for protection in case of fire. The notification shall include the dates the camp will be operational and the number and ages of children in care.

4. Any necessary permits required for operation of incinerators ~~of~~ or for open fires shall be secured and available for review by the licensing representative.

SECTION 310. HFS 55.43 (2) (b) 4. Note is created to read:

HFS 55.43 (2) (b) 4. Note: It is recommended that the licensee contact the local municipality and the Department of Natural Resources prior to camp opening to determine what permits are required.

SECTION 311. HFS 55.43 (3) (a) 1., 2., 4. and 5. and (b) 1., 2. and 3. are amended to read:

HFS 55.43 (3) (a) *General*. 1. The base camp premises and any structures used by children on the premises shall be free of litter, safe, well maintained, in good repair and clean.

2. Furnishings, toys and other equipment shall be safe, in good repair and clean.

4. Painted exterior and interior surfaces accessible to children shall be free of flaking or deteriorating paint and finished with lead-free paint or other non-toxic material.

5. ~~Garbage containers in the building shall be covered, watertight and emptied daily.~~ Garbage and refuse ~~stored out-of-doors~~ at the base camp shall be kept in rigid, watertight and leak-proof containers ~~equipped~~ with tight-fitting covers and ~~hauled away~~ disposed of as necessary to prevent decomposition and overflow ~~at the site~~.

(b) *Insect, rodent, and weed control.* 1. The growth of brush, weeds, grass and plants shall be controlled in the ~~central~~ base camp area to prevent the harborage of noxious insects ~~and~~ ,rodents, and any other animals.

2. The ~~central~~ base camp area shall be maintained to prevent growth of ragweed, poison ivy and other noxious plants considered detrimental to health.

3. Buildings and structures shall be maintained to control insect and rodent harborage and infestations. Chemical insect and rodent control measures shall be applied according to label instructions. Control measures shall be used in a safe manner.

SECTION 312. HFS 55.43 (3) (c) 1. is repealed and recreated to read:

HFS 55.43 (3) (c) Food *preparation, service and storage.* 1. The kitchen area shall be equipped with a microwave or stove, a refrigerator, a sink and utensils that are necessary to prepare and serve meals.

SECTION 313. HFS 55.43 (3) (c) 2. is amended to read:

HFS 55.43 (3) (c) 2. ~~Equipment~~ All equipment and utensils used for preparing, serving ~~and~~ or storing food shall ~~be clean and facilities equipped for the safe handling of food.~~ have smooth hard surfaces, be easily cleanable, in good repair, durable, non-toxic and free of cracks, seams, chips, and roughened areas, and shall be maintained in a clean and sanitary condition.

SECTION 314. HFS 55.43 (3) (c) 3. is repealed.

SECTION 315. HFS 55.43 (3) (c) 5. is amended to read:

HFS 55.43 (3) (c) 5. Foods shall be stored at temperatures which protect against spoilage. Milk shall be maintained at or below 40~~ºF (8ºC)~~ degrees Fahrenheit.

SECTION 316. HFS 55.43 (3) (c) 6., 7., 8. and Note are created to read:

HFS 55.43 (3) (c) 6. Food shall be protected from potential contamination and adulteration, including dirt, insects, rodents or animals. Dry foods, such as cereals, crackers and pasta shall be stored in bags with zip-type closures or metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled. In this paragraph, "food-grade plastic" means any plastic material used in the manufacture of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

7. Raw fruits and vegetables shall be washed before being served or cooked.

8. Meals shall be prepared at the base camp, in a central kitchen operated by the camp or in another location that has been inspected by a representative of a state agency. Food delivery vehicles shall be equipped with clean containers, or cabinets to store food while in transit. Containers for cold food shall be capable of maintaining the temperature at or below 40 degrees Fahrenheit and containers for hot food shall be capable of maintaining the temperature at or above 140 degrees Fahrenheit.

Note: Chapter HFS 196 of the administrative rules addresses restaurants and other public eating establishments. Chapter ATCP 75 of the administrative rules addresses retail food establishments.

SECTION 317. HFS 55.43 (3) (d) 1. is amended to read:

HFS 55.43 (3) (d) *Water.* 1. A supply of safe drinking water shall be available to children at all times from disposable cups, ~~individually labeled cups~~ covered water bottles labeled with the child's name, or angle jet type drinking fountains. Common use of drinking cups is prohibited.

