

## Chapter HSS 55

## DAY CARE CENTERS FOR CHILDREN

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## PREFACE

Wisconsin law defines day care and requires those wishing to operate a day care center to first be licensed. The legislative history of s. 48.65, Stats., clearly indicates that it not only includes the expected family and group day care centers but also day camps which provide, for compensation, care and supervision for four or more children under 7 years of age for less than 24 hours a day. Therefore, the department has developed rules, some of which apply to all day care centers including day camps, while others recognize and make provision for certain unique differences in the environmental and the programmatic aspects of each type of care.

The law also requires that the department establish rules which must be met in order to qualify for a license and which protect and promote the health, safety and welfare of the children in a day care center. HSS 55 was developed in compliance with the law and represents the *minimum* level of acceptable care that a license may provide to children in a day care center in Wisconsin. These rules should not be confused with accreditation by professional organizations which is based upon conformity with ideal rather than minimum standards, or with certification of day care providers for purchase of services with public funds. Day care centers will have to satisfy certain additional requirements if, for example, they expect to qualify for reimbursement under Title XX.

Clearly, the fact that a day care center is licensed in no way diminishes the responsibility of parents for vigilance in seeing that their children are receiving care which protects their physical well-being as well as encourages healthy intellectual and emotional development.

## SUBCHAPTER I — General Provisions

**ILHR 55.01 Scope.** Sections HSS 55.01 through 55.08 apply to all day care centers for children.

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.02 Title, intent and construction of chapter.** (1) **TITLE.** This chapter may be cited as "Rules for Day Care Centers for Children."

Register, May, 1983, No. 329

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(2) **INTENT.** The intent of these rules is to protect the health, safety and welfare of children in day care centers in Wisconsin.

(3) **CONSTRUCTION.** This chapter is to be liberally construed to effect the objectives in sub. (2).

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.03 Rules.** (1) **STATUTORY AUTHORITY.** HSS 55 is promulgated under s. 48.67, Stats., which gives the department authority to regulate day care centers. These rules have the full effect and force of law as provided in ch. 227, Stats.

(2) **EXCEPTION TO RULES.** The department may make an exception to a rule for licensing day care centers when it is assured that granting of the exception is not detrimental to the health, safety and welfare of children served. Exception requests shall be in writing and include an explanation of the alternative provisions planned to cover the intent of the rule.

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.04 Day care centers defined.** (1) **STATUTORY DEFINITION.** Day care centers are defined in s. 48.65, Stats.

(2) **ADMINISTRATIVE INTERPRETATION.** For the purposes of licensing, the following administrative interpretations apply:

(a) Day care centers include day camps which provide an experience in cooperative living for periods of less than 24 hours a day in a seasonal program orientated to the out-of-doors and serve 4 or more children under the age of 7 at any one time.

(b) Day care centers exclude:

1. Care and supervision of a short duration, usually occurring on a weekend or after school; including, but not limited to, social organizations, clubs, religious classes, Sunday schools and skill classes such as music, dance and art classes.

2. Care and supervision of 4 or more children in a rare or emergency situation.

3. Facilities offering care and supervision to individual children on an irregular and infrequent basis while the parents are engaged in non-work activities on the premises including, but not limited to, recreation and shopping.

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.05 Definitions.** For the purposes of this chapter, except as otherwise expressly noted:

(1) "Base camp" means the permanent site, public or private, on which the day camp is operated.

(2) "Camp director" means the individual on the campsite who has primary responsibility for the administration of program operations and supportive services (business, food service, health service).

(3) "Care" means providing for the safety and the developmental needs of a child in a day care center, nursery school, kindergarten, other pre-first grade program or day camp.

(4) "Center" means a group day care center or a family day care center providing care for children.

(a) A family day care center provides care for 4 through 8 children.

(b) A group day care center providing care for 9 or more children.

(5) "Child care worker" means an adult in a group day care center who works directly with children.

(6) "Compensation" means salary or wage or other material consideration such as gifts or compensatory labor and any written or verbal agreement whereby a parent or guardian makes payment of money or other valuable consideration in exchange for the care and supervision of children. Compensation does not include those cooperative arrangements made between 2 or more parents for the exchange of child care and supervision, and the payments made by them for the actual cost of equipment, supplies or facilities incidental to the operation of such cooperative arrangements.

(7) "Counselor" means an individual on the staff who works directly with children.

(8) "Day camp" or "camp" means a day care center that provides an experience in cooperating group living for periods less than 24 hours a day in a seasonal program oriented to the out-of-doors.

(9) "Day care center" means a licensed facility where a person, other than a relative or guardian, provides, for compensation or consideration or both, care and supervision for 4 or more children under 7 years of age, for less than 24 hours a day.

(10) "Department", unless qualified, means the department of health and social services including any of the divisions of the department.

(11) "Group" means a specific number of children not to exceed group size as specified in subsequent subchapters, who have the following things in common with every other child in the group:

(a) The same child care worker responsible for the child's well-being and meeting the child's basic needs.

(b) The same self-contained room or area at the center.

(12) "Infant and toddler" means a child under 30 months of age.

(13) "Licensee" means the corporation, individual, partnership or nonincorporated association or cooperative who has legal and financial responsibility for the operation of a day care center and for meeting the licensing rules.

(14) "Night care center" means a group day care center or family day care center which operates during any period of time between 7:00 p.m. and 6:00 a.m.

(15) "Parent" includes the terms:

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- (a) "Parent" as defined in s. 48.02 (13), Stats.
- (b) "Guardian" as defined in s. 48.02 (9), Stats.
- (16) "Parochial school" means a facility that:
  - (a) Provides a course of instruction comparable to any of the academic grades, including 5 year old kindergarten, as described in s. 115.01 (2), Stats.;
  - (b) Is affiliated with an identifiable religious denomination or sect that has its own peculiar tenets and has an organization that goes beyond the organization of the parochial school; and
  - (c) Promotes and teaches the peculiar tenets of the religious denomination or sect it is affiliated with.
- (17) "Physician" means a licensed physician as defined in s. 448.02, Stats.
- (18) "Premises" means a tract of land with buildings thereon.
- (19) "Provider" means the adult who works with children.
- (20) "Rule" means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing) of general application and having the effect of law.
- (21) "Self-contained room or area" means a room separated by permanent walls or an area separated by permanent or portable partitions or dividers which:
  - (a) Is reserved for a specific group of children.
  - (b) Contains the indoor equipment and furnishings required for that group.
- (22) "Supervision" means guiding the behavior and activities of the child for a prescribed period of time.
- (23) "Volunteer" means a person who agrees to give time to work with children in a day care center.

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.06 Licenses.** (1) **CONDITIONS FOR A LICENSE.** (a) Upon receipt of a written 30-day notice of the department's intent to revoke or deny a license as specified in s. 48.71 (2), Stats., and during any revocation or denial procedures which may result, a day care center may not accept for care any child not enrolled as of the date of receipt of the 30-day notice without the written approval of the department.

(b) A license may not be issued to any person who has been convicted in a court of competent jurisdiction of child abuse or crimes against sexual morality involving children. Conviction as specified is grounds for revocation of current license.

(2) **LICENSING CATEGORIES.** Day care centers are divided for licensing purposes into the following categories:

- (a) Family day care centers for 4 through 8 children.

- (b) Group day care centers for 9 or more children.
- (c) Day camps for 4 or more children under 7 years of age.

(3) **SUMMARY SUSPENSION OF A LICENSE.** (a) Under the authority of s. 227.14 (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 health, safety or welfare of the children in care. A finding of imminent danger may be based on, but not limited to, the following:

1. Failure to provide environmental protections such as heat, water, electricity or telephone service; or
2. Conviction of a licensee in a court of competent jurisdiction of child abuse, child neglect or crimes against sexual morality involving children.

(b) An order to close may be verbal but must be approved at a regional administrative level before it becomes effective. The department must within 72 hours either approve the reopening of the center or initiate a petition for the suspension of the license to operate. A preliminary hearing on such suspension shall be provided within 10 working days of the initial order to close.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.07 Complaints.** All complaints concerning a licensed or illegally operating day care center may be submitted by telephone, letter or personal interview. Complaints will be investigated by a licensing representative of the department. A written report of the findings of the investigation will be sent to the complainant upon request.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.08 Severability.** If a part of this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this chapter is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.09 - 55.19 [RESERVED]**

## SUBCHAPTER II—

### Additional Requirements For Family Day Care Centers

**HSS 55.20 Scope.** Sections HSS 55.20 to 55.26 apply to all family day care centers.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.21 Responsibilities of the family day care provider.** (1) **APPLICATION FOR LICENSE.** (a) An applicant shall file an application and other materials required by the department for licensure on forms provided by the department.

- (b) An application shall be filed with the department at least:
  1. Sixty days prior to the date the center proposes to begin operation.
  2. Thirty days prior to the end of the current licensing period.

3. Forty-five days prior to opening an additional center.
4. Thirty days prior to changing the address of the center.
5. Thirty days prior to new ownership of the center.

(c) The application shall be accompanied by the following:

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

2. A signed statement by the applicant or licensee accepting legal responsibility for complying with the rules.

3. Diagrammatic floor plan of the center including room dimensions and intended room usage.

4. Diagram and dimensions of outdoor areas including location of enclosures.

5. The name, address and telephone number of 2 references for the day care provider other than relatives and signed authorization to the department to make such investigation as is necessary for the verification of pertinent application information.

(2) **AMENDMENT TO LICENSE.** A written request for an amendment to the license shall be submitted to the department by the licensee prior to changes in the conditions of the current license such as maximum number of children, age range of children, hours, days of the week, months of the year or change in the name of the center.

(3) **TERMS OF A LICENSE.** (a) The number of children under 7 years of age present in a center at any one time may not exceed the number for which the center is licensed.

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

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

(4) **ADMINISTRATION.** The licensee shall:

(a) Comply with all statutory requirements under which the rules in this chapter were promulgated.

(b) Comply with all applicable rules in this chapter.

(c) Provide documentation of current coverage by the submission of a certificate of insurance reflecting dates of coverage for general liability insurance and vehicle liability insurance if transportation is provided.

(d) Develop written plans for fees, admission, termination of enrollment, health policy, feeding, discipline, evacuation, and daily activities of the children.

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

(5) **REPORTS.** The licensee shall report to the department:

(a) An accident resulting in the death or serious injury of a child while at the center within 3 days after the occurrence. A serious injury is one requiring the hospitalization of the child as an inpatient.

(b) A natural or man made catastrophe which damages the home within 24 hours after the occurrence.

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

(6) **CHILDREN'S RECORDS.** (a) The licensee shall maintain a current written record file at the center on each child enrolled and make it available to the licensing representative. Each record file shall include:

1. The information prescribed on a department enrollment form.

2. Written consent from the parent for emergency medical care or treatment.

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

4. Specific informed consent from the parent for each incident or participation by a child in any research or testing project. The family day care center shall obtain and make available to the department and the parents a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each such project.

5. Record of the current physical examination and any other matters relating to the child's health.

(b) A record of the daily attendance of each child shall be maintained for the length of time the child is enrolled in the program.

(c) The provider shall maintain a daily medical log recording any injuries received by or medication dispensed to children.

1. The log shall be in a bound book with pages that are lined and numbered. The pages may not be removed.

2. Entries shall be in ink and dated and signed or initialed by the provider.

(7) **DISCRIMINATION.** The licensee shall ensure that the day care center does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, national origin or ancestry against:

(a) Any employe or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment except where there is a bona fide occupational qualification.

(b) Any enrolled child and family or any applicant for enrollment in regard to admission, privilege of enrollment or discharge condition except where it is a reasonable and necessary qualification.

(8) **CONFIDENTIALITY OF RECORDS.** The licensee is responsible for compliance by the day care center with s. 48.78, Stats., and the following rules:

(a) Children's records are confidential. All persons having access to children's records may not discuss or disclose personal information regarding the children and facts learned about children and their relatives. This does not apply to:

1. The parent or a person authorized in writing by the parent to receive such information.
2. The agency assisting in planning for the child when informed written parental consent has been given.

(b) Day care centers shall make accessible to the parent; upon request, all records and reports maintained on their own child.

(c) All records required by the department for licensing purposes are to be available to the licensing representative.

(9) **CHILD ABUSE.** (a) The licensee, who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.981 (1), Stats., shall immediately contact the county welfare agency, sheriff or city police in compliance with s. 48.981, Stats.

(b) The licensee must ensure that every child care worker who comes in contact with the children at the day care center has received training in:

1. Child abuse and neglect laws.
2. The process of identification of children who have been abused or neglected.
3. The process for reporting known or suspected cases of child abuse or neglect.

**Note:** Failure of the licensee to report known or suspected incidents of child abuse or neglect does not lessen the legal duty of the child care worker to report known or suspected cases of child abuse or neglect.

(10) **DISCIPLINE.** (a) *Written policy.* Each day care center shall have a written policy on the discipline of children which provides for positive guidance, redirection and the setting of clear-cut limits. It shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

(b) *Delegation.* Only a qualified child care worker may discipline children. Discipline may not be delegated to older children or peers.

(c) *Punishments prohibited.* Punishment which is humiliating or frightening to a child such as, but not limited to the following, is prohibited:

1. Spanking, hitting, pinching, shaking or inflicting any other form of corporal punishment.
2. Verbal abuse, threats or derogatory remarks about self or family.
3. Binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.
4. Withholding or forcing meals, snacks or naps.

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

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.22 The day care provider and member of the household.**

(1) **QUALIFICATIONS.** (a) The provider shall:

1. Be at least 18 years of age.

2. Have completed satisfactorily, or be enrolled in, 40 hours of early childhood training as approved by the department.

(b) In addition, the provider shall document 15 hours of training annually in child growth and development or early childhood education as approved by the department. This training may include attendance at training events, workshops, conferences, independent reading, consultation with community resource people or observation in day care centers.

(c) The provider shall not be employed in any other occupation during the hours of operation of the center.

(2) **STAFFING AND GROUPING.** (a) At no time may more than 8 children under 7 years of age be in the care of the center. This total includes:

1. All children who are under 7 years of age shall be included in this number.

2. When children who are 7 years of age and older who are not members of the provider's family are served in the same center with children under 7 years of age, they shall be included in determining the maximum capacity.

(b) The maximum number of children that one provider may care for is based on the combinations of ages as specified in Table 55.22.

TABLE 55.22

<u>Children Under 30 Months of Age</u>	<u>Children 30 months of age through 6</u>	<u>Maximum Number of Children in a Group</u>
0	8	8
1	7	8
2	4	6
3	2	5
4	0	4

(c) If the size of the group or age distribution of the children exceeds the number that may be served by one provider, there shall be a second provider.

(d) No more than 3 children under one year of age may be served at any one time.

(e) A child or group of children shall have adult supervision at all times.

(f) In order to ensure that the requirement of par. (e) is met, a second adult shall be available within 5 minutes for emergencies. There shall be a dated and signed statement with name, address and telephone number on file certifying to the second person's availability and agreement to serve. In the event of the provider's absence, an adult substitute shall be

on the licensed premises during any period that enrolled children are present.

(g) The adult on call within 5 minutes and the substitute helper shall receive an orientation to the operation of the home including:

1. The plan for evacuation and other emergencies.
2. The location of the daily attendance sheet and emergency information for children.
3. The plan of the center as specified in HSS 55.21 (4) (d).

**Note:** The person on call within 5 minutes for emergencies and the substitute helper may be the same adult.

(h) Only a person 18 years of age or older may be left in sole charge of the children.

(3) **HEALTH.** (a) Any person who works directly with children shall have a health examination within 6 months prior to beginning work or within 30 days thereafter. The report, dated and signed by a licensed physician, shall be on file in the center and certify that:

1. The person is free from illness detrimental to young children.
2. The person is physically able to work with young children.

(b) Household members over the age of 15 who work directly with young children and substitutes shall be required to meet the same health qualifications as the provider.

(c) Household members under the age of 15 years shall be subject to the same health requirements as the children in care as specified in HSS 55.24 (5) (g).

