

(b) Has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the care of children or activities of the home.

(2) The county agency may deny, suspend, revoke or refuse to renew certification and discontinue payment for care if the certified day care operator, day care program employe, provider, assistant to the provider, substitute provider or person living in the family day care provider's home:

(a) Has been determined to have abused or neglected a child pursuant to s. 48.981, Stats.; or

(b) Is the subject of a court finding that the person has abandoned his or her child, has inflicted emotional damage or sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

(3) The county agency may deny, suspend, revoke or refuse to renew certification and discontinue payment for care if:

(a) The provider is not in compliance with certification standards under s. HSS 55.61, 55.62 or 55.63, as appropriate; or

(b) The provider's references or other community information does not support the provider's declaration that he or she is able to provide an acceptable level of child care.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85.

HSS 55.60 Appeal. If a county agency denies, suspends, revokes or refuses to renew a certification, the county agency shall notify the provider in writing and give reasons for the action. The action is reviewable pursuant to ch. 68, Stats., which provides for administrative review of the decisions of local agencies.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85.

HSS 55.61 Standards for family day care and in-home day care. (1) QUALIFICATIONS OF PROVIDERS. (a) Age and ability. 1. The provider shall be at least 18 years of age and shall be physically and emotionally able to provide responsible child care.

2. The provider shall ensure that any person assisting in the care of children is at least 16 years of age and is physically and emotionally able to provide responsible child care.

3. The provider shall ensure that any substitute provider is at least 18 years of age and is physically and emotionally able to provide responsible child care.

4. The provider and any person assisting in the care of the children shall be required to sign a statement affirming that he or she has not been convicted or is not a subject of a pending criminal charge as specified under s. HSS 55.59 (1).

(b) *Health examination.* Within 3 months after provisional certification, as a condition for maintaining certification, the provider and any other adult in daily contact with the children shall submit a statement from a physician certifying that a physical examination, including a test

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for tuberculosis, was completed within the previous 12 months and that the provider or other adult is essentially free from medical conditions which might endanger children in the care of the provider, except as provided under s. 118.25 (2) (b), Stats.

(c) *Training.* A certified provider shall be enrolled in or have completed at least 10 hours of department-approved child care training within 6 months after provisional certification. The county agency may require up to 10 additional hours of department-approved training within that period.

(2) **THE HOME IN FAMILY DAY CARE.** The provider's home and outside play areas shall meet the following requirements:

(a) Each floor level used for child care shall have at least one unblocked exit and at least one smoke detector.

(b) All areas used for child care shall have adequate and safe heat, light and ventilation;

(c) The home shall be free of hazards and the following items shall be kept inaccessible to the children:

1. Medications and drugs;
2. Cleaning supplies, poisons and insecticides;
3. Guns, knives, scissors and sharp objects;
4. Matches, cigarette lighters and flammable liquids;
5. Plastic bags; and
6. Litter and rubbish;

(d) Indoor and outdoor areas used for child care shall include sufficient space for play and for activities which meet the developmental needs of the children in care;

(e) Outdoor play areas shall be free of hazards and shall be fenced or the provider shall take special measures to ensure the safety of the children;

(f) Pets that are kept in the home shall be tolerant of children and vaccinated against rabies;

(g) The home shall have at least one telephone in working order with a list of emergency numbers posted by each telephone, including numbers for the rescue squad, police, fire station, emergency medical care and poison control center;

(h) The provider shall use an enrollment form which includes:

1. The parents' home and work phone numbers;
2. The parents' signed consent for emergency medical care; and
3. A name and number to call if the child requires emergency medical care;

(i) The provider shall maintain first-aid supplies and shall wash superficial wounds with soap and water before bandaging;

(j) The home shall be kept clean, uncluttered and free of insects and rodents;

(k) Bathrooms, including toilets, sinks and potty chairs, shall be kept clean and in good working condition;

(l) When a public water supply is not available, the well water shall be tested and found to be bacteriologically safe by the state laboratory of hygiene or a state-approved laboratory at least annually;

(m) Areas, equipment and utensils for food preparation, serving and clean-up shall be kept clean and sanitary; and

(n) Children may not share cups, eating utensils, washcloths or towels.

(3) **THE HOME FOR IN-HOME CARE.** When a provider cares for children in the children's own home, the provider shall comply with requirements in sub. (2) (c), (e), (h), (i) and (m).