SECTION 318. HFS 55.43 (3) (d) 1. Note is created to read:

HFS 55.43 (3) (d) 1. Note: It is recommended that single-use disposable water bottles not be reused.

SECTION 319. HFS 55.43 (3) (d) 2. is amended to read:

HFS 55.43 (3) (d) 2. When a public water system is not available, a private well may be used if it is approved by the department of natural resources. Water samples from an approved well shall be tested ~~at the state laboratory of hygiene or a state-approved laboratory at least~~ for lead and bacteria by a laboratory certified under ch. HSS 165 annually and at least 2 weeks prior to the camp opening. The water supply shall be bacteriologically safe. The laboratory report shall be available to the department upon request.

SECTION 320. HFS 55.43 (3) (d) 2m. and Note are created to read:

HFS 55.43 (3) (d) 2m. If the water test results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used on a temporary basis until the water is determined to be safe.

Note: Camps 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 office from the list athttp://dnr.wi.gov/org/caer/cs/ServiceCenter/locations.htm.

SECTION 321. HFS 55.43 (3) (d) 3. and (e) 2., 4., 6. and 7. are amended to read:

HFS 55.43 (3) (d) 3. Where running water is not available, a covered drinking water container that is easily distinguishable from other containers, constructed of a food grade material that does not permit the water to become contaminated by dirt, insects, or animals, and suitable for pouring or equipped with a faucet shall be provided. Dipping into water from the container is prohibited. The container shall be cleaned and sanitized daily. The water source shall be a public water supply or as specified in subd. 2.

(e) 2. Single-use disposable towels ~~or individually labeled clean cloth towels~~ shall be provided and accessible to children.

4. Outdoor toilets, when used, shall be constructed according to the requirements of ~~s. Comm 52.63~~ the applicable Wisconsin commercial building codes and maintained in good repair.

6. Plumbing shall comply with all applicable sections of ~~chs. Comm 82~~ Wisconsin plumbing codes.

7. Liquid waste disposal shall be connected to a public sewer, if available. If not available, liquid waste disposal shall be in accordance with ~~ch.~~ chs. Comm 82, 83 and 84.

SECTION 322. HFS 55.44 (1) (a) (intro.) and 1. and 2. are amended to read:

HFS 55.44 Program. (1) PROGRAM PLANNING AND IMPLEMENTATION. (a) Each day camp shall have a program of activities that shall be planned according to the developmental level of each child and each group of children and intended to expose children to a variety of cultures. The needs of children with disabilities shall be considered when planning the programming and activities for enrolled children. The program of activities shall focus on the out-of-doors and the natural environment and shall reflect the camp's written policies. The program shall provide each child with experiences which ~~encourage~~ will promote all of the following:

1. An appreciation and understanding of the natural environment~~;~~.

2. Large and small muscle development~~;~~.

SECTION 323. HFS 55.44 (1) (a) 3. is repealed and recreated to read:

HFS 55.44 (1) (a) 3. Intellectual growth.

SECTION 324. HFS 55.44 (1) (a) 4., 5. and 6. are amended to read:

HFS 55.44 (1) (a) 4. Self-esteem and positive self-image~~;~~.

5. Opportunities for recreation~~; and~~.

6. Social interaction ~~in a group setting~~.

SECTION 325. HFS 55.44 (1) (a) 7., 8., 9., and Note are created to read:

HFS 55.44 (1) (a) 7. Creative expression.

8. Self-expression and communication skills.

9. Literacy skills.

Note: With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

SECTION 326. HFS 55.44 (1) (b) 1. is amended to read:

HFS 55.44 (1) (b) 1. Protect the children from excessive fatigue and from over-stimulation~~; and~~.

SECTION 327. HFS 55.44 (1) (b) 3., 4., 5., 6., and 7. are created to read:

HFS 55.44 (1) (b) 3. Be planned to provide a flexible balance each day of:

a. Active and quiet activities.

b. Individual and group activities.

4. Provide daily opportunities for children to play outdoors except during inclement weather or when not advisable for health reasons.

5. Provide reasonable regularity in eating, resting and other routines.

6. Provide daily periods when a variety of experiences are concurrently available for the children to select their own activities.

7. Limit the amount of time that children are kept waiting in lines or assembled in large groups during routines such as toileting and eating and intervals between activities.

SECTION 328. HFS 55.44 (2) (a) is amended to read:

HFS 55.44 (2) ~~DISCIPLINE.~~ CHILD GUIDANCE. (a) Each day camp shall have a written policy on ~~discipline of children~~ guiding children's behavior which provides for positive guidance, redirection and the setting of clear-cut limits. The policy shall be designed to help each child develop self-control, self-esteem, and respect for the rights of others.