(d) Staff, household members, volunteers, visitors or parents with symptoms of illness, communicable disease or whose behavior gives reasonable concern for the safety of children shall not be in contact with children.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.23 The home.** (1) **GENERAL RULES.** (a) *Buildings.* 1. There shall be a report of inspection, which indicates approval of the building by the department of industry, labor and human relations or by a certified investigator of that department. The home shall comply with all state and local building codes.

**Note:** Local authorities should be consulted to obtain any required zoning clearances or building permits. The department may request subsequent inspections from local authorities where available.

2. The space used by children shall be no less than 35 square feet (3.3 square meters) of usable floor space per child. This space excludes passageways, bathrooms, lockers, storage areas, furnace room, that part of the kitchen occupied by stationary equipment and furniture not intended for children's use.

3. The inside temperature may not be less than 67° F (20° C).

(b) *Protective measures.* 1. Fire places, steam radiators, electric fans, electric outlets, electric heating units and hot surfaces such as pipes shall be protected by screens or guards.

2. Unvented space heaters shall be prohibited in rooms used by or accessible to children.

3. Firearms, ammunition and other potentially dangerous items which are located on the premises shall be under lock and key.

4. Materials harmful to children such as, but not limited to, power tools, flammable or combustible materials, insecticides, matches, drugs, and other articles labeled hazardous to children shall be in properly marked containers and stored in areas inaccessible to children.

5. The fire extinguisher shall be operable at all times, inspected once a year by a person qualified to do so and bear a label indicating its present condition and the date of last inspection.

6. The provider and substitute shall be knowledgeable about the use of the fire extinguisher.

7. Each home shall have an evacuation plan for fire, tornados and other emergencies which shall be practiced monthly.

8. The center shall have at least one telephone with a list of emergency telephone numbers on or near each telephone, such as the local rescue squad, fire department, police department, child protective services and emergency medical service.

9. Indoor and outdoor space shall be free from hazards such as, but not limited to, abandoned automobiles and household appliances, uncovered wells and cisterns, stacked lumber with exposed nails, and explosives.

10. A motor vehicle at the home or a public or private rescue or emergency vehicle shall be immediately available at all times in case of an emergency.

11. Neither alcohol or non-prescribed controlled substances as defined in s. 161.01, Stats., shall be consumed during hours of operation by the day care provider.

(c) *Sanitation.* 1. The premises shall be free from litter, in a sanitary condition and in good repair.

2. Doorways and windows which are opened for ventilation shall be screened.

3. Furnishings, toys, cots, and other equipment shall be cleaned or washed regularly and as often as they become soiled.

4. Household duties and domestic routines shall be limited to daily maintenance of the home while children are present.

5. Potty chair receptacles shall be emptied, rinsed and disinfected immediately after each use.

(d) *Water.* 1. A safe supply of drinking water shall be readily available to the child at all times by use of disposable or individually labeled cups. Common use of drinking cups is prohibited.

2. When a public water supply 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 by the state laboratory of hygiene or a state-approved laboratory at least annually. The water supply shall be bacteriologically safe prior to use. The report shall be available to the department.

(2) **FURNISHINGS.** Furnishings shall be durable and safely constructed, with no sharp edges, loose or pointed edges. Included in the furnishings shall be:

(a) Table space for each child and seating sufficient to serve the children cared for in the group.

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

(c) A safe, washable cot, bed or sleeping bag available for each child over one year of age who naps or sleeps.

(d) A safe, washable crib provided for each child under one year of age who naps or sleeps.

(e) Low shelves for children's daily equipment.

(3) **KITCHENS.** (a) *Equipment.* Equipment and utensils for preparing, serving and storing food shall be clean and equipped for the safe handling of food.

(b) *Dishwashing procedure.* 1. Utensils and dishes shall be scraped, sorted and prewashed under running water.

2. For manual washing of dishes and utensils, a 3-step procedure shall be used:

a. Wash in water between 110 and 120° F (43 to 52° C), using an effective soap or detergent.

b. Rinse by immersing dishes and utensils in clean, hot water to remove soap or detergent.

c. Sanitize by submerging dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

3. For mechanical washing of dishes and utensils in home type dishwasher with a temperature setting of between 130 and 150° F (54 to 66° C), dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

4. All dishes and utensils shall be air-dried in racks or baskets or on a drain board.

**Note:** A list of approved sanitizers is available from the section of hotels and restaurants, division of health, P.O. Box 309, Madison, Wisconsin 53701.

(c) *Food sources.* 1. Food shall be from sources approved or considered satisfactory by the department and shall be clean, wholesome, free from spoilage, adulteration and misbranding, and safe for human consumption.

2. Only milk and milk products which meet the Grade A milk standard of the department of agriculture, trade and consumer protection and certified by the department may be served or used.

3. Food in dented, bulging or leaking cans, or cans without labels shall not be used.

4. No hermetically sealed, non-acid or low acid food which has been processed in a place other than a commercial food processing establishment may be used.

(d) *Food storage.* Food shall be stored at temperatures which will protect against spoilage.

1. Perishable and potentially hazardous food which includes all custard-filled and creamed filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk or milk products, or any other food or food products liable to rapid food spoilage shall be continuously maintained at safe temperatures: 40° F (4° C) or below or 150° F (66° C) or above, except during necessary periods of preparation and service.

2. Each cold storage facility shall be maintained at 40° F (4° C) or lower (refrigerator), or 1° F (-17° C) or lower (freezer).

3. Each cold storage facility shall be equipped with a clearly-visible accurate thermometer.

4. Food shall be covered during storage under refrigeration.

(e) *Food handling.* 1. Raw fruits and vegetables shall be washed before serving or cooking.

2. Food returned from individual plates or from dining tables shall be discarded.

3. Leftover prepared food which has not been served shall be refrigerated promptly and used within 24 to 36 hours, or frozen immediately for later use.

(4) **WASHROOM AND TOILET FACILITIES.** (a) There shall be at least one toilet and one sink available for the use of children.

(b) Steps or blocks shall be provided if lavatory (washbasin) or water closet (toilet) are not proportioned to the size of children.

(c) Soap, toilet paper, disposable paper or individually labeled towels and a waste paper container shall be provided and accessible to children.

**Note:** Plumbing, as defined in ch. 145 Stats., shall comply with all applicable sections of H 62 Wis. Adm. Code.

(5) **OUTDOOR SPACE.** (a) The rules on outdoor space shall apply to any center where children are present for more than 3 hours per day.

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(b) There shall be at least 75 square feet (7.0 square meters) of outdoor play space for each child.

(c) The boundaries of outdoor play space shall be defined in such a way as to protect children. A permanent enclosure not less than 4 feet (1.2 meters) high shall be provided where hazards exist such as, but not limited to, traffic or bodies of water.

(d) The outdoor space shall be well-drained and free of hazards.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.24 The child. (1) PROGRAM.** (a) Planned activities shall reflect the cultural diversity of the children of the community and provide experiences in which each child can:

1. Be successful and feel good about self.
2. Use and develop language.
3. Use large and small muscles.
4. Use materials and take part in activities which encourage creativity.
5. Learn new ideas and skills.
6. Participate in imaginative play.

(b) The daily schedule shall be planned according to the age and developmental level of the child in care and include a flexible balance of:

1. Daily indoor and outdoor activities.
2. Active and quiet play.
3. Protection from excess fatigue and overstimulation.
4. Individual and group activities.

(c) Children shall be given individual attention on a one to one basis.

(d) The cultural diversity of the children shall be reflected in the program through the incorporation of their language, food, celebrations and lifestyles.

**(2) EQUIPMENT.** (a) Equipment shall be provided for indoors and outdoors and be:

1. Scaled to the size and development level of the children.
2. Of sound construction with no sharp, rough, loose or pointed edges and in good operative condition.
3. Placed so as to avoid danger of accident and collision and to permit freedom of action.

(b) Permanently installed equipment shall be anchored in a manner which assures stability.

(c) A variety of equipment shall be provided to allow for large and small muscle activity, dramatic play, creative expression and intellectual stimulation.

(d) Indoor equipment shall be provided in a sufficient quantity so that each child has a choice of at least 3 activities involving equipment when all children are involved in using equipment.

(e) Outdoor equipment shall be provided in a sufficient quantity so that each child has at least one activity when all children are using equipment at the same time.

**Note:** Lists of sample equipment according to variety and quantity are available from the department on request.

(f) Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

(3) **REST PERIODS FOR SESSIONS OF MORE THAN 4 HOURS.** (a) There shall be a nap or rest period of approximately one hour or longer for all children under 5 years of age.

(b) Children who do not sleep shall be permitted to get up and have a quiet time through the use of equipment or activities which do not disturb other children.

(c) Each child shall be provided with a bed, cot, sleeping bag or crib which is placed at least 2 feet (63.8 cm) from the next bed, cot, sleeping bag or crib. Sleeping bags, if used, shall be provided by parents. When sleeping bags are used, the child's head may not rest on the floor.

1. When the beds of family members are used by day care children they shall be completely covered with a separate sheet. Each sheet shall be identified with the child's name.

2. Each child using a bed, cot or crib shall be provided an individual sheet and blanket.

3. Beds, cots, cribs, sleeping bags and bedding shall be stored in a clean and sanitary manner and labeled with the child's name.

4. There shall be a complete change of bed linen after each 5 uses or immediately when wet or soiled and always after a change of occupancy. Sleeping bags shall be washed or cleaned as often as needed or at least weekly.

(d) Infants under one year shall sleep alone in cribs. Only 2 related children may share a double bed. No 2 children may share a single size bed, cot or sleeping bag.

(4) **FEEDING.** (a) Food shall be provided according to Table 55.24 which is based on the amount of time children are present.

TABLE 55.24

<u>Time present</u>	<u>Number of meals and snacks</u>
2½ to 4 hours	1 snack
4 to 8 hours	1 snack and 1 meal
8 to 10 hours	2 snacks and 1 meal
10 or more hours	2 meals and 2 or 3 snacks

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

(c) Each meal shall provide  $\frac{1}{3}$  of the daily nutritional requirements of the child. Meal and snack patterns listed in pars. (d), (e) and (f) shall be used in meal planning.

(d) Breakfast is to consist of at least one item from each of the following categories:

1. Fruit or juice
2. Cereal or whole grain or enriched bread product
3. Butter or margarine
4. Grade A vitamin D milk

(e) Noon or evening meals shall consist of a least one item from each of the following categories:

1. Meat, poultry, fish, egg, cooked dried peas or beans, cheese or peanut butter
2. Two vegetables or 1 vegetable and 1 fruit or 2 fruits
3. Cereal or whole wheat or enriched bread products
4. Butter or margarine
5. Grade A vitamin D milk

(f) Snacks (either mid-morning or mid-afternoon) shall consist of at least one of the following: milk or milk product, fruit, fruit juice, vegetable, peanut butter or other protein, whole grain or enriched bread or cereal. When only fruit juice is served, it shall be pure fruit juice.

**Note:** Centers participating in and meeting the meal requirements of the U. S. department of agriculture (USDA) child care food program meet the requirements of pars. (d), (e) and (f).

(g) A sufficient quantity of food shall be prepared for each meal so that second portions of vegetable or fruit, bread, butter or margarine and milk are available to children.

(h) Menus shall be available for review by the department and reflect the cultural and ethnic preferences of children of the community.

(i) When food such as bag lunches is provided by the parent, the provider shall ensure that each child has a meal that provides  $\frac{1}{3}$  of the daily nutritional requirements as specified in pars. (d) and (e).

(5) **HEALTH.** (a) *Observation.* 1. Each child upon arrival shall be observed by the provider for symptoms of illness.

2. Any evidence of unusual bruises, contusions, lacerations, and burns shall be noted on the child's record.

(b) *Isolation.* 1. A separate room or area shall be provided for the care of children who become ill.

2. When an apparently ill child is observed in a center, the following procedures shall apply:

a. Children with a sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea or other illness or condition shall be isolated.

b. The child shall be provided with a bed, crib or cot and sheet and blanket in a separate room or area with the day care provider within sight and hearing of the child. The child shall be separated from other children until the child can be removed from the center.

c. Arrangements shall be made with the parent or emergency contact person to remove the child from the center as soon as possible.

(c) *Communicable disease.* 1. When a child is suspected of having a communicable disease or condition such as, but not limited to, chicken-pox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, lice, ringworm of the scalp, scarlet fever, whooping cough, diphtheria or meningitis, the county or city public health nurse shall be notified.

2. When a diagnosis of a communicable disease is made, the exposed children shall be watched for symptoms of the disease and the parent notified as specified in sub. (6).

3. A child may be readmitted without a statement from a physician after a communicable disease only if the child has been absent for a period of time designated by the department.

(d) *Medication.* 1. No prescriptive or non-prescriptive medications such as, but not limited to, aspirin, cough medicine or nose drops may be given to a child except under the following conditions:

a. A written authorization that is dated and signed by the parent is on file.

b. Prescription medication is in the original container, and labeled with the child's name, drug, dosage, directions for administering, date and physician's name.

c. Non-prescriptive medication is labeled with the child's name and the request, signed by the parent, includes dosage and directions for administering.

d. A written report including type of medication given, dosage, time, date and the name of the person administering the medication shall be kept in the child's record and the center's medical log as specified in HSS 55.21 (6).

2. All medication shall be kept under lock and key or otherwise inaccessible to children.

3. Medication requiring refrigeration shall be kept in a designated, separate, covered container clearly labeled "Medication".

(e) *Personal cleanliness.* 1. Children's hands shall be washed with soap and water before eating and after toileting. Children's hands and faces shall be washed after meals.

2. Persons working with children shall wash their hands with soap and water before handling food and after assisting with toileting.

3. Individual washcloth, comb and toothbrush shall be kept in a sanitary condition when used at the center.

4. Wet or soiled clothing shall be changed promptly from an available supply of clean clothing.

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(f) *Accident or injury.* 1. Planned procedures for the treatment of accidents and injuries shall include:

a. Procedure to be followed in bringing the child to emergency medical care.

b. Routine procedures for treatment of minor injuries.

c. First aid measures for serious accidents.

d. A planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility shall be designated and made known to patients.

e. Each center shall have a supply of bandages, tape and bandaids. Superficial wounds shall be cleaned with soap and water only and protected.

f. Written permission from the parents to call the family physician or refer the child for medical care in case of accident or emergency shall be on file at the center. Parents shall be contacted as soon as possible after the emergency has occurred.

2. A record of the accident or injury shall be kept in the child's permanent file and in the center medical log as specified in HSS 55.21 (6).

(g) *Physical examination.* 1. Each child shall have an initial examination not more than 6 months prior to, nor later than 3 months after admission to a center.

2. Evidence of current physical examination shall be provided by a report signed and dated by a physician licensed in this state or in the state where the examination is done.

3. Each child 2 years of age and older shall have a subsequent physical examination at least once every 2 years thereafter by a physician.

4. Each child under 2 years of age shall be given a physical examination by a physician at least once every 6 months after admission.

5. Children participating in the early and periodic screening, diagnosis and treatment program (EPSDT) or other screening programs approved by the department, meet the requirements of this paragraph.

(h) *Immunization.* 1. Each child shall have an immunization history which states that the child has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, measles, rubella and the month and year each dose was administered (as required by s. 140.05, Stats.). This written statement shall be on file at the center or one of the following compliance alternatives shall be met prior to the child's admission:

a. Signed permission by the parent to have the child immunized in a prompt and timely manner by a physician specified by the parent or the local public health agency;

b. Upon written and dated statement by a physician that, in the opinion of that physician, a particular immunization required under s. 140.05, Stats., is or may be detrimental to the health of a particular child, the requirements for that particular immunization shall be waived for that child until it is certified by that physician or another physician

chosen by the parent that the particular immunization is no longer detrimental to the health of the child; or

c. Upon written, signed and dated statement by the parent that a particular child is an adherant of a religious belief which precludes immunization, the immunization requirements under s. 140.05, Stats., shall be waived by the department for that child.

2. A written statement from the parent regarding the type and date of any immunization required under s. 140.05, Stats. which is administered to a child after the immunization history has been submitted to the center shall be on file within 90 days or according to the required immunization schedule.

**Note:** The required immunization schedule is based upon the Advisory Committee on Immunization Practices of the U.S. Public Health Service and described in the compliance form issued by the department under s. 140.05, Stats.

