

CR 89-147

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RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gerald Whitburn, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Day Care Centers were duly approved and adopted by this department on January 9, 1990.

(Subject)

(Date)

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 10:00 a.m. in the city of Madison, this 9th day of January A.D. 1990.



Secretary

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1) and (15)(j), Stats., the Department of Industry, Labor and Human Relations creates; amends; repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter (s):

Chapter ILHR 60 Day Care Centers
(Number) (Title)

The attached rules shall take effect on first day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this

date: January 9, 1990

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS



Secretary



RULES in FINAL DRAFT FORM

Rule: Chapter ILHR 60

Relating to: Day Care Centers

Clearinghouse Rule No.: 89-147

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ch. ILHR 60 Part I, Part II, Part III (titles) and ILHR 60.20 to 60.25; and to repeal and recreate ILHR 60.001, relating to day care centers.

Analysis of Proposed Rules

Statutory authority: ss. 101.02(1) and 101.02(15)(j), Stats.
Statutes interpreted: ss. 101.11(1), Stats.

The Wisconsin Department of Industry, Labor and Human Relations is responsible for establishing, administering and enforcing building construction regulations to protect the life, health, safety and welfare of the occupants of public buildings. In 1974, the department implemented specific rules for day care centers.

In 1988, a special committee was established by the Legislative Council to study the administration and regulation of child care services and facilities in this state. In response to this special committee's recommendation, the Department of Industry, Labor and Human Relations (DILHR) has been working with the Department of Health and Social Services to consolidate the administration of small family day care operations under one state agency and to review, evaluate and revise the regulations for these types of operations which are typically accommodated within one- or 2-family dwellings.

In light of the fact that the Department of Health and Social Services has more direct and on-going contact with day care centers for the purposes of their licensure, it was decided to consolidate the regulation of the small family day care operations totally within DHSS. The Department of Health and Social Services has developed administrative rules which include building construction requirements for day care centers serving 4 to 8 children. The rules, ch. HSS 45, went into effect on September 1, 1989. The purpose of this rule package is to permanently codify this department's emergency rules which eliminated DILHR's requirements for these types of facilities serving 4 to 8 children. The Department of Industry, Labor and Human Relations still will administer and enforce its building construction rules for day care centers accommodating 9 or more children.

SECTION 1. ILHR 60.001 is repealed and recreated to read:

ILHR 60.001 SCOPE. (1) (a) The requirements of this chapter shall apply to all buildings or parts of buildings which accommodate public or private day care centers for 9 or more children.

(b) The requirements of this chapter shall not apply to public school programs defined ins. 115.01 (1), Stats, or private school programs defined in s. 121.51 (3), Stats., or to short-time programs such as Boy Scouts, Girl Scouts, Sunday school and similar type programs.

Note: Refer to ch. HSS 45, rules of the department of health and social services for requirements pertaining to day care centers serving 4 to 8 children.

(2) Chapters ILHR 50 to 53 are applicable for general and structural design requirements. Chapters ILHR 63 and 64 are applicable to newly constructed day care centers and to alterations to mechanical systems.

(3) School age day care programs for children 5 years of age and older shall comply with the requirements of one of the following chapters:

(a) Ch. ILHR 56 - Schools and Other Places of Instruction; or

(b) Ch. ILHR 60 - Child Day Care Facilities.

SECTION 2. Chapter ILHR 60 Part I (title) is repealed.

SECTION 3. Chapter ILHR 60 Part II is repealed.

SECTION 4. Chapter ILHR 60 Part III (title) is repealed.

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

Tommy G. Thompson
Governor
Gerald Whitburn
Secretary



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Revisor of Statutes
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**State of Wisconsin
Department of Industry, Labor and Human Relations**

January 10, 1990

Gary Poulson
Assistant Revisor of Statutes
Suite 702
30 West Mifflin Street
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 89-147

RULE NO. Chapter ILHR 60

RELATING TO: Day Care Centers


Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

- 1. Order of Adoption.
- 2. Rules Certificate Form.
- 3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


Gerald Whitburn
Secretary