SECTION 329. HFS 55.44 (2) (b) and (c) (intro.) are repealed and recreated to read:

HFS 55.44 (2) (b) If a camp uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes and the procedure shall be included in the camp's child guidance policy as specified in par. (a).

(c) Actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include:

SECTION 330. HFS 55.44 (2) (c) 1. – 4. are amended to read:

HFS 55.44 (2) (c) 1. Spanking, hitting, pinching, shaking, slapping, twisting, throwing or inflicting any other form of corporal punishment~~;~~.

2. Verbal abuse, threats or derogator remarks about the child or the child's family~~;~~.

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~~; and~~ .

4. Withholding or forcing meals, snacks or naps~~;~~.

SECTION 331. HFS 55.44 (2) (c) 5. is created to read:

HFS 55.44 (2) (c) 5. Actions that are aversive, cruel, frightening or humiliating.

SECTION 332. HFS 55.44 (3) (a) is renumbered to HFS 55.44 (3) (intro.) and as renumbered is amended to read:

HFS 55.44 (3) EQUIPMENT. (a) The camp shall provide program equipment in a variety and quantity which will allow staff to implement activities outlined in the written policy on program objectives and activities required under s. HFS 55.41 (1) (g) 2. and which meets the following criteria:

SECTION 333. HFS 55.44 (3) (a) 1., 2., 3., 4. and 5. are created to read:

HFS 55.44 (3) (a) 1. Provides for large muscle development.

2. Provides construction activities and for the development of manipulative skills.

3. Encourages social interaction.

4. Provides intellectual stimulation.

5. Encourages creative expression.

SECTION 334. HFS 55.44 (3) (b) 1. and 2. are amended to read:

HFS 55.44 (3) (b) 1. Scaled to the developmental level, size and ability of the children~~;~~.

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

SECTION 335. HFS 55.44 (3) (c) and (d) are created to read:

HFS 55.44 (3) (c) Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

(d) Children using play equipment shall be closely supervised to prevent injuries.

SECTION 336. HFS 55.44 (4) and (5) (a) are amended to read:

HFS 55.44 (4) REST. When a session is more than 4 hours in length, there shall be a rest period or period of quiet activities of ~~approximately one hour~~ at least 30 minutes for all children under 5 years of age.

(5) FOOD. (a) Food shall be provided in accordance with Table HFS 55.44 which is based on the amount of time children are present. Food may be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

SECTION 337. HFS 55.44 (5) (d) (intro.) is repealed and recreated to read:

HFS 55.44 (5) (d) Menus for meals and snacks provided by the camp shall:

SECTION 338. HFS 55.44 (5) (d) Note is repealed.

SECTION 339. HFS 55.44 (5) (d) 1., 2., 3. and 4. are created to read:

HFS 55.44 (5) (d) 1. Be posted in the kitchen and in a conspicuous place accessible to parents.

2. Be planned at least one week in advance, dated and kept on file for 3 months.

3. Be available for review by the department.

4. Include diverse types of food.

SECTION 340. HFS 55.44 (5) (e) is repealed and recreated to read:

HFS 55.44 (5) (e) Each meal and snack provided shall meet the U.S. department of agriculture child care food program minimum meal requirements.

SECTION 341. HFS 55.44 (5) (e) Note is created to read:

HFS 55.44 (5) (e) Note: See Appendix B for information on the U.S. department of agriculture child and adult care food program minimum meal requirements.

SECTION 342. HFS 55.44 (5) (e) 1.to 4. are repealed.

SECTION 343. HFS 55.44 (5) (f) and (g) is repealed and recreated to read:

HFS 55.44 (5) (f) Enough food shall be prepared for each meal so that second portions of vegetables or fruit, bread and milk are available to children.

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

SECTION 344. HFS 55.44 (6) (a) 1. and 2. and (b) (title) are amended to read:

HFS 55.44 (6) HEALTH. (a) *Observation.* 1. Each child upon arrival at the camp shall be observed by a staff person for symptoms of illness. For an apparently ill child, the procedure under par. (c) shall be followed.

2. Any evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of camp care shall be ~~noted on the child's record~~ recorded in the camp medical log book and reported immediately to the camp director.

(b) (title) *Health Supervision*.