(6) **PARENTS.** (a) Parents shall be given an explanation of the plan of operation of the center before the child is admitted as specified in HSS 55.21 (4).

(b) Parents of an enrolled child shall be notified:

1. Immediately of illness of or serious injury to the child.
2. Of any minor injury to the child, upon departure from the center.

(c) The provider shall communicate with the parent regarding the child's adjustment to the program and growth and development.

(d) A copy of the applicable parts of HSS 55 shall be made available to parents.

(7) **PETS.** (a) Dogs and cats shall be vaccinated against diseases for which immunizations are available and which present a hazard to the health of children.

(b) Pets suspected of being ill or infested with ectoparasites (external lice, fleas and ticks) or endoparasites (internal worms) shall be removed from the center.

(c) In the event that an animal bites a child, a veterinarian shall be contacted by the provider to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children as specified in sub. (5) (f) shall be followed. Parents shall be notified of any action taken by the veterinarian.

(d) Turtles, skunks and poisonous reptiles are prohibited as pets in order to prevent salmonella, rabies and poisoning.

(e) Animal pens shall be kept clean.

(f) Pets shall be kept and handled so as to protect the well-being of both children and pets.

(8) **POOLS.** Center which have swimming places such as pools and beaches located on their premises shall comply with:

(a) The requirements of ch. H 71, Wis. Adm. Code.

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(b) The American Red Cross standards as specified in Subchapter IV—Additional Requirements For Day Camps.

(9) **TRANSPORTATION.** When transportation including, but not limited to, field trips is contracted for or provided by the center, it shall comply with the transportation rules as specified in Subchapter III—Additional Requirements For Group Day Care Centers.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.25 Infant and toddler care.** (1) **SCOPE.** This section applies to a family day care center which provides care and supervision to children under 30 months of age in addition to sections HSS 55.20 through HSS 55.24.

(2) **GENERAL RULES.** (a) Information obtained on preadmission enrollment forms shall be used to individualize the program of care for each child. This information shall be reviewed and revised with parents at least once every 2 months.

(b) Children under 30 months of age are restricted to first floors or ground floors having direct grade level exits.

(c) Safety gates shall be provided at stairways.

(3) **DAILY PROGRAM.** (a) Each child shall be allowed to form and follow the child's own patterns of sleeping and waking periods.

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

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

2. Routines such as bedtime, feeding, cleanliness and toileting shall be used as opportunities for language development and other learning experiences.

3. When a non-walking child is awake, the child's position and location shall be changed several times during the waking hours.

4. The non-walking child shall have opportunity during each day for freedom of movement such as creeping and crawling in a safe, clean, open, warm and uncluttered area.

5. Infants and toddlers shall be encouraged to play with a wide variety of safe toys and objects as specified in HSS 55.24 (2).

6. Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when a physician has ordered otherwise.

(c) When being transported in a motor vehicle, children under 30 months of age shall be fastened securely in a child crash tested restraint.

(4) **FEEDING.** (a) Each child under 2 years of age shall be fed on the child's own feeding schedule.

(b) Food and formula brought from home shall be labeled with the child's name and refrigerated if required.

(c) Leftover milk or formula shall be discarded after each feeding. Bottles shall be rinsed after use.

(d) Drinking water shall be offered to the infant and toddler several times daily.

(e) A child unable to hold a bottle shall be held whenever the bottle is given. Bottles may not be propped.

(f) Commercial baby food containers which are opened and foods prepared in the center which are stored shall be covered, dated and refrigerated. If not used within 24 hours, leftover food shall be discarded.

(g) A child too young to sit in a high chair or feeding table shall be held or placed in an infant seat while being fed. Wide base high chairs with safety straps or feeding tables with safety straps shall be provided for those children not developmentally able to sit at tables or chairs.

(h) Infants shall be encouraged to experiment with self-feeding with hands and spoons or both. Eating utensils and cups shall be scaled to the size and developmental level of the infant and toddlers.

(i) A variety of nourishing foods shall be offered including cereal, vegetables, fruit, eggs and meat according to the child's developmental level and the parent's feeding plan, except that no child may be forced to eat.

(5) **DIAPERING AND TOILETING ACTIVITIES.** (a) Wet and soiled diapers and clothing shall be changed promptly.

(b) There shall be a supply of dry clean clothing and diapers sufficient in quantity to meet the needs of each infant.

(c) Infants and toddlers shall be changed on a surface which is individual to each child or is cleaned with a germicidal solution after each use.

(d) If cloth diapers are used, they shall be supplied by the parent. Soiled diapers shall be rinsed and placed in labeled plastic bags which are kept separate from other clothing and sent home daily.

(e) If disposable diapers are used, soiled diapers shall be placed in a plastic lined covered container.

(f) Soiled diapers shall be removed from containers as needed or at least daily for washing or disposal. Containers shall be washed and disinfected daily.

(g) Soiled infant clothing shall be placed in a container separate from diapers.

(h) The hands of the provider shall be washed before and after each diapering or assistance with toileting routines, using soap and running water.

(i) The application of lotions, powders or salves to the child during diapering may be done only at the specific direction of the parent or physician.

(j) A child shall be washed with a disposable or fabric washcloth used once before rediapering. Washcloths shall be individual to each child.

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(k) Washcloths and towels shall be provided for face and handwashing. Washcloths and towels shall be individual to each child and separate from washcloths used for diapering.

(l) Toilet training shall be planned cooperatively between the day care provider and the parent.

**History:** Cr. Register, May, 1980, No. 293, eff. 3-1-80.

**HSS 55.26 Night care.** (1) **SCOPE.** This section applies to a family day care center which provides care and supervision to children during any time between 7:00 pm and 6:00 am in addition to sections HSS 55.20 through HSS 55.25.

(2) **GENERAL RULES.** (a) No one person may be responsible for the care of children for more than 12 hours in any 24-hour period.

(b) Each child in night care shall be provided, by parent or center, individually labeled sleeping garments, washcloth, towel, toothbrush and, if the child wishes, a special toy or blanket which has meaning to the child.

(c) The provider shall work with the child's parent to coordinate the plan for the time the child spends at the center with the family schedule.

(d) School age children shall have an opportunity for reading or school work.

(e) The provider shall be knowledgeable about special techniques of evacuating sleeping children in an emergency.

(f) The provider shall be awake at all times including when children are sleeping.

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

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

(c) Each child present at the time the evening meal is scheduled shall be served dinner.

(4) **PERSONAL CLEANLINESS.** (a) Children shall have a shower, tub or sponge bath as needed for body cleanliness. When a bathtub is used, fresh water shall be provided for each child and the tub shall be cleaned after each use.

(b) Children shall be closely supervised while bathing.

(5) **SLEEPING.** (a) Children who attend the center for the evening hours but who do not spend the whole night shall have an opportunity to sleep, if needed.

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

(c) A separate bed or crib shall be provided for each child in night care, with sheets and blankets individual to each child.

1. A supply of extra sleeping garments and bedding for emergencies and accidents shall be maintained.

2. Rubber sheets shall be provided for children whose enrollment information indicates a tendency to bedwetting.

3. Pillows with pillow cases shall be available for children who choose to use them.

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

(e) The provider shall work with parents to insure consistency between the family and center bedtime routines.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.27 - 55.29 [RESERVED]**

### SUBCHAPTER III—

#### Additional Requirements For Group Day Care Centers

**HSS 55.30 Scope.** Sections HSS 55.30 to 55.37 apply to all group day care centers.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.31 Organization and administration.** (1) APPLICATION FOR LICENSE. (a) An applicant shall file an application and other materials required by the department for a licensure on forms provided by the department.

(b) An application shall be filed with the department at least:

1. Sixty days prior to the date on the center proposes to begin operation.
2. Thirty days prior to the end of the current licensing period.
3. Forty-five days prior to opening an additional center.
4. Thirty days prior to changing the address of the center.
5. Thirty days prior to new ownership of the center.

(c) The application shall be accompanied by the following:

1. The constitution and by-laws of a corporation, association or cooperative.
2. A clearly defined statement of purpose as it relates to the provision of child care services.
3. A signed statement by the applicant or licensee accepting legal responsibility for complying with rules.
4. A diagrammatic floor plan of the center building including room dimensions and intended room usage.
5. A diagram and dimensions of outdoor areas including location of enclosures.
6. A written delegation of administrative authority signed by the licensee which outlines 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.

**Note:** The designation of person in charge may be by job function.

(2) **AMENDMENT TO LICENSE.** A written request for an amendment to the license shall be submitted to the department by the licensee prior to changes in the conditions of the current license such as maximum number of children, age range of children, hours, days of the week, months of the year or change in the name of the center.

(3) **TERMS OF LICENSE.** (a) The number of children under 7 years of age present in a center at any one time may not exceed the number for which the center is licensed.

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

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

(4) **ADDITIONAL LICENSE.** A licensee seeking licensure for an additional center location must demonstrate compliance in the operation of any existing center.

(5) **ADMINISTRATION.** The licensee shall:

(a) Comply with all statutory requirements under which the rules in this chapter were promulgated.

(b) Comply with all applicable rules in this chapter.

(c) Designate, in writing, a Wisconsin resident who is responsible for ensuring compliance with all applicable statutes and rules, if the licensee resides in another state.

(d) Meet, upon request, with the licensing representative on matters pertaining to licensing.

(e) Provide documentation of insurance coverage by the submission of a certificate of insurance reflecting current dates of coverage for:

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

2. Vehicle liability insurance, when transportation is provided, with minimums no less than those provided in s. 121.53, Stats.

3. Non-owned vehicle liability insurance when transportation is provided in other than center owned vehicles.

(f) Assure that no person who has been convicted in a court of competent jurisdiction of child abuse or crimes against sexual morality involving children is employed as a worker in a day care center.

(g) Develop and implement written policies to be submitted to the department for review on:

1. Termination of enrollment of children.

2. Fee payment and refund.

3. Personnel policies, including job description, hours of work, lunch and break times, holidays, vacations, sick leave, leave of absence, salary range, probationary period, performance evaluation, grievance procedure and disciplinary process.

(h) Develop and implement written policies to be submitted to the department for approval on:

1. Health, education, nutrition and discipline.

2. Transportation when provided.

3. Plans for evacuation and other emergencies.

4. In-service training.

5. Orientation of new staff and volunteers.

(i) Display the day care license near the entrance or in some other conspicuous area of the center that is accessible to the public.

(6) REPORTS. The licensee shall report to the department:

(a) An accident resulting in the death or serious injury of a child while at the center within 3 days after the occurrence. A serious injury is one requiring the hospitalization of the child as an inpatient.

(b) A natural or man made catastrophe which damages the building within 24 hours after the occurrence.

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

(d) A termination of any program services at least 5 days prior to the termination.

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

(7) STAFF RECORDS. The license shall:

(a) Maintain a record file for each employe which is available for examination by the licensing representative and which includes:

1. An application form including name, address, date of birth, education, position, previous work experience in child care including reason for termination, the name, address, and telephone number of persons to be notified in an emergency and any record of conviction for child abuse or crimes against sexual morality involving children.

2. Evidence of current physical examination as specified in HSS 55.32 (1).

3. Documentation of educational qualifications for the position as specified in HSS 55.32 (1).

(b) Have a listing of the name, address and telephone number of the person to be notified in the event of an emergency to an employe at the location where the employe works.

(8) CHILDREN'S RECORDS. (a) The licensee shall maintain a current written record file at the center on each child enrolled and make it available to the licensing representative. Each record file shall include:

1. Pre-admission and enrollment information consisting of:

a. Name and birth date of child.

b. Full name of parents.

c. Home address and telephone number.

d. Address and telephone number where a parent can be reached while child is in care.

e. Name, address, telephone number and relationship to the child of a person to be notified in an emergency, when a parent cannot be reached immediately.

f. Name, address and telephone number of physician or medical facility caring for the child.

g. Name, address and telephone number of a person other than a parent authorized to call for the child, or authorized to accept the child who is dropped off.

h. First day of attendance and termination date.

i. For children under 30 months of age, a current statement from the parent about the specific habits of eating, sleeping, toileting, communication and comforting.

2. Consent from the parent for emergency medical care or treatment.

3. Authorization to transport the child to and from the center, when transportation is provided.

4. Authorization for the child to participate in and be transported for field trips and other activities if these are part of the center's program.

5. Specific informed consent from the parent for each incident of participation by a child in any research or testing project. The day care center shall obtain and make available to the department and to the parent a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each such project.

6. The current physical examination and any other matters relating to the child's health.

7. The daily attendance of each child for the length of time the child is enrolled in the program. For children in irregular or drop in care, the hours of arrival and departure shall be recorded.

(b) The license shall maintain a daily medical log recording injuries received by or medication dispensed to children.

1. The log shall be in a bound book with pages that are lined and numbered. The pages may not be removed.

2. Entries shall be in ink and dated and signed or initialed by the person making the entry.

(9) **DISCRIMINATION.** The licensee shall ensure that the day care center does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, national origin or ancestry against:

(a) Any employe or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment except where there is a bona fide occupational qualification.

(b) Any enrolled child and family or any applicant for enrollment in regard to admission, privilege of enrollment or discharge condition except where it is a reasonable and necessary qualification.

(10) **CONFIDENTIALITY OF RECORDS.** The licensee is responsible for compliance by the day care center with s. 48.78, Stats., and the following rules:

(a) Children's records are confidential. All persons having access to children's records may not discuss or disclose personal information regarding the children and facts learned about children and their relatives. This does not apply to:

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

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

(b) Day care centers shall make accessible to the parent, upon request, all records and reports maintained on their own child.

(c) All records required by the department for licensing purposes are to be available to the licensing representative.

(11) **CHILD ABUSE.** (a) The licensee, who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.981 (1), Stats., shall immediately contact the county welfare agency, sheriff or city police in compliance with s. 48.981, Stats.

(b) The licensee must ensure that every child care worker who comes in contact with the children at the day care center has received training in:

1. Child abuse and neglect laws.

2. The process of identification of children who have been abused or neglected.

3. The process for reporting known or suspected cases of child abuse or neglect.

**Note:** Failure of the licensee to report known or suspected incidents of child abuse or neglect does not lessen the legal duty of the child care worker to report known or suspected cases of child abuse or neglect.

(12) **DISCIPLINE.** (a) *Written policy.* Each day care center shall have a written policy on the discipline of children which provides for positive guidance, redirection and the setting of clear-cut limits. It shall be

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designed to help the child develop self-control, self-esteem, and respect for the rights of others.

(b) *Delegation.* Only a qualified child care worker may discipline children. Discipline may not be delegated to older children or peers.

(c) *Punishments prohibited.* Punishment which is humiliating or frightening to a child such as, but not limited to the following, is prohibited:

1. Spanking, hitting, pinching, shaking or inflicting any other form of corporal punishment.
2. Verbal abuse, threats or derogatory remarks about self or family.
3. Binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.
4. Withholding or forcing meals, snacks or naps.

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

*History:* Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.32 Personnel.** (1) **RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.** (a) *Person with administrative responsibilities.* 1. The licensee shall designate a person or persons with administrative responsibility for the management of the center, including but not limited to personnel, finances, physical plant maintenance and other areas of operational management.

2. A person who has administrative responsibilities shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalency as determined by the department of public instruction; or hold certification, credential or diploma from a post secondary early childhood education training program as approved by the department.

3. Prior to assuming the position, a person with administrative responsibilities shall:

a. Have one year experience in operational management; or have satisfactorily completed 40 hours of training in business or program administration.

b. Have one year of experience as a person with primary program responsibility or as a primary child care worker; or have satisfactorily completed 40 hours of training in early childhood education as approved by the department.

4. Persons may meet the requirements of subd. 3 if prior to assuming the position, they have completed the administrative training or experience requirement and are currently enrolled in the early childhood education training; or have completed the early childhood education training or experience and are currently enrolled in the administrative training.

5. Within each subsequent 3 year period after assuming the position, a person with administrative responsibility shall complete 45 additional

hours of early childhood education as approved by the department. This training shall be exclusive of the in-service training requirement as specified in sub. (2).

6. When the administrative responsibility for the management of the center is the designated responsibility of a cooperative board, the qualification requirements as specified in subds. 2, 3, 4 and 5 do not apply.

**Note:** Accumulated hours of training beyond the entry level requirement, as specified in subds. 3a and 3b are counted in determining each subsequent 3 year requirement as specified in 5.

(b) *Person with primary program responsibilities.* 1. The licensee shall designate a person or persons as responsible for supervision of the planning and implementation of the program and directing the orientation and in-service training of staff.

2. A person who has primary program responsibilities shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalency as determined by the department of public instruction; or hold certification, credential or diploma from a post secondary early childhood training program as approved by the department.

3. In a center of multi-center agency licensed to serve 40 or less children at any one time and operated by the same licensee, the person with primary program responsibility shall have completed:

a. Prior to assuming the position, 120 working days experience providing direct child care as a child care worker or volunteer in a licensed day care center, kindergarten or early childhood program approved by the department; or been certified by the Wisconsin department of public instruction as a nursery school teacher or show evidence of meeting the qualifications for such certification.

b. Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 3 credits equivalent to early childhood education; or satisfactorily completed 80 hours of training in early childhood education as approved by the department.

c. Within each subsequent 3 year period after assuming the position, 45 additional hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

4. In a center or multi-center agency licensed to serve 41 or more children at any one time and operated by the same licensee, the person or persons with primary program responsibility shall have completed:

a. Prior to assuming the position, 2 years experience as a primary child care worker in a licensed day care center, kindergarten or early childhood program approved by the department.

b. Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 12 credits in early childhood education, or satisfactorily completed 160 hours of training in early childhood education as approved by the department.

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c. Within each subsequent 3 year period after assuming the position, 45 educational hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

**Note:** Accumulated hours of training beyond the entry level requirement, as specified in subds. 3b and 4b are counted in determining each subsequent 3 year requirement as specified in subds. 3c and 4c.

(c) *Primary child care worker.* 1. A primary child care worker shall plan and implement the daily activities for a designated group of children.

2. A person who is a primary child care worker shall:

a. Be at least 18 years old.

b. Have completed high school or its equivalency as determined by the department of public instruction; or hold certification, credential or diploma from a post secondary early childhood program as approved by the department.

3. The person who is a primary child care worker shall have completed:

a. Prior to assuming the position, 120 working days experience providing direct child care as a child care worker or volunteer in a licensed day care center, kindergarten or early childhood program approved by the department; or be certified by the Wisconsin department of public instruction as a nursery school teacher or show evidence of meeting the qualifications for such certification.

b. Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 3 credits equivalent to early childhood education; or satisfactorily complete 80 hours of training in early childhood education as approved by the department; or have a Child Development Associate (CDA) credential or satisfactory attainment of other department approved competency program.

c. Within each subsequent 3 year period, after assuming the position, 45 additional hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

**Note:** Accumulated hours of training beyond the entry level requirement as specified in subd. 3b are counted in determining each subsequent 3 year requirement as specified in subd. 3c.

(d) *Secondary child care worker.* 1. A secondary child care worker shall:

a. Work under the supervision of a primary child care worker with a group of children.

b. Be at least 18 years old.

c. Have completed satisfactorily or be enrolled in 40 hours of training as approved by the department.

d. Within the following 3 year period after assuming the position, complete 40 additional hours of training in early childhood education as

approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

2. A parent serving as a secondary child care worker in a parent cooperative may be exempt from the training requirements specified in subd. 1. Parent volunteers shall have at least 4 hours of training in day care programming and procedures before working in the classroom.

**Note:** Approval of training content, length of courses and qualifications of persons teaching courses shall be according to criteria established by the department of health and social services.

(e) *Substitutes.* 1. In the absence of a regular staff member, there shall be a similarly qualified substitute; or

2. In the event the regular staff member's absence is not anticipated to exceed 5 days, a person not meeting the educational qualifications may substitute if a qualified person is not available. The substitution may not exceed 5 consecutive days.

(f) *Volunteers.* 1. Volunteers shall participate in orientation as required in sub. (2) (a).

2. Volunteers who are included in determining staff to child ratios shall meet the requirements of the position they are filling.

3. Volunteers not included in determining staff to child ratios shall have at least four hours of training in day care programming and procedures before working in the classroom.

4. The person with primary program responsibilities shall:

a. Designate a staff member to coordinate the volunteer program.

b. Keep on file a schedule of the hours of the volunteers who are included in determining staff to child ratios.

(g) *Health qualifications.* 1. All persons except volunteers who work directly with children shall have a health examination within 6 months prior to beginning work or within 30 days thereafter. The report, dated and signed by a physician, shall be on file in the center and certify that:

a. The person is free from illness detrimental to children.

b. The person is physically able to work with young children.

2. No staff, volunteer, visitor or parent with symptoms of illness, communicable diseases or whose behavior gives reasonable concern for the safety of children may be on the premises of the center.

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

(2) **ORIENTATION AND IN-SERVICE TRAINING.** (a) Each center shall develop and implement a written orientation program which is required of all new staff and volunteers within their first week at the center. This orientation shall include, but is not limited to:

1. A review of the applicable parts of HSS 55.

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2. A review of the center policies.
3. Training in emergency procedures including first aid.
4. Job responsibilities in relation to the job description.
5. Training in the recognition of illness of the child.
6. Schedule of activities.
7. The child abuse and neglect laws.

(b) Centers shall develop and implement an annual in-service training plan which includes staff meetings. The center shall provide training, at a ratio of 2 hours per month for each month of program operation through, but not limited to, one or more of the following means:

1. Discussion or materials concerning child growth and development and early childhood education, available for, and used by staff.
2. Community resource people.
3. Attendance at conferences or workshops.

(c) The center shall provide food service personnel with orientation and in-service training in kitchen sanitation, food handling and nutrition.

(3) **STAFFING AND GROUPING.** (a) At least one child care worker meeting the qualifications of a primary child care worker shall supervise each group of children as outlined in sub. (1) (c).

(b) Each child shall be closely supervised by a child care worker.

(c) The maximum number of children in a group and the ratio of child care workers to children may not exceed those specified in table 55.32.

TABLE 55.32

<u>Age of Children</u>	<u>Maximum Number of Children in a Group</u>	<u>Minimum Number of Child Care Workers to Children</u>
Infant to 1 year	6	1:3
1 year to 2 years	8	1:4
2 years to 2½ years	12	1:6
2½ years to 3 years	16	1:8
3 years to 4 years	20	1:10
4 years to 5 years	24	1:12
5 years and over	32	1:16

**Note:** Maximum group size does not apply to field trips, outdoor play areas, and those areas reserved exclusively for napping and eating.

(d) When children under the age of 2½ are part of a mixed age group, the size of the group may not exceed the maximum number of children that would be allowable for the youngest member of the group.

(e) When there is a mixed age group, the staff to child ratio shall be adjusted on a prorata basis, according to age.

(f) When 8 or less children are present in the center, there shall be a second adult available within 5 minutes. The center shall keep a signed and dated statement including address and telephone number, certifying the person's availability and agreement to serve.

(g) In a center with 9 or more children present, there shall be at least 2 adults available at all times in the building. At least one of these shall be a child care worker directly involved in the supervision and care of children.

(h) Supportive staff such as clerical, housekeeping and food service staff may be considered in determining the staff to child ratio:

1. During those hours when they give full attention to the care and supervision of children; and
2. Provided they meet the qualifications of child care staff.

(i) Child care workers shall be free of all other non-classroom duties during the hours they are working directly with children.

(j) Children of staff members who attend the center or who are on the premises for supervision and care shall be included in determining group size and staff to child ratio.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.33 Physical plant and furnishings.** (1) **GENERAL RULES.** (a) *Buildings.* 1. There shall be a report of inspection which indicates approval of the building by the department of industry, labor and human relations or by a certified inspector of that department. The building shall comply with applicable state and local building codes.

**Note:** Local authorities should be consulted to obtain any required zoning clearances or building permits. The department may request subsequent inspections from local authorities where available.

2. 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 such changes.

3. Space designated for use by the children shall be available for the children and staff only and not used for other purposes while the center is open.

4. The inside temperature may not be less than 67° F. (20° C).

(b) *Protective measures.* 1. Fireplaces, steam radiators, electric fans, electric outlets, electrical heating units and hot surfaces such as pipes shall be protected by screens or guards. Electric fans shall be securely mounted out of children's reach.

2. Unvented space heaters are prohibited.

3. No potentially dangerous hazards, such as but not limited to firearms, ammunition, explosives, abandoned automobiles and household appliances, uncovered wells and cisterns or stacked lumber may be kept on the premises.

4. Materials harmful to children such as but not limited to, power tools, flammable or combustible materials, insecticides, matches and all

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other articles labeled hazardous or poisonous shall be in properly marked containers and stored in areas inaccessible to children.

5. A motor vehicle at the center or public or private rescue or emergency vehicle shall be immediately available at all times in case of an emergency.

6. The center shall have access to a telephone during hours of operation and a list of emergency telephone numbers such as the local rescue squad, fire department, police department, child protective services and emergency medical service shall be posted on or beside each telephone.

**Note:** In this subdivision, "telephone" does not include pay telephones requiring payment to reach the operator or telephones in locked rooms.

7. Stairs, walks, ramps and porches shall be maintained in a safe condition and free from the accumulation of water, ice and snow.

8. Smoking shall be permitted only in rooms or areas not used by children during hours of operation.

9. Alcohol or non-prescribed controlled substances or both as specified in s. 161.01, Stats., may not be consumed on the premises of the day care center during hours of operation or while children are present.

10. Children may not be allowed in an area where power tools are in use.

(c) *Fire prevention.* 1. Each center shall have written plans for fire, tornadoes and other emergencies. The center shall:

a. Post and practice the plans monthly as specified in HSS 55.31 (5).

b. Inform each staff member of their duties in the event of such an emergency.

c. Keep a written record of dates and times of the monthly practice.

2. The fire extinguisher on the premises shall be operable at all times, inspected once a year by a person qualified to do so, and bear a label indicating its present condition and date of last inspection.

3. All staff members shall be instructed in and knowledgeable about the use of the fire extinguisher.

4. Exits and exit passageways shall be unobstructed by furniture or other objects. A minimum clear width of 3 feet is required.

5. Extension cords may not be used in place of permanent wiring.

6. No more than 2 electrical appliances may be plugged into any one wall outlet.

7. The door to the basement and furnace room shall be closed.

8. Areas under stairs may not be used for storage.

9. All exit lights shall be lit at all times.

10. Fire alarm and smoke detectors shall be tested weekly.

(d) *Sanitation.* 1. The premises shall be free from litter, in a sanitary condition and in good repair.

a. Flaking and deteriorating paint on exterior and interior surfaces accessible to children shall be refinished.

b. No lead based paint or other toxic finishing material may be used.

c. Garbage containers in the building shall be covered, watertight and emptied daily or more often as needed. Compactors need not be emptied daily. Garbage and refuse stored out of doors shall be kept in leak-proof containers equipped with tight fitting covers and shall be disposed of as necessary to prevent decomposition or overflow.

d. Furnishings, toys, cots and other equipment shall be washed or cleaned as often as they become soiled.

e. Toilet rooms and fixtures shall be in a sanitary, odor free condition at all times.

f. Potty chair receptacles shall be emptied, rinsed and disinfected immediately after each use.

2. Windows which are opened for ventilation shall be screened.

3. The premises shall be maintained so as to prevent the entrance or harborage of vermin.

(e) *Water.* 1. A supply of safe drinking water shall be available to children at all time from a drinking fountain of the angle jet type or by use of disposable cups. Common use of drinking cups is prohibited.

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 annually. The water supply shall be bacteriologically safe prior to use. The report shall be available to the department.

(2) **INDOOR SPACE.** (a) The space used by children shall be no less than 35 sq. ft. (3.3 sq. meters) of usable floor space per child. This space excludes passageways, bathrooms, lockers, office, storage areas, isolation quarters, staff room, furnace, that part of rooms occupied by stationary equipment and those areas not consistently available to children such as, but not limited to, areas used exclusively for large muscle activity, music, napping or eating.

(b) There shall be storage space for cots, bedding, supplies and surplus equipment.

(3) **FURNISHINGS.** (a) All furnishings shall be durable, safely constructed, with no sharp, rough, loose or pointed edges.

(b) Tables shall be scaled to the height and size of the children's comfort and reach. Seating shall be scaled to the height and size of the child.

(c) In centers where meals are served, there shall be table space for each child and seating sufficient in number to serve the children cared for in the group.

(d) Shelves shall be provided for the equipment and supplies in rooms used by children. Equipment and supplies shall be arranged in an orderly fashion so that children may select, use and replace items.

(e) Each child shall have storage space for clothing and personal belongings. For children 30 months and older, the space for outergarment storage shall be at child level.

(f) There shall be a safe, washable cot, bed or sleeping bag provided for each child over one year who naps or sleeps. There shall be a safe washable crib provided for each child under one year who naps or sleeps.

(4) KITCHENS. (a) *Equipment and utensils.* 1. Equipment and utensils used for preparing, serving and storing food shall be clean and equipped for the safe handling of food.

2. All equipment and utensils shall have smooth, hard surfaces, be easily cleanable, in good repair, durable, non-toxic, free of cracks, seams, chips and roughened areas, and shall be capable of being maintained in a clean and sanitary condition.

3. Food preparation tables shall be durable, and surfaces shall be smooth, non-absorbent and easily cleanable.

4. After cleaning, utensils shall be stored in a clean, dry place protected from contamination.

5. Single service utensils shall be non-toxic, stored in a clean, dry place, kept covered, and may not be reused.

(b) *Dishwashing procedures.* 1. All kitchen utensils and food contact surfaces used in the preparation, storage and service of food shall be thoroughly cleaned and sanitized after each use.

2. All utensils and dishes shall be scraped, sorted and prewashed under running water.

3. For manual washing of dishes and utensils, a 3 step procedure shall be used:

a. Wash in water between 110 and 125° F (43 to 52° C), using an effective soap or detergent.

b. Rinse by immersing dishes and utensils in clean, hot water to remove soap or detergent.

c. Sanitize by submerging dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

4. For mechanical washing of dishes and utensils, the following shall apply:

a. Wash at 130 to 150° F (54 to 66° C) for at least 20 seconds, using an effective cleaning agent.

b. Rinse and sanitize at 180° F (82° C) for 10 seconds or more, using automatic rinse injector.

c. Readily-visible temperature gauges shall be located in the wash compartment of all mechanical dishwashers and in the rinse water line

of spray-type mechanical dishwashers or in the rinse tank of an immersion-type dishwasher; or

d. For mechanical washing of dishes and utensils in hometype dishwashers with a temperature setting of between 130 and 150° F (54 to 66° C), dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

5. All dishes and utensils shall be air dried in racks or baskets or on drain boards.

**Note:** A list of approved sanitizers is available from the Hotels and Restaurants Section, Division of Health Services, P.O. Box 309, Madison, Wisconsin, 53701.

(c) *Food sources.* 1. Food shall be from sources approved or considered satisfactory by the department and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption.

2. Only milk and milk products which meet the Grade A milk standards of the Wisconsin department of agriculture, trade, and consumer protection and certified by the department may be served or used.

3. No food prepared for meals shall be served on the premises unless it is prepared on the premises or in another location licensed by the appropriate agency.

4. Food in dented, bulging or leaking cans, or cans without labels, may not be used.

5. No hermetically sealed, non-acid and low-acid food which has been processed in a place other than commercial food processing establishment may be used.

(d) *Food storage.* 1. Food shall be stored at temperatures which will protect against spoilage.

a. Perishable and potentially hazardous food which includes all custard-filled and cream-filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk or milk products, and any other food or food products liable to rapid food spoilage shall be continuously maintained at safe temperatures, 40° F (4° C) or below or 150° F (66° C) or above, except during necessary periods of preparation and service.

b. Each cold storage facility shall be maintained at 40° F (4° C) or lower (refrigerator), or 0° F (-17° C) or lower (freezer).

c. Each cold storage facility shall be equipped with a clearly visible accurate thermometer.

d. Food shall be covered during storage under refrigeration.