SECTION 345. HFS 55.44 (6) (b) is renumbered HFS 55.44 (6) (b) (intro.) and as renumbered is amended to read:

HFS 55.44 (6) (b) There shall be an adult at the camp at all times who is responsible for health supervision. ~~The adult shall be a registered nurse, physician or a person holding a current certificate from the American Red Cross standard first aid and personal safety course.~~ The on-site health supervisor shall be one of the following:

SECTION 346. HFS 55.44 (6) (b) 1., 2., 3., 4. and 5., and (bm) are created to read:

HFS 55.44 (6) (b) 1. A physician licensed in Wisconsin.

2. A registered nurse or practical nurse licensed in Wisconsin.

3. A physician assistant licensed in Wisconsin.

4. An emergency medical technician.

5. A person currently certified as having completed the American Red Cross Standard First Aid course or equivalent.

(bm) If a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call, a person who is certified by the department as a first responder under ch. HFS 113 must be on the premises during the hours when children are present. This person may serve as the camp health supervisor.

SECTION 347. HFS 55.44 (6) (c) 1. and 2. a., and (d) 1. are amended to read:

HFS 55.44 (6) (c) 1. There shall be an isolation or first aid area for the care of children who become ill. If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means.

2. a. A child with ~~a sore throat, inflammation of the eyes, fever, lice, ringworm of the scalp, rash, vomiting, diarrhea, or other~~ symptoms of illness or ~~health~~ a condition such as vomiting or diarrhea, shall be isolated and shall be made comfortable, with a place to lie down available, with a staff member within the sight or hearing of the child. Isolation shall be used until the child can be removed from the camp~~; and~~.

HFS 55.44 (6) (d) *Communicable disease.* 1. When ~~a child is suspected of having chicken pox,~~ it is determined that a person in contact with children or a child enrolled in a day camp has a reportable communicable disease under ch. HFS 145, such as German measles, infectious hepatitis, measles, mumps, or ~~poliomyelitis, scarlet fever, whooping cough, diphtheria,~~ meningitis, ~~or any other communicable disease under ch. HFS 145,~~ the local public health officer, the department, and parents of exposed children shall be notified.

SECTION 348. HFS 55.44 (6) (d) 2. is repealed.

SECTION 349. HFS 55.44 (6) (d) 3. is amended to read:

HFS 55.44 (6) (d) 3. A person in contact with children or a child may be ~~readmitted without a statement from a physician after having had a communicable disease only~~ allowed to return to a camp if the ~~child~~ person's physician provides a written statement that the condition is no longer contagious or the person has been absent for a period of time equal to the longest usual incubation period of the disease as specified by the department.

SECTION 350. HFS 55.44 (6) (d) Note and (e) 1. (intro.) are repealed and recreated to read:

HFS 55.44 (6) (d) Note: The Division of Public Health in the Wisconsin Department of Health Services has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also proved additional guidance on the symptoms of each disease and information on how long an infected child must be excluded from the camp. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines are available from the Child Care Information Center, 2109 S. Stoughton Rd., Madison WI 53716; phone 1-800-362-7353.

(e) *Medication.* 1. Camp staff may give prescription and non-prescription medication to a child only under the following conditions:

SECTION 351. HFS 55.44 (6) (e) 1. a. is amended to read:

HFS 55.44 (6) (e) 1. a. A signed, dated, written authorization ~~of~~ that includes the child's name and birthdate, name of the medication, administration instructions, medication intervals, and the length of the authorization from the parent is on file~~;~~. Blanket authorizations that exceed the length of time specified on the label are prohibited.

SECTION 352. HFS 55.44 (6) (e) 1. a. Note is created to read:

HFS 55.44 (6) (e) 1. a. Note: The Department's form, Authorization to Administer Medication, or the provider's own form may be used to obtain the parent's authorization to administer medication. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any of the regional licensing offices in Appendix A.

SECTION 353. HFS 55.44 (6) (e) 1. b. is amended to read:

HFS 55.44 (6) (e) 1. b. ~~Prescription~~ The medication is in the original container and labeled with the child's name~~, name of drug, dosage, directions for administering, date and physician's name;~~ and the label includes the dosage and directions for administering.

SECTION 354. HFS 55.44 (6) (e) 1. c. is repealed.