2. Foods not requiring refrigeration shall be stored in clean, dry, ventilated and lighted storerooms or areas.

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a. Dry bulk foods, such as flour, sugar, cereals and beans shall be stored in metal, glass or food grade plastic containers with tight fitting covers and shall be labeled.

**Note:** Food grade plastic means of any type of material used in the construction of dishes, utensils which has proven not harmful to health by the National Sanitation Foundation.

b. Food shall be stored at least 8 inches (20.32 cm) above the floor in the basement storage areas and above the floor in other than basement areas, in order to provide air circulation and facilitate cleaning.

c. Foods shall be stored in such manner so as to prevent contamination by sewage, waste water backflow, condensation, leakage or vermin.

(e) *Cleaning aids.* 1. Poisonous and toxic materials such as, but not limited to, cleaning supplies, bleaches and insecticides shall be labeled and stored in cabinets used for no other purpose.

2. Cleaning aids such as mops, brooms and buckets may not be stored in food preparation or food storage areas, and shall be in a clean and sanitary condition.

(f) *Food handling.* 1. All raw fruits and vegetables shall be washed before serving or cooking.

2. Food returned from individual plates or from dining tables shall be discarded.

3. Leftover prepared food which has not been served shall be refrigerated promptly and used within 24 to 36 hours, or frozen immediately for later use.

4. Food delivery vehicles shall be equipped with clean containers or cabinets to store food while in transit. Containers for hot or cold foods shall be capable of maintaining temperatures at or below 40° F (4° C) or 150° F (66° C) or above.

(g) *Food service personnel.* 1. Food service personnel includes any person who participates in meal preparation (breakfast, lunch, dinner).

2. Food service personnel shall:

a. Be at least 18 years of age.

b. Wear clean clothing and effective hair restraints such as hair nets or caps.

c. Wash their hands before starting work, before and after handling food, and after using the toilet.

(5) **WASHROOM AND TOILET FACILITIES.** (a) The center shall provide the number of washbasins and toilets specified in table 55.33.

TABLE 55.33

<u>Maximum Number of Children Center is Licensed For</u>	<u>Number of Washbasins and Toilets</u>
10 or less	1
11 to 25	2
26 to 40	3
41 to 55	4
56 to 70	5
71 or more	6

(b) When a center is licensed for more than 70 children, one additional washbasin and toilet shall be provided for each additional 15 children or fraction thereof.

(c) When potty chairs are used for children under 30 months of age in place of required water closets (toilets), the potty chairs shall be provided in a ratio of 1 for every 4 children or fraction thereof.

(d) Steps or blocks shall be provided if the lavatory (washbasin) and water closet (toilet) are not proportioned to the size of the children.

(e) Soap, toilet paper, and a waste paper container shall be provided.

(f) Single use disposable or individually labeled clean cloth towels shall be provided and accessible to children.

(g) Toilet room door locks shall be openable from the outside and the opening device shall be readily accessible to the staff.

**Note:** Plumbing as defined in ch. 145, Stats., shall comply with ch. H 62, Wis. Adm. Code.

(6) **OUTDOOR SPACE.** (a) The rules on outdoor space shall apply to any center where children are present for more than 3 hours per day.

(b) There shall be at least 75 square feet (7.0 square meters) of outdoor play space on the premises for each child using the space at a given time. The total outdoor space shall accommodate not less than one third of the licensed capacity or a minimum of 750 square feet (70 square meters), whichever is greater.

(c) The boundaries of outdoor play space shall be enclosed in such a way as to protect children. A permanent enclosure not less than 4 feet (1.2 meters) high shall be provided where hazards exist such as, but not limited to, traffic or bodies of water.

(d) The outdoor space shall be well drained and free of hazards.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.34 Program.** (1) **ESSENTIAL PROGRAM QUALIFICATIONS** (a) There shall be a written program of activities planned according to the developmental level of each group of children and reflecting the cultural diversity of the children of the community. The program shall provide each child with experiences which will encourage:

1. Self-esteem and positive self-image.
2. Social interaction.

3. Self-expression and communication skills.
4. Creative expression.
5. Large and small muscle development.
6. Intellectual growth.

(b) The program schedule shall be planned to provide a flexible balance of:

1. Active and quiet activities.
2. Individual and group activities.
3. Indoor and outdoor activities.

(c) Television shall be used only to supplement the daily plan for children. No child may be required to watch television.

(d) Routines such as toileting, eating and intervals between activities shall be planned to avoid keeping children waiting in lines or assembled in large groups.

(e) The program shall provide:

1. Reasonable regularity in routines such as eating and napping.
2. Daily periods when a variety of experiences are concurrently available for the children to select their own activities.
3. Protection from excess fatigue and overstimulation.

(f) Children shall be given individual attention on a one to one basis by staff members.

(g) The cultural diversity of the children shall be reflected in the program through the incorporation of their language, food, celebrations and life styles.

(h) When centers are open in the early morning and late afternoon, special consideration shall be given to planning activities which will meet the individual needs of the child through:

1. Opportunities to rest and eat if these are indicated.
2. Use of materials or participation in activities which are not necessarily a duplication of activities planned for the major part of the program day.

(i) The program, as implemented, shall reflect the center's written plans.

(2) EQUIPMENT. (a) Equipment shall be provided for both indoors and outdoors and be:

1. Scaled to the size and developmental level of the children.
2. Of sound construction with no sharp, rough, loose, or pointed edges and in good operative condition and anchored when necessary.
3. Placed so as to avoid danger of accident and collision and to permit freedom of action.

(b) Minimum requirements shall be met by the provision of equipment and supplies according to the following criteria:

1. A variety of equipment from each of the following shall be selected:
  - a. To provide for large muscle development.
  - b. To provide for construction activities and for the development of manipulative skills.
  - c. To encourage social interaction.
  - d. To provide for intellectual stimulation.
  - e. To encourage creative expression.
2. Indoor equipment shall be provided in a sufficient quantity so that each child has a choice of at least 3 activities involving equipment when all children are using play equipment at the same time.
3. Outdoor equipment shall be provided in a sufficient quantity so that each child has at least one activity involving equipment when all children are using play equipment at the same time.

**Note:** Lists of sample equipment according to variety and quantity are available from the department on request.

4. Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

(3) **REST PERIODS FOR SESSIONS OF MORE THAN 4 HOURS.** (a) There shall be a supervised nap or rest period of approximately one hour or longer for all children under 5 years of age.

(b) Children who do not sleep shall be permitted to get up and helped to have a quiet time through the use of equipment or activities which will not disturb other children.

(c) Each child shall be provided with an individual bed, cot, sleeping bag or crib which is placed at least 2 feet (63.8 cm.) on all sides from the next bed, cot, crib or sleeping bag. Sleeping bags, if used, shall be provided by parents. When sleeping bags are used, the child's head shall not rest on the floor.

(d) Beds, cots, cribs, sleeping bags and bedding shall be labeled with the child's name to assure that each child uses the same items between washings.

(e) Each child using a bed, cot or crib shall be provided with an individual sheet and blanket.

(f) There shall be a complete change of bed liner after each 5 uses, immediately when wet or soiled, and always upon a change in occupancy. Sleeping bags shall be washed or cleaned or as often as needed and at least weekly.

(g) Beds, cots, cribs, sleeping bags and bedding shall be stored in a clean and sanitary manner.

(4) **FEEDING.** (a) *Food.* 1. Food shall be provided according to Table 55.34 which is based on the amount of time children are present:

TABLE 55.34

<u>Time Present</u>	<u>Number of Meals</u> <u>Snacks</u>
2½ to 4 hours	1 snack
4 to 8 hours	1 sack and 1 meal
8 to 10 hours	2 snacks and 1 meal
10 hours or more	2 meals and 2 or 3 snacks

2. Center provided transportation time shall be included in determining the amount of time children are present for the purposes of subd. 1.

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

4. Meal and snack patterns listed in subds. 5, 6 and 7 shall be used in meal planning. Each meal shall provide ½ of the daily nutritional requirement of the child.

5. Breakfast shall consist of at least one item from each of the following categories:

- a. Fruit or juice
- b. Cereal, whole grain or enriched bread product
- c. Butter or margarine
- d. Grade A vitamin D milk

6. A noon or evening meal shall consist of at least one item from each of the following categories:

- a. Meat, poultry, fish, egg, cooked dried peas or beans, cheese or peanut butter
- b. Two vegetables or 1 vegetable and 1 fruit or 2 fruits
- c. Cereal or whole grain or enriched bread products
- d. Butter or margarine
- e. Grade A vitamin D milk

7. Snacks (mid-morning or mid-afternoon) shall consist of at least one of the following: milk or milk product, fruit, fruit juice, vegetable, peanut butter, whole grain or enriched bread or cereal. When only fruit juice is served, it shall be pure fruit juice.

**Note:** Centers participating in and meeting the meal requirements of the United States department of agriculture (USDA) child care food program meet the requirements of subds. 5, 6 and 7 above.

8. Menus shall:

- a. Be posted in the kitchen and in a conspicuous place accessible to parents.
- b. Be planned at least one week in advance, dated and kept on file for 3 months.

- c. Be available for review by the department.
  - d. Include a variety of foods.
  - e. Reflect the cultural and ethnic preferences of children of the community.
9. Any changes in the planned menu shall be recorded.

10. A sufficient quantity of food shall be prepared for each meal to allow second portions of vegetables or fruit, bread, butter or margarine and milk to be available to children.

11. Special diets including nutrient concentrates and supplements may be served only upon written instructions of the child's physician and upon request of the parent.

(b) *Food and food service.* 1. Staff shall sit at the table with the children.

- 2. Meals shall be served with time allowed for socialization.
- 3. Children shall be encouraged to serve themselves.
- 4. Food may not be used as a punishment or reward.
- 5. Children may not be forced to eat.

(5) **HEALTH.** (a) *Observation.* 1. Each child upon arrival shall be observed by a staff person for symptoms of illness.

2. Any evidence of unusual bruises, contusions, lacerations and burns shall be noted on the child's record and reported immediately to the person in charge of the center.

3. Food allergies and other allergies of specific children shall be known to cooks, staff members, child care workers, and substitutes having direct contact with these children.

(b) *Isolation.* An isolation area shall be provided 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.

(c) *Ill child procedure.* When an apparently ill child is observed in the day care center the following procedures shall apply:

- 1. Children with a sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea, or other illness or condition shall be isolated.
- 2. The child shall be provided with a bed, crib or cot and sheet and blanket in the isolation room or area with a staff within sight and hearing of the child. Isolation shall be used until the child can be removed from the center.

**Note:** For sessions of 4 hours or less, a kindergarten may be provided for the isolation room or area instead of a bed, crib or cot.

3. The child's parent, or a designated responsible person when a parent cannot be reached, shall be contacted as soon as possible after the illness is discovered. Arrangements shall be made for the exclusion of the child from the center.

4. Children who are ill may be transferred to a center or program component licensed for the care of children when all of the following conditions are met:

a. With the consent of the parent.

b. When the written health policy of the center allows ill children to remain.

c. When medical consultation from a physician or local health department is available to the center in establishing policy for the management of ill children.

(d) *Communicable disease.* 1. When a child is suspected of having a communicable disease or condition such as, but not limited to, chickenpox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, lice, ringworm of the scalp, scarlet fever, whooping cough, diphtheria or meningitis, the county or city public health nurse shall be notified.

2. When a diagnosis of a communicable disease is made, the exposed children shall be watched for symptoms of the disease and the parents shall be notified as specified in sub (6).

3. A child may be readmitted without a statement from a physician after a communicable disease if the child has been absent for a period of time designated by the department.

(e) *Medication.* 1. No prescriptive medication or nonprescriptive medication such as, but not limited to, aspirin, cough medicine or nose drops may be given to a child except under the following conditions:

a. A signed, dated, written authorization of the parent is on file.

b. Prescription 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.

c. Non-prescriptive medication is labeled with the child's name and the request, signed by the parent, includes dosage and directions for administering.

d. A written report including type of medication given, dosage, time, date and the name of the person administering the medication shall be kept in the child's record and the center medical log as specified in HSS 55.31 (8).

2. Medication shall be kept under lock and key or otherwise inaccessible to children.

3. Medication requiring refrigeration shall be kept in a designated separate covered container clearly labeled "Medication".

(f) *Personal cleanliness.* 1. Children's hands shall be washed with soap and water before eating and after toileting. Children's hands and faces shall be washed after meals.

2. Persons working with children shall wash their hands with soap and water before handling food and after assisting with toileting.

3. Individual washcloth, comb and toothbrush shall be kept in a sanitary condition when used at the center.

4. Wet or soiled clothing shall be changed promptly from an available supply of clean clothing which shall be available.

(g) *Accident or injury.* 1. A written description of procedures for the treatment of accidents and injuries shall be included in the health policy and be made known to staff including:

a. Procedure to be followed in bringing the child to emergency medical care.

b. Routine procedures for treatment of minor injuries.

c. First aid measures for serious accidents.

d. A planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility shall be designated and made known to staff and parents.

e. Each center shall have a supply of bandages, tape and band-aids. Superficial wounds shall be cleaned with soap and water only and protected.

f. Written permission from the parents to call the family physician or refer the child for medical care in case of accident or emergency shall be on file at the center. Parents shall be contacted as soon as possible after the emergency has occurred.

2. A record of the accident or injury shall be kept in the child's permanent file and in the center medical log as specified in HSS 55.31 (8).

3. Records of accidents shall be reviewed by the director with staff at least twice each year in order to determine that all possible preventive measures are being taken.

(h) *Physical examination.* Each child shall have an initial examination not more than 6 months prior to, nor later than 90 days or 3 months after admission to a center.

2. Evidence of current physical examination shall be provided by a report signed and dated by a physician licensed in this state or in the state where the examination is done.

3. Each child 2 years of age and older shall have a subsequent physical examination at least once every 2 years thereafter by a physician.

4. Each child under 2 years of age shall be given a physical examination by a physician every 6 months after admission.

**Note:** Children participating in the early and periodic screening diagnosis and treatment (EPSDT) program or other screening program approved by the department meet the requirements of this paragraph.

(i) *Immunization.* 1. Each child shall have an immunization history which states that the child has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, measles, rubella and the month and year each dose was administered (as required by s. 140.05, Stats.). This written statement shall be on file at the center prior to the child's admission

or one of the following compliance alternatives shall be met prior to the child's admission:

a. Signed permission by the parent to have the child immunized in a prompt and timely manner by either a physician specified by the parent or the local public health agency;

b. A statement signed and dated by the parent authorizing the administration of needed immunization through medical arrangements made by the day care center with a physician or local public health agency;

c. Upon written and dated statement by a physician that, in the opinion of the physician, a particular immunization required under s. 140.05, Stats. is or may be detrimental to the health of a particular child, the requirement for that particular immunization shall be waived by the department for that child until it is certified by that physician or another physician chosen by the parent that the particular immunization is no longer detrimental to the health of the child; or

d. Upon written, signed and dated statement by the parent that a particular child is an adherent of a religious belief which precludes immunization, the immunization requirements under s. 140.05, Stats. shall be waived by the department for that child.

2. A written statement from the parent regarding the type and date of any immunization required under s. 140.05, Stats., which is administered to a child after the immunization history has been submitted to the center, shall be on file within 90 days or according to the required immunization schedule.

**Note:** The required immunization schedule is based upon the Advisory Committee on Immunization Practices of the U.S. Public Health Service and described in the compliance form issued by the department under s. 140.05, Stats.

(6) PARENTS. (a) Parents of enrolled children shall be notified:

1. When their child has been exposed to a communicable disease which has been diagnosed or suspected.

2. Of illness or serious injury to the child, immediately.

3. Of minor injury to the child, upon departure from the center.

4. Of the date, time and destination of field trips which require the use of a vehicle.

(b) The center shall be open to visits and observation by the parents during the hours of operation.

(c) The center shall plan opportunities at least twice each year for parent and staff communication regarding the child's adjustment to the program, growth and development.

(d) If religious training is part of the center program, reference to the religious component shall be included in any publicity and the education policy. This information shall be shared with parents.

(e) A copy of the applicable parts of HSS 55 and a copy of the child care policies of the center shall be made available to the parents. Personnel, training or orientation policies need not be included.

(7) **POOLS.** (a) Centers which have swimming places such as pools and beaches located on their premises shall comply with the requirements of ch. H71, Wis. Adm. Code.

(b) The center shall comply with the American Red Cross standards as specified in Subchapter IV—Additional Requirements for Day Camps.

(8) **MISCELLANEOUS ACTIVITIES.** A center which includes in its program watercraft, riflery, archery or horseback riding shall comply with the applicable rules for the activity as specified in Subchapter IV—Additional Requirements for Day Camps.

(9) **PETS.** (a) Dogs and cats shall be vaccinated against diseases for which immunization are available and which present a hazard to the health of children.

(b) Pets suspected of being ill or infested with ectoparasites (external lice, fleas and ticks) or endoparasites (internal worms) shall be removed from the center.

(c) In the event that an animal bites a child, a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children as specified in sub. (5) (g) shall be followed. Parents shall be notified to any action taken by the veterinarian.

(d) Turtles, skunks and poisonous reptiles are prohibited in order to prevent salmonella, rabies and poisoning.

(e) Animal pens shall be kept clean.

(f) Pets shall be kept and handled so as to protect the well-being of both children and pets.

(g) No pets may be in the food preparation areas.

(10) **TRANSPORTATION.** (a) *Scope.* 1. Rules on transportation apply when transportation, including field trips, is contracted or provided by the center. When privately owned, non-center vehicles are provided by volunteers without remuneration to transport children on field trips, transportation rules sub. (10) (b) 1, 2, 3, 7; sub. (10) (c) 2; sub. (10) (d) 2, 3 and sub. (10) (e) 4, 9 do not apply.

(b) *General.* 1. When children are transported in school busses as defined in s. 340.01 (56) Stats. the school busses shall comply with MVD 17, Wis. Adm. Code.

2. When a center provides transportation by any means, it shall assume responsibility for a child between the time and place where the child is picked up until the child is delivered to the parent or to a responsible person designated by the parent.

3. Each center shall maintain a written plan for the transportation of children, as specified in HSS 55.31 (5) which includes:

a. A current list of children transported and methods of taking daily attendance.

b. The schedule of the bus route.

c. The name and address of persons authorized to receive the child if the child is dropped off at other than the child's residence.

d. Procedures to be followed when parent or designated authorized adult is not at home to receive the child.

e. The name of each driver and type of license held and the date of expiration of each license, when transportation is provided by the center. When services are contracted, the name address and telephone number of the contracting firm and the name of an individual representing the firm who may be contacted after hours.

4. A center serving handicapped children shall include within the written plan and then implement safety precautions for the protection of children according to their age and disability.

5. Required emergency information as specified in HSS 55.31 (8) shall be carried whenever children are transported.

6. Smoking is prohibited in the vehicle while children are being transported.

7. When a center charters transportation services, the licensee shall obtain evidence that any vehicle used complies with par. (d) 1 and drivers comply with par. (c) 1.

(c) *Driver.* The driver shall hold a valid Wisconsin operator's license of whatever type is required.

2. When the driver is a paid or unpaid staff member of the center, the driver shall:

a. Sign a waiver authorizing the administrator of the center to obtain a copy of the driver's driving record; or

b. Provide a copy of the driver's driving record.

**Note:** Copies of driving records may be obtained from the department of transportation, division of motor vehicles, bureau of drivers control, Hill Farms state office building, Madison, WI 53702.

3. The driver of a vehicle transporting children shall be 18 years of age or older, under 70 years of age and have at least one year's experience as licensed driver.

(d) *Vehicle.* Any vehicle operated by a center shall be licensed in accordance with the laws of this state.

2. The vehicle used for transporting children shall be in safe operating condition. At 6 month intervals, the licensee shall provide evidence of safe operating condition on forms provided by the department.

3. The vehicle shall be equipped with a first aid kit.

4. The vehicle shall be clean, uncluttered, and free of obstructions on the floors, aisles and seats of vehicles.

5. Any vehicle used to transport children shall be enclosed. Children shall not be transported in a truck, except in the cab.

6. When seat or safety belts are available, they shall be worn by children.

7. Doors shall be locked at all times that the vehicle is moving.

8. In every accident involving a motor vehicle which is transporting children, a copy of the insurance accident report shall be submitted to the department within 5 days after the occurrence.

(e) *Vehicle capacity and supervision.* 1. Children may not be left unattended in the vehicle.

2. There shall be at least one adult supervisor in addition to the driver when there are more than 10 children in the vehicle.

3. There shall be at least one adult supervisor in addition to the driver whenever children under 24 months of age or handicapped children are passengers of the vehicle.

4. The driver shall wait until the child enters the home or is into the hands of a designated authorized adult.

5. Handicapped children and children under 2 years of age shall be given assistance as indicated by their abilities, including leading or carrying them to and from their doorsteps or center to the seat of the vehicle.

6. A seat shall be provided for each child. Allowable rump width in determining seating capacity is 13 inches per child and 20 inches per adult.

7. The driver or adult driver shall be responsible for seeing that children remain seated while the vehicle is in motion.

8. No more than 3 persons including the driver may occupy the front seat of the vehicle.

9. The driver shall conduct evacuation drills of the vehicle at 3 month intervals at the center. The evacuations are to be supervised and verified in writing by a staff person.

(11) **FIELD TRIPS.** (a) When a vehicle is used to transport children on a field trip, staff shall carry required emergency information as specified in HSS 55.31 (8).

(b) Staff to child ratio shall be maintained on field trips. When 9 or more children are involved, the number of adults accompanying children away from the center may be no less than 2.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.35 Infant and toddler care.** (1) **SCOPE.** This section applies to a group day care center providing care and supervision to children under 30 months of age in addition to sections HSS 55.30 through HSS 55.35.

(2) **GENERAL RULES.** (a) Prior to admission, an interview shall be conducted with the child's parent or guardian in order to obtain written information which will aid child caring staff in individualizing the program of care for each child as specified in HSS 55.31 (8). Information shall include:

1. Schedule of meals and feeding.

2. Types of food introduced and time table for new foods.
3. Toilet and diapering procedures.
4. Sleep and nap schedule.
5. Child's way of communicating and being comforted.
6. Developmental and health history.

(b) Admission information for children under 30 months of age shall be on file in the room or area to which the child is assigned and shall be known to the child worker.

(c) At least every 2 months thereafter, child care staff shall meet with parents to update admission information and summarize information on the child's growth, development and behavior in order to coordinate the care of the child in the center and the home.

(d) Each specific group of infants and toddlers shall have at least one regularly assigned child care worker to care for them in order to assure consistency and stability of relationship.

(e) Children under 30 months of age are restricted to floors having grade level exits.

**Note:** Grade level exit is defined to mean an exit without stairs in ch. Ind 60, Wis. Adm. Code.

(3) **DAILY PROGRAM.** (a) Each child shall be allowed to form and follow the child's own pattern of sleeping and waking periods.

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

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

2. Routines such as bedtime, feeding, cleanliness and diapering shall be used as opportunities for language development and other learning experience.

3. While a non-walking child is awake, the child's position and location shall be changed several times.

4. The non-walking child shall have opportunity during each day for freedom of movement such as creeping and crawling in a safe, clean, open, warm and uncluttered area.

5. Infants and toddlers shall be encouraged to play with a wide variety of safe toys and objects as specified in HSS 55.34 (2).

6. Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when a physician has ordered otherwise.

(c) An adult size rocking chair or other adult size seating shall be provided for each child care worker.

(d) The space occupied by permanently erected cribs shall be excluded in making a determination of the 35 square feet (3.3 meters) per child.

(e) When being transported in a motor vehicle, children under 30 months of age shall be fastened securely in a child crash-tested restraint.

(4) FEEDING. (a) Each child under 2 years of age shall be fed on the child's own feeding schedule.

(b) Food and formula brought from home shall be labeled with the child's name and refrigerated if required.

(c) If formula is provided by the center, it shall be of the commercially prepared iron enriched ready to feed type.

(d) When formula is discontinued, the center shall provide and use Grade A vitamin D milk. Use of other types of milk shall be based on the written recommendations of the child's physician.

(e) Excess milk shall be discarded after each feeding. Bottles shall be rinsed after use.

(f) Drinking water shall be offered to the infant and toddler several times daily.

(g) A child unable to hold a bottle shall be held whenever a bottle is given. Bottles may not be propped.

(h) Commercial baby food containers which are opened and foods prepared in the center which are stored, shall be covered, dated and refrigerated. If not used within 24 hours, leftover food shall be discarded.

(i) A child too young to sit in a high chair or feeding table shall be held or placed in an infant seat while being fed. Wide based highchairs with safety straps or feeding tables with safety straps shall be provided for those children not developmentally able to sit at tables and chairs.

(j) Infants shall be encouraged to experiment with self-feeding with hand and spoons. Eating utensils and cups shall be scaled to the size and developmental level of the infants and toddlers.

(k) A variety of nourishing foods shall be offered including cereal, vegetables, fruit, eggs and meat according to the child's developmental level and the parent's feeding plan as specified sub. (2), except that no child may be forced to eat.

(5) DIAPERING AND TOILETING ACTIVITIES. (a) There may be no routine attempt to toilet train infants before 18 months of age.

(b) Wet and soiled diapers and clothing shall be changed promptly.

(c) There shall be a supply of dry clean clothing and diapers sufficient in quantity to meet the needs of each infant.

(d) Children shall be diapered and changed in their own cribs or on a sturdy diapering table. The diapering surface shall be washed with water and germicidal solution after each use or a single use disposable covering which is changed after each use shall be provided.

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(e) If center supplied cloth diapers are used, soiled diapers shall be rinsed in toilets of the water flush type and placed immediately in a plastic lined covered container. Diapers shall be washed by a commercial diaper laundry service.

(f) If parent supplied cloth diapers are used, soiled diapers shall be rinsed and placed in labeled plastic bags which are kept separate from other clothing and sent home daily.

(g) If disposable diapers are used, soiled diapers shall be placed in a plastic lined covered container.

(h) Soiled diapers shall be removed from containers as needed or at least daily for washing or disposal. Containers shall be washed and disinfected daily.

(i) Soiled infant clothing shall be placed in a container separate from diapers.

(j) The hands of the child care worker shall be washed before and after each diapering or assistance with toileting routines, using soap and running water.

(k) The application of lotions, powder or salves to the child during diapering may be done only at the specific directions of the parent or physician. These directions shall be recorded in the child's file and posted in the diapering area.

(l) Each self-contained classroom or area serving infants or toddlers who are diapered, shall have a lavatory (sink) with hot and cold running water in, or immediately adjacent to, the room or area.

(m) A child shall be washed before diapering with a disposable or fabric washcloth which is used once. Washcloths shall be individual to each child.

(n) Washcloths and towels shall be provided for face and handwashing. Washcloths and towels shall be individual to each child and separate from washcloths used for diapering.

(o) Toilet training shall be planned cooperatively between the child's assigned child care worker and parent so that the toilet routine established is consistent between the center and the child's home.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.36 Night care.** (1) **SCOPE.** This section applies to a group day care center which operates during any period of time between 7:00 p.m. and 6:00 a.m. in addition to sections HSS 55.30 through HSS 55.35.

(2) **GENERAL RULES.** (a) Night care may be provided only in centers which offer self-contained classrooms.

(b) The maximum number of children who may be admitted at any one time to a center offering night care is 30.

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

(d) The time which any child attends the center may not exceed 12 hours of any 24-hour period.

(e) Minimum staff child ratios and group size as specified in HSS 55.32 (3) shall be maintained.

1. Child care workers shall remain awake.

2. Children shall be within the sight or sound of a child care worker.

3. At no time may there be less than 2 child care workers on the premises while children are sleeping.

(f) Each child in night care shall have provided by parent or center, individually labeled sleeping garments, washcloth and towel, toothbrush and a special toy or blanket which has meaning to the child, if the child wishes.

(3) PROGRAM. (a) The child care staff shall work with the child's parent to coordinate a plan for the time the child spends at the center with the family schedule.

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

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

(d) School age children shall have an opportunity for reading or school work.

(4) PREVENTIVE MEASURES. (a) Training shall be given to child care staff around special techniques of evacuating sleeping children in an emergency.

(b) Centers operating during hours of darkness shall provide emergency lighting, such as an operable flashlight, for each self-contained room used by children.

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

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

(c) Each child present at the time the evening meal is scheduled shall be served dinner.

(6) PERSONAL CLEANLINESS. (a) Children shall have shower, tub or sponge bath as needed for body cleanliness. When a bathtub is used, fresh water shall be provided for each child and the tub shall be cleaned after each use.

(b) A child care worker shall be in the room while children are bathing.

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

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

(c) A bed or crib shall be provided for each child in night care with sheets and blankets individual to each child.

1. Pillows with pillow cases shall be available to children who choose to use them.

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

3. Rubber sheets shall be provided for children whose enrollment information indicates a tendency to bedwetting.

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

(e) Child care staff shall work with parents to insure consistency between the family and night care center bedtime routines.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.37 Supplemental care for school age children.** (1) **SCOPE.** This section applies to a group day care center serving children who regularly attend programs for part of the day in a facility other than the center in addition to sections HSS 55.30 through HSS 55.36.

(2) **PROGRAM.** (a) The center shall have a written agreement signed by parent or guardian which outlines the plan for transporting the child to and from the center.

(b) The center shall have a planned program which provides a change of pace and interest between school and the center through provisions for:

1. Rest and quiet areas.

2. Recreational activities including outdoor and active play.

3. Freedom for children to select and plan their own activities.

(c) When children 7 years of age and older are served in the same center with children under seven years of age, the program for children 7 years of age and over may not infringe on the required space, equipment, staff or bathroom facilities for the younger group of children.

(3) **STAFF QUALIFICATIONS.** When a center provides care exclusively for children enrolled in a kindergarten or elementary school, the program director or teacher may substitute credits in elementary education, physical education or recreation for the requirements of HSS 55.32 (1).

(4) **FEEDING.** School age children who are in the day care center shall be served meals and snacks when they are present at the time meals or snacks are served.

(a) When breakfast is served, it shall be made available to those children who have not had breakfast.

(b) School age children present at mid-day or evening shall be served lunch or dinner.

(c) School age children present after school shall be served a snack.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.38—HSS 55.39 [RESERVED]**

#### **SUBCHAPTER IV—Additional Requirements For Day Camps For Children**

**HSS 55.40 Scope.** Sections HSS 55.40 to 55.44 apply to all day camps for children.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.41 Organization and administration.** (1) **APPLICATION FOR LICENSE.** (a) An applicant shall file an application and other materials required by the department for a licensure on forms provided by the department.

(b) An application must be filed with the department at least:

1. Sixty days prior to the date the day camp proposes to begin operation.
2. Forty-five days prior to opening an additional day camp.
3. Thirty days prior to changing the address of the base campsite.
4. Thirty days prior to new ownership of the camp.

(c) The application shall be accompanied by the following:

1. The constitution and by-laws of a corporation, association or cooperative.
2. A clearly defined statement of purposes as it relates to the provision of child care services.
3. A signed statement by the applicant of licensee accepting legal responsibility for complying with the rules.
4. A general description of the camp area, geographic location, and size of the campsite.
5. A statement from the state laboratory of hygiene or state approved laboratory indicating that the water source has been tested and found to be safe.
6. The name, address and telephone number of the person to be contacted by the licensing representative for the pre-camp licensing review.
7. A written delegation of administrative authority signed by the licensee, which outlines organizational structure and designates in a chain of command form, those persons on the premises in charge of the camp for all hours of operation.

(2) **AMENDMENT TO LICENSE.** A written request for an amendment to the license shall be submitted to the department by the licensee prior to changes in the conditions of the current license such as maximum number of children, age range of children, hours, days of week, months of the year or change in the name of the camp.

(3) TERMS OF LICENSE. (a) The number of children under 7 years of age present in a day camp at any one time may not exceed the number for which the day camp is licensed.

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

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

(4) ADMINISTRATION. The licensee shall:

(a) Comply with all statutory requirements under which the rules in this chapter were promulgated.

(b) Fulfill the legal responsibility for meeting the rules.

(c) Designate, in writing, a Wisconsin resident is responsible for ensuring compliance with the applicable rules in this chapter, if the licensee resides in another state.