SECTION 355. HFS 55.44 (6) (e) 1. d. and 3. are amended to read:

HFS 55.44 (6) (e) 1. d. ~~A written report which~~ The person administering the medication makes an entry into the medical log book as required under s. HFS 55.41 (4) (b) that includes the type of medication given, dosage, time, date of administration and name or initials of the person administering the medication~~ shall be kept in the child's record and in the medical log which shall meet specifications of s. HFS 55.41 (4) (b)~~.

3. Medications ~~requiring refrigeration shall be kept in the refrigerator in a separate, covered container clearly labeled "medication."~~ shall be stored at the appropriate temperature as indicated on the label.

SECTION 356. HFS 55.44 (6) (e) 4., 5., 6., 7., and (f) 1. a. Note are created to read:

HFS 55.44 (6) (e) 4. No medication may be kept at the camp without a current authorization from the parent.

5. Bee sting medication, inhalers, an insulin syringe, or other medication or device used in the event of a life-threatening situation may be carried by a child over the age of 7 years with written authorization from the parent and the child's physician.

6. Sunscreen, lip balm and insect repellent may only be applied on the written authorization of the parent. The authorization shall include the ingredient strength of the sunscreen or repellent. If parents provide the sunscreen, lip balm or insect repellent, the sunscreen, lip balm or repellent shall be labeled with the child's name. Children may apply their own sunscreen, lip balm or insect repellent with written parental authorization. The recording of the application of sunscreen, lip balm or insect repellent is not required.

7. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.

(f) 1. a. Note: The camp may use the department's form, Child Care Enrollment, or its own form for obtaining medical consent from the parent. Information on how to obtain forms is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

SECTION 357. HFS 55.44 (6) (f) 1. a., b., c., and d. are amended to read:

HFS 55.44 (6) (f) 1. a. Written permission from the parent to call the family physician or refer the child or medical care in case of emergency shall be on file at the camp. This permission shall be used only when the parent or the designated responsible person cannot be reached~~;~~.

b. Prior to the opening of camp, a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed medical facility, shall be designated and made known to staff and parents~~;~~.

c. There shall be written procedures to be followed for bringing a child to emergency medical care~~;~~.

d. First aid equipment shall be available at a designated location ~~in each cottage or other living unit and at the first aid area;~~ at the base camp.

SECTION 358. HFS 55.44 (6) (f) 1. e. is repealed.

SECTION 359. HFS 55.44 (6) (f) 1. f. and g. are amended to read:

f. Standard first aid ~~practices~~ procedures shall be followed for ~~serious~~ injuries~~;~~.

g. ~~There shall be routine procedures for treatment of minor injuries; and~~ Superficial wounds shall be cleaned with soap and water only and protected with a bandaid or bandage.

SECTION 360. HFS 55.44 (6) (f) 1. i. is created to read:

55.44 (6) (f) 1. i. Suspected poisoning shall be treated only after consultation with a poison control center.

SECTION 361. HFS 55.44 (6) (f) 2. is amended to read:

HFS 55.44 (6) (f) 2. A daily record of injuries shall be kept in the medical log. Records of injuries shall be reviewed monthly by the camp director and staff to ensure that all preventive measures are being taken. There shall be documentation in the medical log book required under s. HFS 55.41 (4) (b) that reviews have taken place.

SECTION 362. HFS 55.44 (6) (f) 3. is repealed.

SECTION 363. HFS 55.44 (6) (g) is amended to read:

HFS 55.44 (6) (g) *Health history.* A written health history ~~which includes dates of immunization, allergies, limitations that would affect activities and other health conditions~~ on a form prescribed by the department shall be obtained from the parent before the child's first day of camp. This shall be kept on file at the base camp and be available to staff. Information contained on the health history form shall be shared with any person assigned to care for the child.

SECTION 364. HFS 55.44 (6) (g) Note is repealed and recreated to read:

HFS 55.44 (6) (g) Note: The Department's form, Health History and Emergency Care Plan, is used to record a child's health history. Information on how to obtain forms is available from the department's web site, http://dcf.wisconsin.gov, or from any regional office listed in Appendix A.

SECTION 365. HFS 55.44 (6) (h) and Note, (i) and (j) are created to read:

HFS 55.44 (6) (h) The camp shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. HFS 144.

Note: The form, Day 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 the Day Care Immunization Record. Information on how to obtain forms is available from the department's web site, http://dcf.wisconsin.gov, or from any regional office listed in Appendix A.

(i) *Personal Cleanliness.* 1. A child's hands shall be washed with soap and running water before and after meals and snacks and after toileting or diapering.