(d) Meet, upon request, with the licensing representative on matters pertaining to licensing.

(e) Provide documentation of insurance coverage by the submission of a certificate of insurance reflecting current dates of coverage for:

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

2. Vehicle liability insurance, when transportation is provided, with minimums no less than those provided in s. 121.53, Stats.

3. Non-owned vehicle liability insurance when transportation is provided by other than camp owned vehicles.

(f) Assure that no person who has been convicted in a court of competent jurisdiction of child abuse or crimes against sexual morality involving children is employed as a worker in a day camp.

(g) Develop and implement written policies which shall be submitted to the department for review on the following:

1. Termination of enrollment of children.

2. Fee payment and refund.

3. Personnel policies, job descriptions, and terms of employment.

(h) Develop and implement written policies which shall be submitted to the department for approval on the following:

1. Admission of children.

2. Program objectives and description of activities designed to carry out the program objectives.

3. Health, nutrition and discipline.

4. Transportation, when provided.

5. Plans for evacuation and other emergencies.
6. In-service training and orientation of staff and volunteers.
7. Supervised swim plan, if applicable.

(i) Make available to the parents, on request, a copy of the applicable parts of HSS 55 and a copy of the child care policies of the camp. Personnel, in-service training and orientation policies need not be included.

(j) Ensure that all published statements such as brochures and publicity are accurate.

(k) Include a reference to the religious component in any publicity and program objectives if religious training is part of the camp program. This information shall be shared with parents.

(5) **REPORTS.** The licensee shall report to the department:

(a) An accident resulting in the death or serious injury of a child while at the camp within 3 days after the occurrence. A serious injury is one requiring the hospitalization of the child as an inpatient.

(b) A natural or man made catastrophe which damages the building or campsite within 24 hours after the occurrence.

(c) A change in the board chairperson of day camp within 30 days of the change.

(d) A change of the day camp director within 7 days of the change.

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

(6) **STAFF RECORDS.** The licensee shall:

(a) Maintain a record file for each employe which is available for examination by the licensing representative and which includes:

1. An application form including name, address, date of birth, education, position, previous experience in child care, name, address and telephone number of person to be notified in an emergency and any record of conviction for child abuse or crimes against sexual morality involving children.

2. Documentation of any pertinent certification or training required for the position.

(b) Have a listing of the name, address, and telephone number of the person to be notified in the event of an emergency involving an employee at the day camp site.

(7) **CHILDREN'S RECORDS.** (a) The licensee shall maintain a current written record file on each child enrolled and make it available to the licensing representative. Each record file shall include:

1. Pre-admission and enrollment information consisting of:

- a. Name and birthdate of child.

- b. Full name of parent.

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- c. 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 person to be notified in an emergency, when a parent cannot be reached immediately.
  - f. Name, 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 the child.
  - h. Dates of camp session in which the child is enrolled.
2. Consent from the parent for emergency medical care or treatment.
  3. Authorization to transport the child to and from the camp, when transportation is provided.
  4. Authorization for the child to participate in and be transported for field trips and other activities if these are part of the camp program.
  5. Specific informed consent from the parent for each incident of participation by a child in any research or testing project. The day camp shall obtain and make available to the department and to the parent a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each such project.
  6. The current health history and any other matters relating to the child's health.
  7. The daily attendance of the child.
- (b) The licensee shall maintain a daily medical log recording any injuries received by or medication dispensed to children.
1. The log shall be in a bound book with pages that are lined and numbered. The pages may not be removed.
  2. Entries shall be in ink and dated and signed or initialed by the person making the entry.
- (8) **DISCRIMINATION.** The licensee shall ensure that the day camp does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, national origin or ancestry against:
- (a) Any employe or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment except where there is a bona fide occupational qualification.
  - (b) Any enrolled child and family or any applicant for enrollment in regard to admission, privilege of enrollment or discharge condition except where it is a reasonable and necessary qualification.
- (9) **CONFIDENTIALITY OF RECORDS.** The licensee is responsible for compliance by the day camp with s. 48.78, Stats., and the following rules:

(a) Children's records are confidential. All persons having access to children's records may not discuss or disclose personal information regarding the children and facts learned about children and their relatives. This does not apply to:

1. The parent or a person authorized in writing by the parent to receive such information.
2. The agency assisting in planning for the child when informed written parental consent has been given.

(b) Day camp shall make accessible to the parent, upon request, all records and reports maintained on their own child.

(c) All records required by the department for licensing purposes are to be available to the licensing representative.

(10) **CHILD ABUSE.** (a) The licensee, who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.981 (1), Stats., shall immediately contact the county welfare agency, sheriff or city police in compliance with s. 48.981, Stats.

(b) The licensee must ensure that every child care worker who comes in contact with the children at the day camp has received training in:

1. Child abuse and neglect laws.
2. The process of identification of children who have been abused or neglected.
3. The process for reporting known or suspected cases of child abuse or neglect.

**Note:** Failure of the licensee to report known or suspected incidents of child abuse or neglect does not lessen the legal duty of the child care worker to report known suspected cases of child abuse or neglect.

(11) **DISCIPLINE.** (a) *Written policy.* Each day camp shall have a written policy on the discipline of children which provides for positive guidance, redirection and the setting of clear-cut limits. It shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

(b) *Delegation.* Only a qualified child care worker may discipline children. Discipline may not be delegated to older children or peers.

(c) *Punishments prohibited.* Punishment which is humiliating or frightening to a child such as, but not limited to the following, is prohibited:

1. Spanking, hitting, pinching, shaking or inflicting any other form of corporal punishment.
2. Verbal abuse, threats or derogatory remarks about self or family.
3. Binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.
4. Withholding or forcing meals, snacks or naps.

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

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.42 Personnel.** (1) **STAFF: PAID AND VOLUNTEER.** (a) Each day camp shall have a person designated as camp director on the premises. The camp director shall meet at least 2 of the following criteria:

1. Be at least 21 years of age.
2. Have at least 2 years prior supervisory or administrative experience in an organized camp or children's program.
3. Have a bachelor's degree in a camp related field such as outdoor education, recreation, social work, psychology, child development or education.

(b) Paid counselors, who are considered in determining counselor child ratio, shall have completed high school or the equivalent as determined by the department of public instruction.

(c) Counselors, paid or volunteer, who are considered in determining counselor child ratio shall be at least 18 years of age.

(d) In the absence of a regular staff member, there shall be a similarly qualified substitute.

(2) **STAFF TRAINING.** (a) Each day camp shall develop a written orientation plan which is submitted to the department and includes, but not limited to, the following:

1. A review of the applicable parts of HSS 55.
2. A review of camp policies and procedures.
3. Job responsibilities in relation to the job description.
4. Training in the recognition of illness of children.
5. Daily activity plans and schedules.
6. Emergency first aid.
7. Emergency plan as specified in HSS 55.43 (2).
8. Training in the use of the fire extinguisher and other fire fighting equipment.
9. Orientation to local poisonous plants and snakes.
10. Child abuse and neglect laws.

(b) The precamp training program shall be a minimum of 3 days or 18 hours, including orientation on the camp site. All paid and volunteer staff who are considered in determining counselor to camper ratio shall have precamp training.

(c) Campers' parents serving as staff may be exempt from the 3 day or 18 hour precamp training program, as specified in par. (b) when the following conditions are met:

1. The parent receives 4 hours of training in day camp programming including the orientation required in par. (a).

2. The parent works under the supervision of a staff person who has met the requirements specified in par. (b).

(d) The camp director shall plan and implement staff meetings which will provide ongoing supervision and in-service training for the staff.

(3) STAFFING. (a) Each child or group of children shall be closely supervised at all times.

(b) There shall be a ratio of at least one counselor to every 3 children under 4 years of age. There shall be a ratio of at least one counselor to every 5 children 4 years of age. There shall be a ratio of one counselor to every 10 children 5 and 6 years of age.

(c) The counselor to child ratio shall be exclusive of administrative and maintenance staff, program specialists or counselors in training.

(d) The camp director may not leave the campsite during the hours of operation unless another qualified person is on the campsite. This person shall be identified in a written delegation of administrative authority and authorized to make decisions.

(e) When children 7 years of age and older are served in the same group or unit with children under 7 years of age, the ratio of counselors to all children in the group or unit shall be consistent with the requirements for the under 7 year old group.

(4) HEALTH QUALIFICATIONS. Staff, volunteers, visitors or parents with symptoms of communicable diseases or physical illness, or whose behavior gives the camp director reasonable concern for the safety of children, are not allowed on the premises of the day camp.

**History:** Cr. Register, May, 1980, No. 293, eff. 8-1-80.

**HSS 55.43 Campsites and facilities.** (1) BUILDING AND SITE. (a) The site shall provide natural resources that allow for an outdoor living experience.

(b) On or off site shelters shall be provided for use during inclement weather for ongoing camp activities.

(c) The campsite shall be located in an area that has good drainage.

(d) Local authorities shall be consulted to obtain any required zoning clearances or building permits.

(e) Buildings and shelters on sites used or constructed primarily for day camp purposes shall comply with applicable state and local building codes and an inspection report shall be filed with the department.

**Note:** This rule shall not apply to buildings or structures on or in public or private parks and picnic grounds, amusement parks or similar sites used primarily for purposes other than the care and supervision of children under 7 years of age and where building has been approved and constructed in accordance with chs. Ind 50-64, Wis. Adm. Code. The department may request subsequent inspections from local authorities where available.

(f) All buildings and structures used by children for day camp purposes shall have not less than 2 plainly marked exits.

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(2) SAFETY. (a) *Protective measures.* 1. Each camp shall have a written plan for emergencies such as, but not limited to, fire, natural disaster, lost campers, lost swimmers, accident or illness.

a. Each staff person shall be informed of duties in the event of an emergency.

b. Evacuation routes shall be known by staff.

c. The location of the nearest telephone shall be known to staff. A list of emergency telephone numbers shall be immediately available to staff.

2. All equipment and facilities used by the children and staff, whether owned by the camp or not, shall be in safe operating condition and not present undue risk to children.

3. Neither alcohol or non-prescribed controlled substances, as defined in s. 161.01, Stats. may be consumed on the premises of the day camp during hours of operation.

4. Natural and man made hazards such as, but not limited to, abandoned refrigerators with doors, open grease traps, unsafe fences, and abandoned excavations shall be eliminated or provided with protective devices.

5. Substances which may be toxic if ingested, inhaled, or handled including, but not limited to, drugs, chemicals and pesticides, shall be clearly labeled and stored in areas not accessible to children.

6. A motor vehicle shall be available for emergency transportation at all times.

(b) *Fire protection.* 1. All fire protection facilities and equipment shall be inspected and maintained in working order by a person qualified to do so.

2. Flammable and combustible liquids shall be in plainly marked 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.

4. Any permits required for operation of incinerators or for open fires shall be secured.

5. The clearing around open fires shall be free of burnable materials for a radius of 6 feet.

(3) SANITATION. (a) *General.* 1. The premises shall be free of litter and in a safe and clean condition.

2. Furnishings and other equipment shall be clean.

3. Toilet facilities shall be in a sanitary condition.

4. Painted exterior and interior surfaces accessible to children shall be 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 shall be kept in

rigid leak proof containers equipped with tight fitting covers and hauled away as necessary to prevent decomposition and overflow at the site.

6. Garbage and rubbish areas shall be cleaned and dry.

7. Solid waste disposal sites on the premises must be licensed by the department of natural resources.

(b) *Insect, rodent, and weed control.* 1. The growth of brush, weeds, grass and plants shall be controlled in the central camp area to prevent the harborage of noxious insects and other animals.

2. The central 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 harborages and infestations.

(c) *Food preparation, service and storage.* 1. When food is provided and served by the day camp, rules concerning kitchens in HSS 55.33 (4) in Subchapter III-Additional Rules for Group Day Care Centers apply.

2. Equipment and utensils used for preparing, serving and storing food shall be clean and facilities equipped for the safe handling of food.

3. Washable dishes provided by the camp shall have smooth hard surfaces which are free of open seams, cracks, chips and roughened areas. They shall be stored in such a manner as not to expose them to contamination.

4. Single service utensils and food containers may not be reused and are to be made from non-toxic materials.

5. Milk is to be maintained at or below 40° F (8° C).

(d) *Water.* 1. A supply of safe drinking water shall be available to children at all times from disposable cups, individually labeled cups or angle jet type drinking fountains. Common use of drinking cups is prohibited.

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 annually and at least 2 weeks prior to the camp opening. The water supply shall be bacteriologically safe.

3. Where running water is not available, a covered drinking water container suitable for pouring or equipped with a faucet shall be provided. Dipping of water is prohibited. The container shall be cleaned daily. The water source shall be from a public water supply or as specified in par. (d) 2. above.

(e) *Washrooms and toilet facilities.* 1. Handwashing and toilet facilities shall be provided and accessible to children.

2. Single use disposable towels or individually labeled clean cloth towels shall be provided and accessible to children.

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3. Soap, toilet paper and waste paper container shall be provided and accessible to children.

4. Privies, when used, shall be constructed according to the requirements of Ind 52.63, Wis. Adm. Code.

5. If devices other than plumbed toilets or privies are used, they shall be subject to local jurisdiction and required permits shall be obtained.

6. Plumbing shall comply with all applicable sections of ch. H62, Wis. Adm. Code.

7. Liquid waste shall be connected to public sewer, if available. If not available, liquid waste disposal shall be in accord with ch. H62, Wis. Adm. Code.

*History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.*

**HSS 55.44 Program qualifications.** (1) **ESSENTIAL PROGRAM QUALIFICATIONS.** (a) There shall be a program of activities planned according to the developmental level of each group of children and which reflects the cultural diversity of the children of the community. The program shall provide each child with experiences which will encourage:

1. An appreciation and understanding of the natural environment.
2. Large and small muscle development.
3. Learning of skills.
4. Self-esteem and a positive self-image.
5. Opportunities for recreation.
6. Social interaction in a group setting.

(b) The program shall provide:

1. Protection from excess fatigue and overstimulation.
2. Flexibility by encouraging spontaneous activities.

(2) **EQUIPMENT.** (a) The camp shall provide program equipment in a variety and quantity which allow staff to implement activities outlined in the written policy of program objectives and activities as specified in HSS 55.41 (4).

(b) All equipment shall be:

1. Scaled to the developmental level, size and ability of the child.
2. Of sound construction with no sharp, rough, loose or pointed edges and in good operative condition.
3. Placed to avoid danger of accident and collision and to permit freedom of action.

(c) Stationary equipment shall be anchored in a manner which will assure stability.

(3) **REST.** When a session is more than 4 hours in length, there shall be a rest or period of quiet activities of approximately one hour for all children under 5 years of age.

(4) **FOOD.** (a) Food shall be provided according to Table 55.44 which is based on the amount of time children are present:

TABLE 55.44

<u>Time Present</u>	<u>Number of Meals and Snacks</u>
2½ to 4 hours	1 snack
4 to 10 hours	2 snacks and 1 meal
10 hours or more	2 meals and 2 or 3 snacks

(b) Camp provided travel time shall be included in determining the total number of hours a child is present for the purposes of par. (a).

(c) Food allergies of specific children shall be known to cooks, counselors and substitutes having direct contact with children.

(d) Meal and snack patterns listed below shall be used in meal planning. Each meal shall provide ⅓ of the daily nutritional requirements of the child.

(e) Noon or evening meals shall consist of at least one item from each of the following categories:

1. Meat, poultry, fish, egg, cooked dried peas or beans, cheese or peanut butter
2. Two vegetables, 1 vegetable and 1 fruit or 2 fruits
3. Cereal produce or whole grain or enriched bread
4. Butter or margarine
5. Grade A vitamin D milk

(f) Snacks (mid-morning, mid-afternoon) shall consist of at least one of the following: milk or milk product, fruit, fruit juice, vegetable, peanut butter, whole grain or enriched bread or cereal. When only fruit juice is used, it shall be pure fruit juice.

**Note:** Camps participating in and meeting the meal requirements of either the United States department of agriculture (USDA) child care food program or summer food service program meet the requirements of pars. (d) and (e) above.