2. Persons working with children shall wash their hands with soap and running water before handling food, after assisting with toileting and after wiping bodily secretions from a child.

3. Soap and water-based wet wipes may be used to wash hands when there is no running water immediately available. Disinfecting hand sanitizers may not replace the use of soap and water when washing hands.

4. Cups, eating utensils, toothbrushes, combs and towels may not be shared and shall be kept in a sanitary condition.

5. Wet or soiled clothing and diapers shall be changed promptly from an available supply of clean clothing.

6. There shall be a supply of dry and clean clothing and diapers sufficient to meet the needs of all children at the camp.

(j) *Diapering.* When children are diapered, the camp counselor shall do all of the following:

1. Consult with the child's parent to develop a toilet training plan so that a child's toilet routine is consistent between the camp and the child's home, if the child is in the process of becoming toilet trained.

2. Change wet or soiled diapers and clothing promptly.

3. Change each 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 tablespoon bleach to one quart of water, made fresh daily or a quaternary ammonia product prepared according the manufacturer's recommendation.

4. If the diapering surface is above floor level, provide a barrier or restraint to prevent falling. A child may not be left unattended on the diapering surface.

5. Place disposable soiled diapers and gloves, if used, in a plastic-lined, hands-free, covered container immediately.

6. Remove soiled diapers from containers as needed but at least daily for washing or disposal. Containers shall be washed and disinfected daily.

7. Apply lotions, powders or salves to a child during diapering only at the specific written direction of the parent or the child's physician. The directions shall be posted in the diapering area. The application of diapering lotions, powders or salves is not required to be recorded in the camp medical log.

8. Wash the child's diaper area before each diapering with a disposable or fabric towel used only once.

SECTION 366. HFS 55.44 (7) (title) is repealed and recreated to read:

HFS 55.44 (7) WATER ACTIVITY AREA.

SECTION 367. HFS 55.44 (7) (a) 2. is repealed.

SECTION 368. HFS 55.44 (7) (a) 1. 3. and 4. are renumbered HFS 55.44 (7) (am) 1., 2. a. and 3. and as renumbered are amended to read:

HFS 55.44 (7) (am) 1. ~~Beaches, pools~~ Pools and other swimming areas used by ~~campers~~ children shall be located, constructed, equipped and operated according to the requirements of ~~ch.~~ chs. Comm 90 and HFS 172 for pools and water attractions. A beach shall be in compliance with applicable local ordinances.

2. a. Swimming pools shall be enclosed with a 5 foot fence with a self-closing, self-latching door. ~~All gates shall be locked when waterfront staff are not on duty.~~ Spaces between the vertical posts of the fence shall be 3 ½ inches or less. In addition, all of the following restrictions apply when the pool is not in use by children.

3. The swimming area used by a day camp shall have designated areas for non-swimmers, intermediate swimmers, advanced swimmers and divers. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

SECTION 369. HFS 55.44 (7) (a), (am) 2. b., c., d. and e., and 4., 5. and 6. are created to read:

HFS 55.44 (7) (a) *Definitions*. In this subsection, "waterfront" means a pool or beach accessible to or used by children in care.

(am) 2. b. If access to the pool is through a gate, the gate shall be closed and locked.

c. 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.

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

e. The free-standing wall of an above ground pool may not serve as an enclosure unless it is at least 5 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.

f. 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.

4. Access to a water activity area or beach shall be controlled so that children may not enter the area without the knowledge of waterfront staff and any area used for swimming shall be clearly marked.

5. Water activity areas shall be free of hazards. Equipment in water activity areas, including but not limited to docks, ladders, rafts, diving boards, boats, life jackets and paddles, shall be maintained and in good repair.

6. Rescue equipment, including a shepherd's crook type pole, a backboard, ring buoy, and rescue tube shall be maintained and immediately available at each water activity area as specified in s. HFS 172.26.

SECTION 370. HFS 55.44 (7) (b) (title) and (intro.) are amended to read:

HFS 55.44 (7) (b) *Waterfront ~~staff~~ supervisor*. 1. Each day camp offering swimming, boating, canoeing, or other ~~aquatic~~ water activities whether at a pool or a beach shall designate a staff person as waterfront ~~director~~ supervisor. All water activities, whether on or off the premises, shall be under the direction of the waterfront supervisor or an equally qualified adult who is present at the waterfront during water activities. The waterfront ~~director~~ supervisor shall:

SECTION 371. HFS 55.44 (7) (b) 1. b. is repealed and recreated to read:

HFS 55.44 (7) (b) 1. b. Hold a current certification as a life-guard from a nationally recognized certifying agency.

SECTION 372. HFS 55.44 (7) (b) 4., 5. and 6. are created to read:

4. The waterfront supervisor shall establish and enforce a method for supervising children in the water such as the buddy system, the colored cap system or another method of supervising children. The supervision plan shall be included in the camp's written waterfront plan and reviewed during pre-camp training.

5. The waterfront supervisor shall establish and enforce a method for checking persons in and out of the water. The check-in and check-out procedures shall be included in the camp's written waterfront plan and reviewed during pre-camp training.

6. The waterfront supervisor or person acting as the waterfront supervisor may not be included in the staff-to-child ratios during any period when children are in the water.

SECTION 373. HFS 55.44 (7) (c) 1. is amended to read:

HFS 55.44 (7) (c) *Swimming procedures.*1. The swimming ability of each child shall be ~~determined and recorded through the use of an American Red Cross test~~ assessed by either the parent or the camp. Documentation of the assessment shall be kept in the child's file.

SECTION 374. HFS 55.44 (7) (c) 3. is repealed.

SECTION 375. HFS 55.44 (7) (e) is amended to read:

HFS 55.44 (7) (e) *Supervision of waterfront activities.* Children shall be closely supervised when they have access to a beach or they are participating in fishing ~~and~~ or other shoreline activities.

SECTION 376. HFS 55.44 (8) (title) is repealed and recreated to read:

HFS 55.44 (8) (title) BOATS.

SECTION 377. HFS 55.44 (8) (a) is renumbered HFS 55.44 (8) (am) and as renumbered is amended to read:

HFS 55.44 (8) (am) All ~~water craft~~ boats shall comply with ch. NR 5.

SECTION 378. HFS 55.55 (8) (a) is created to read:

HFS 55.44 (8) (a) In this section, "boat" means every description of watercraft used or capable of being used as a means of transportation on water, including canoes, kayaks, large inner tubes, inflatable boats and sailboards. Small inflatable toys such as swim rings and air mattresses are not considered "boats" under this definition.

SECTION 379. HFS 55.44 (8) (b), (c) and (d) are amended to read:

HFS 55.44 (8) (b) Each occupant of a ~~watercraft~~ boat shall wear a type I or II coast guard-approved personal flotation device which is appropriate to the weight of the person wearing it as specified in s. 30.62 (3)(a), Stats. and s. NR 5.13.

(c) There shall be at least one adult in each ~~watercraft~~ boat who is a competent swimmer as determined by the waterfront ~~director~~ supervisor. When children are using single-seat boats,

such as kayaks, a counselor who is a competent swimmer shall be close enough to the children to provide assistance if necessary.

(d) Children who have not ~~completed beginning swimming~~ demonstrated advanced swimming skills shall be limited to the use of the rowboats only.

SECTION 380. HFS 55.44 (8) (e) is created to read:

HFS 55.44 (8) (e) All boats, oars and paddles shall be in good repair and inspected annually for safety.

SECTION 381. HFS 55.44 (9) (title) (intro.), (a), (b) and (c) are amended to read:

HFS 55.44 (9) (title) ~~RIFLERY~~ FIREARMS and ARCHERY. ~~Riflery~~ Firearms and archery equipment may not be ~~part of the program for~~ used by children under 7 years of age. When ~~riflery~~ firearms and archery equipment are ~~included in the program for older~~ used by children over age 7, the following precautions ~~for the protection of children under 7 years of age~~ shall be observed:

(a) The archery or ~~rifle~~ shooting range may be used only under the supervision of ~~an~~ a trained adult instructor~~;~~.

(b) Other program activities shall be in an area away from the designated archery or ~~rifle~~ shooting range. The range shall be fenced in with rope or wire and marked with danger signs or flags~~;~~.

(c) ~~Rifles,~~ Firearms, ammunition, and archery equipment shall be stored under lock and key when not in use~~; and~~.

SECTION 382. HFS 55.44 (9) (d) is repealed and recreated to read:

HFS 55.44 (9) (d) Children shall be closely supervised to ensure that all firearms, ammunition and archery equipment is used in a safe manner and to ensure that all unused ammunition is returned to the instructor.