(g) When food such as bag lunches is provided by the parent, the camp shall ensure that each child has a meal that provides ⅓ of the daily nutritional requirements as specified in pars. (d) and (e).

(h) Children's hands shall be washed with soap and water before eating.

(5) **HEALTH.** (a) *Observation.* Each child upon arrival shall be observed by staff person for symptoms of illness.

2. Any evidence of unusual bruises, contusions, lacerations and burns shall be noted on the child's record and reported immediately to the camp director.

(b) *Supervision.* There shall be an adult at the camp at all times who is responsible for health supervision. The adult shall be registered nurse, physician or a person holding a current certificate from the American Red Cross standard first aid and personal safety course.

(c) *Isolation.* 1. There shall be an isolation or first aid area for the care of children who become ill.

2. When an apparently ill child is observed in the day camp, the following procedures shall apply:

a. Children with a sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea, or other illnesses of conditions shall be isolated.

b. Isolation shall be used until the child can be removed from the camp.

c. The child's parent or a designated responsible person when parents cannot be reached shall be contacted as soon as possible after the illness is discovered. Arrangements shall be made for exclusion of the ill child from the camp.

(d) *Communicable disease.* 1. When a child is suspected of having a communicable disease or condition, such as, but not limited to, chicken pox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, lice, ringworm of the scalp, scarlet fever, whooping cough, diphtheria or meningitis, the county or city health nurse shall be notified.

2. When a diagnosis of a communicable disease is made, the exposed children shall be watched for symptoms of the disease and parents shall be notified.

3. A child may be readmitted without a statement from a physician after a communicable disease if the child has been absent for a period of time designated by the department.

(e) *Medication.* 1. No prescription or non-prescription medication such as, but not limited to, aspirin, cough medicine, or nose drops may be given to a child except under the following conditions:

a. A signed, dated, written authorization of the parent is on file.

b. Prescription medication is in the original container and labeled with the child's name, drug, dosage, directions for administering, date and physician's name.

c. Non-prescriptive medication is labeled with the child's name and the request, signed by the parent, includes the dosage and directions for administering.

d. A written report including type of medication given, dosage, time, date and name of the person administering the medication shall be kept in the child's record and the medical log as specified in HSS 55.41 (7).

2. All medication shall be kept under lock and key or otherwise inaccessible to children.

3. Medication requiring refrigeration shall be kept in a designated separate, covered container clearly labeled "Medication".

(f) *Accident or injury.* 1. A written description of procedures for the treatment of accidents and injuries shall be included in the health policy and made known to staff including:

a. Procedures to be followed in bringing the child to emergency medical care.

b. Routine procedures for treatment of minor injuries.

c. First aid measures for serious accidents.

d. 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.

e. First aid equipment shall be available at a designated location in each unit and at the first aid area. Superficial wounds shall be cleaned with soap and water only and protected.

f. First aid equipment shall be taken on all out of camp trips.

g. Written permission from the parent to call the family physician or refer the child for medical care in case of accident or 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.

2. A daily record of the accidents or injuries shall be kept in the camp medical log.

3. Records of accidents shall be reviewed by the camp director with staff as part of the in-service training in order to determine that all preventive measures are being taken.

(g) *Health history.* 1. A health history including dates of immunizations, allergies, limitations that would affect activities and other health conditions shall be furnished by the parent prior to the first day of camp on forms prescribed by the department. This shall be kept on file at the campsite and be available to staff.

(6) **WATERFRONT.** (a) *Swimming area.* 1. Swimming places such as pools and beaches which are used by campers shall be located, constructed, equipped and operated according to the requirements of ch. H 71, Wis. Adm. Code, pertaining to public swimming places.

2. The source and bacteriological, chemical, physical and biological quality of water at pools and beaches shall meet the requirements of ch. H 71, Wis. Adm. Code, pertaining to public swimming places.

3. Swimming pools shall be enclosed with a fence. All gates shall be locked except for periods when the waterfront staff is on duty.

4. The swimming area used by a day camp shall have designated areas for non-swimmers, intermediates, advanced swimmers and divers.

(b) *Waterfront staff.* Each day camp offering aquatic activities such as swimming, boating or canoeing shall have a person designated as waterfront director. The waterfront director shall:

- a. Be 19 years of age or older.
- b. Hold a current Red Cross water safety instructor's certificate or comparable certification such as Boy Scout or national YMCA certificate.
2. The camp shall maintain a ratio of one person with a current Red Cross lifesaving certificate per 25 children in the water except where a public swimming place has life saving personnel on duty. While children are in the water, staff to child ratios shall be maintained by staff who can swim.

3. There shall be a waterfront director or an equally qualified person on duty at all times whenever children are in the water.

(c) *Swimming procedures.* 1. The swimming ability of each child shall be determined and recorded through the use of an American Red Cross test.

2. Children shall be restricted to swimming areas within their swimming classification.

3. A written plan, approved by the department, for the supervision of swimmers shall be developed, implemented and known to staff. The plan shall include:

- a. A system of checking persons in and out of the water.
- b. An emergency "lost swimmers" plan.

(d) No rowboats, canoes, motor boats or other crafts, except lifeboats used by lifeguards, are to be allowed in the swimming areas, as specified in s. 30.68 (7), Stats.

(e) Children shall be closely supervised when they are participating in fishing and shoreline activities.

(7) **WATERCRAFT.** (a) All water craft shall comply with ch. NR5, Wis. Adm. Code.

(b) Each occupant of a watercraft shall wear a type I or II coast guard approved personal flotation device which is appropriate to the weight of the child or adult for whom it is intended.

(c) There shall be at least one adult in each watercraft who is a competent swimmer as determined by the waterfront director.

(d) Children who have not completed beginning swimmer shall be limited to the use of the rowboats only.

(8) **RIFLERY AND ARCHERY.** Riflery and archery may not be part of the program for children under 7 years of age. When riflery and archery are included in the program for older children, the following precautions for the protection of children under 7 years of age shall be observed.

(a) The archery of rifle range may be used only under the supervision of an adult instructor.

(b) Program activities shall be in an area away from the designated archery or rifle range. The range shall be fenced in with rope or wire and marked with danger signs or flags.

(c) Rifles, ammunition, and archery equipment shall be stored under lock and key when not in use.

(d) Unfired cartridges and arrows collected in cleaning the range shall be returned to the instructor and not thrown into the trash or kept by the finder.

(9) **TOOLS.** (a) The use of power tools may not be part of the program for children under 7.

(b) When tools and power tools are not in use, they shall be stored in an area not accessible to children.

(c) Children under 7 years of age may not be allowed in areas where power tools are in use.

(10) **HORSEBACK RIDING.** (a) Rules on horseback riding shall apply whether the camp owns, rents or leases horses.

(b) Children may ride horseback only under close supervision in a ring or other enclosed area.

(c) Riding tack shall be maintained in good repair to provide maximum safety for children. It shall be appropriate to the age, size, and ability of the rider.

(d) Horseback riding shall be specifically covered by the liability insurance.

(11) **PETS AND LIVESTOCK.** (a) Dogs and cats shall be vaccinated against diseases for which immunizations are available and which present a hazard to the health of children.

(b) Pets suspected of being ill or infested with ectoparasites (external lice, fleas, and ticks) or endoparasites (internal worms) shall be removed from the camp.

(c) In the event that an animal bites a child, a veterinarian shall be contacted by camp personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children specified in sub. (5) shall be followed. Parents shall be notified of any action taken by the veterinarian.

(d) Turtles, skunks and poisonous reptiles are prohibited as pets in order to prevent salmonella, rabies and poisoning.

(e) Animal pens shall be kept clean.

(f) Pets shall be kept and handled so as to protect the well-being of both children and pets.

(g) No pets may be in the food preparation areas.

(h) Horses and other farm animals shall be quartered more than 500 feet from central camp buildings, central and unit cooking and dining areas.

(12) **TRANSPORTATION.** (a) *Scope.* 1. Rules on transportation apply when transportation including field trips is contracted or provided by a day camp.

2. These rules do not apply to privately owned, non-camp vehicles which are volunteered without remuneration to transport children.

(b) *General.* 1. Each camp shall maintain a written plan for the transportation of children, as specified in HSS 55.41 (4) which includes:

a. A current list of children transported and methods of taking daily attendance.

b. The schedule of the bus route.

c. The name and address of persons authorized to receive the child if the child is dropped off at other than the child's residence.

d. Procedures to be followed when parent or designated authorized adult is not at the designated drop off point to receive the child.

e. The name of each driver and type of license held and the date of expiration of each license, when transportation is provided by the camp. When services are contracted, the name, address and telephone number of the contracting firm and the name of an individual representing the firm who may be contacted after hours.

2. A camp serving handicapped children shall include within the written plan and then implement safety precautions for the protection of children according to their age and disability.

3. Required emergency information as specified in HSS 55.41 (7) shall be carried whenever children are transported.

4. Smoking is prohibited in the vehicle while children are being transported.

5. When a camp charters transportation services, the licensee shall obtain evidence that any vehicle used complies with par. (d) 1 and drivers comply with par. (c) 1.

(c) *Driver.* 1. The driver shall hold a valid Wisconsin operator's license of whatever type is required.

2. When a driver is a paid or unpaid staff member of a camp, the driver shall:

a. Sign a waiver authorizing the camp director to obtain a copy of the driver's driving record; or

b. Provide a copy of the driver's driving record.

**Note:** Copies of driving records may be obtained from the department of transportation, division of motor vehicles, bureau of drivers control, Hill Farms state office building, Madison, WI 53702.

3. The driver of a vehicle transporting children shall be 18 years of age or older, under 70 years of age and have at least one year's experience as a licensed driver.

(d) *Vehicle.* Any vehicle operated by a camp shall be licensed in accordance with the laws of this state.

2. The vehicle used for transporting children shall be in safe operating condition. At 6 month intervals, the licensee shall provide evidence of safe operating condition on forms provided by the department.

3. The vehicle shall be equipped with a first aid kit.

4. The vehicle shall be cleaned, uncluttered, and free of obstructions on the floors, aisles and seats of vehicles.

5. Any vehicle used to transport children shall be enclosed. Children may not be transported in a truck, except in a cab.

6. When seat or safety belts are available, they shall be worn by children.

7. Doors shall be locked at all times that the vehicle is moving.

8. In every accident involving a motor vehicle which is transporting children, a copy of the insurance accident report shall be submitted to the department within 5 days after the occurrence.

(e) *Vehicle capacity and supervision.* 1. Children may not be left unattended in the vehicle.

2. There shall be at least one adult supervisor in addition to the driver when there are more than 10 children in the vehicle.

3. There shall be at least one adult supervisor in addition to the driver whenever children under 24 months of age or handicapped children are passengers of the vehicle.

4. The driver shall wait until the child enters the home or is into the hands of a designated authorized adult.

5. Handicapped children and children under 2 years of age shall be given assistance as indicated by their abilities, including leading or carrying them to and from the seat of the vehicle.

6. A seat shall be provided for each child. Allowable rump width in determining seating capacity is 13 inches per child and 20 inches per adult.

7. The driver or adult rider shall be responsible for seeing that children remain seated while the vehicle is in motion.

8. No more than 3 persons including the driver may occupy the front seat of the vehicle.

9. The driver shall conduct an evacuation drill of the vehicle during the first week of each camp session. The evacuations are to be supervised and verified in writing by a staff person.

(13) **DAY TRIPS.** (a) Day trips away from the base camp shall meet the following conditions:

1. Staff shall carry signed parental permission for the emergency medical care of children for all children who go on day trips.

2. The counselor child rates shall be maintained on day trips except that the number of adults accompanying children away from the base camp may be no less than 2.

3. A planned source of emergency medical care in the area to be visited shall be known to staff.

4. A list of children participating in the day trip shall be maintained by a counselor accompanying the children.

(b) Day camps which operate without a base camp and whose program consists primarily of day trips shall submit a proposed itinerary of day trips to the department.

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

### SUBCHAPTER V — Start-up Grants

HSS 55.50 Start-up grants to assure availability of child care. (1) GENERAL INFORMATION. (a) *Statement of intent.* This section regulates the expenditure of funds appropriated to provide start-up grants for newly operating centers, including grants for expansion of existing centers in Wisconsin.

(b) *To whom the rules apply.* The rules in this section apply to all persons, groups and day care centers making application for start-up grants.

(c) *Exceptions to rules.* The department may make an exception to any of the rules for approving start-up grants when it is assured that granting the exception is beneficial to the health, safety and welfare of children.

(d) *Definitions.* The definitions in s. HSS 55.05 (4) apply. In addition:

1. "Child care" means day care for children and includes group care, family care and in-home care.

2. "Division" means the division of community services of the department.

3. "Family care" means the care of a child in a family home other than the child's own home by a responsible person other than the child's parents for a period of time less than 24 hours.

4. "In-home care" means care in the child's own home by someone other than the child's parents on a routine planned basis for a period less than 24 hours.

5. "Newly operating center" means a day care center which has been in operation for a period of less than one year or an existing center making grant application for expansion purposes.

6. "Satellite system" means family day care homes, in-home care providers or a combination of both which are centrally organized, coordinated, and administered as a unit in themselves or as an extension of another center or as part of the educational or training program of an accredited school of social work or school of early childhood education.

7. "Start-up grants" means money payments or a planned series of money payments to an approved applicant to be used for development or expansion of needed child care services. The grants are not loans.

(2) APPLICATION FOR START-UP GRANTS. (a) Application shall be made on a form provided by the department.

(b) Application shall be open to:

1. Individuals or groups planning to establish voluntary non-profit or proprietary child care services;
2. Individuals or groups submitting proposals for:
  - a. A new center;
  - b. Expansion of an existing center or group of centers;
  - c. An innovative program for special needs of the children; or
  - d. Satellite systems of family care, in-home care or a combination of both.
3. Newly operating centers which are experiencing financial difficulties.

(c) The individual, group or center making application shall:

1. Document the need for the specific service to be provided in the area proposed in the plan; and
2. Submit written assurance to the department that the service to be provided will meet the requirements for licensing of the day care centers for children under this chapter.

(d) Application from newly operating centers experiencing financial difficulties shall also include:

1. Documentation of expenditures and income for the total period of operation giving special details of financial problem area;
2. Documentation of need for the service including the target group of parents and children;
3. A detailed operating budget for any period of operation as requested by the department.

Note: A copy of the application form can be obtained by writing: Bureau of Human Resources, Division of Community Services, One West Wilson, P.O. Box 7851, Madison, WI 53707.

(3) USE OF START-UP GRANTS. (a) Grants may be used to:

1. Finance a specific purchase or budget item related to operating costs, including but not limited to:
  - a. Structural changes to meet licensing and building codes;
  - b. Necessary equipment to begin or improve operations; and
  - c. Salary of a staff person or persons for a period not to exceed 12 months;
2. Finance a percentage of the total operating budget for a 12-month period or less; or
3. Substitute for continuation of an in-kind contribution made for a limited period of time which would need to be met by the budget before the program is in full operation, including but not limited to:
  - a. In-kind donation of free rent by a church, agency or building owner for a limited period of time; and
  - b. Voluntary services of staff.

(b) Start-up grants may not be used for a service which could be funded from other community, state or federal sources. This does not, however, preclude the collaborative use of those funds with start-up and improvement grant funds to meet the beginning of a needed service.

(4) **TIME LIMIT.** No subsidy from a start-up grant may extend beyond a 12-month period.

(5) **START-UP GRANTS FOR SATELLITE SYSTEMS OF DAY CARE.** (a) Applications proposing to develop a satellite system of family care, in-home care, or a combination of both shall be accepted only from:

1. An existing center;
2. A licensed agency providing services to parents and children who may need child care;
3. A county department of social services;
4. An accredited college or university offering training in social work or early childhood education; or
5. A corporate community coordinating group concerned primarily with child care.

(b) The satellite system shall have centralized administration which shall include:

1. Recruitment, evaluation and training of the families which will be part of the system;
2. Ongoing training to upgrade the system itself and the quality of the care given;
3. A person who coordinates and supervises the care families in the system and gives or makes available consultation to them on a planned, ongoing basis;
4. An evaluation and approval of each child served and a central file of pertinent data on each child and family; and
5. Centralized bookkeeping.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

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