SECTION 383. HFS 55.44 (12) (title), (intro.), (a), (b), (c) and (d) are amended to read:

HFS 55.44 (12) ~~DAY~~ FIELD TRIPS. For ~~day~~ field trips away from the base camp:

(a) Staff shall carry emergency contact information and signed parental permission for the emergency medical care of all children on the ~~day~~ field trip~~;~~.

(b) The counselor-to-child ratio under ~~s. HFS 55.42 (3) (b)~~ Table HFS 55.42 shall be maintained, except that the number of adults accompanying children away from the base camp ~~may~~ shall be no fewer than 2~~;~~.

(c) A planned source of emergency medical care in the area to be visited shall be known to staff~~; and~~.

(d) A list of children participating in the ~~day~~ field trip shall be maintained by the camp director and a counselor accompanying the children.

SECTION 384. HFS 55.44 (12) (e) and (f), and (13) are created to read:

HFS 55.44 (12) (e) Parents shall be notified in advance of the times and location of each field trip.

(f) First aid supplies shall be taken on all field trips.

(13) ADVENTURE-BASED ACTIVITIES. (a) This subsection applies whether the camp owns, rents, or leases equipment used in adventure-based activities. Adventure-based activities include but are not limited to experiences such as ropes or challenge courses, hiking and rock climbing.

(b) The licensee shall ensure that personnel leading and providing training to children are trained and have experience for the type of adventure-based experience they are supervising.

(c) Equipment used in adventure-based activities shall be properly installed, maintained in good condition and working order and appropriate to the size, developmental and ability level of the children using the equipment.

(d) Before a child is permitted to participate in an adventure-based activity, the licensee shall ensure that the child's medical history does not prohibit participation in the type of activity planned. If there is a question about a child's ability to participate for medical reasons, the licensee shall not permit participation without the written approval of the child's physician and written authorization from the child’s parent.

(e) Counselor-to-child ratios shall be adequate to manage and supervise the adventure-based activity based upon the number of children participating and type of activity. However, at no time, shall the counselor-to-child ratio be less than that specified in Table HFS 55.42.

SECTION 385. HFS 45 Appendix A is repealed and recreated to read:

APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and related counties.

REGIONS	COUNTIES
Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: (920) 448-5312 Fax: (920) 448-5306	Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Waupaca, Waushara, Winnebago, Washington
Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: (715) 365-2500 Fax: (715) 365-2517	Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood
Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: (262) 521-5100 Fax: (262) 521-5314	Kenosha, Milwaukee, Racine, Waukesha
Southern Regional Office 1 West Wilson Street, Room 655 P.O. Box 8947 Madison, WI 53708-8947 Gen: (608) 266-2900 Fax: (608) 261-7824	Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: (715) 836-2185 Fax: (715) 836-2516	Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn

SECTION 386. HFS 45 Appendix E is repealed.

SECTION 387. HFS 46 Appendix A is repealed and recreated to read:

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SECTION 388. HFS 46 Appendix E is repealed.

SECTION 389. HFS 55 Appendixes A and B are repealed and recreated to read:

APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

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Southern Regional Office 1 West Wilson Street, Room 655 P.O. Box 8947 Madison, WI 53708-8947 Gen: (608) 266-2900 Fax: (608) 261-7824	Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: (715) 836-2185 Fax: (715) 836-2516	Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn

Appendix B

CACFS MEAL PATTERN REQUIREMENTS – AGES 3 to 12 The meal pattern shall contain, a minimum, each of the following components in the amounts indicated for the specific age group.

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

SUPPLEMENT

Select two of the following four components:

1. Milk	1/2 cup	1 cup
2. Juice, [a,f] fruit or vegetable **or**	1/2 cup	3/4 cup
Fruit(s) or vegetable(s)	1/2 cup	3/4 cup
3. Grains/Breads:[b]		
Bread	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc [b]	1/2 serving	1 serving
Cereal:		
Cold dry	1/3 cup or 1/2 oz[c]	3/4 cup or 1 oz[c]
Hot cooked	1/4 cup	1/2 cup
4. Meat or meat alternate		
Meat, poultry, fish, cheese	1/2 oz	1 oz
Alternate protein products [g]	1/2 oz	1 oz
Egg, Large [h]	1/2 egg	1/2 egg
Cooked dry beans or peas	1/8 cup	1/4 cup
Peanut butter or other nut or seed butter	1 Tbsp.	2 Tbsp.
Peanuts or soynuts or tree nuts or seeds	1/2 oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened	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. These products must meet the requirements of Attachment E of PI-1486.

h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

SECTION 390. EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.