(4) **CHILD HEALTH CARE.** (a) Except for school-age children, the provider shall have a current report of a health examination by a licensed physician or a Christian Science practitioner on file for each child as follows:

1. For a child under 2 years of age, a report of a physical examination performed within the past 6 months; and

2. For a child 2 years of age or older, a report of a physical examination performed within the past 2 years.

(b) If a child is participating in the early and periodic screening diagnosis and treatment (EPSDT) program or other department-approved health screening program, the requirement of par. (a) shall be considered met.

(c) The provider shall have on file a written record, signed by the parents of each pre-school child, verifying that the child has been immunized in compliance with s. 140.05 (16), Stats., and ch. HSS 144.

(d) The provider may administer medication to a child only in accordance with written and signed permission from the child's parent.

(5) **MAXIMUM NUMBER OF CHILDREN.** (a) In this subsection, "the provider's own children" means the provider's natural children, foster children and relatives who are children and reside 24 hours a day with the provider. A provider's own children 7 years old and older may not be counted in determining the maximum number of children allowed under par. (b).

(b) As indicated in Table 55.61 (5), a certified provider of day care may take care of no more than 3 children under the age of 7 in addition to the provider's own children and other children ages 7 to 11 at any one time, and:

1. No more than a total of 6 children;

2. No more than a total of 5 children if 3 of the children present are under the age of 2;

3. No more than a total of 4 children if 4 of the children present are under the age of 2; and

4. No more than a total of 3 children if all 3 are under one year of age.

Table 55.61 (5)
MAXIMUM NUMBER OF CHILDREN IN CERTIFIED DAY CARE
I — CHILDREN 2 YEARS OF AGE AND OLDER

Provider's Children Under 7 Years of Age	Maximum Number of Additional Children Under 7 Years of Age	Additional Children Ages 7 to 11	Maximum Total Number of Children *
0	3	Additional Children	6
1	3	Ages 7 to 11	6
2	3	May be Cared	6
3	3	For As Long As The	6
4	2	Maximum Total Number	6
5	1	of Children Is Not	6
6	0	Exceeded	6

* The maximum total does not include the provider's own children 7 years of age and older.

**II — LIMITATIONS ON GROUP SIZE WHEN CHILDREN UNDER THE AGE OF 2
YEARS ARE PRESENT**

Number of Children Under the Age of 2 Years	Maximum Total Number of Children *
0	6
1	6
2	6
3	5
4	4
3 (all under 1 year)	3

* The total does not include the provider's own children 7 years of age and older.

(6) **PROVIDER INTERACTIONS WITH CHILDREN.** The provider shall interact with the children in a caring and positive manner and:

(a) Shall protect children in care from danger and be aware of where each child is at all times;

(b) Shall make known to interested parents and the county agency whether he or she is prepared and equipped to care for handicapped, abused, neglected or other children with special care needs;

(c) May not hit, spank, pinch, shake or inflict any other form of corporal punishment on the child, or use any discipline which is frightening to the child; and

(d) May not verbally abuse or threaten a child or make derogatory remarks about the child or the child's family.

(7) **ACTIVITIES AND EQUIPMENT.** (a) The provider shall implement a program of learning and play activities. Activities shall include:

1. A balance of active and quiet play for each child daily;
2. Both indoor and, weather permitting, outdoor activities for each child daily;
3. Opportunities for each child to play with a variety of toys and equipment;
4. Opportunities for each child to be involved in a variety of activities during a week;

5. Activities specifically for children under 1 year of age, if these children are present; and

6. Activities specifically for children from 1 to 2 years of age and for children 2 years and older, if these children are present.

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

(8) TRANSPORTATION. When transporting children the provider shall ensure that:

(a) The driver of the vehicle holds a valid Wisconsin operator's license;

(b) The vehicle is registered in Wisconsin;

(c) Each child under the age of 4 is properly restrained in a child safety restraint system or in a seat belt in accordance with s. 347.48, Stats.; and

(d) Children 4 years of age or older wear seat belts when seat belts are available.

(9) MEALS AND SNACKS. The provider shall ensure that each child receives proper nourishment while in day care as follows:

(a) Each child shall be served one meal or snack at least once every 3 hours;

(b) Each child in attendance for 4 or more hours shall be served a noon or evening meal which consists of a protein food, fruit and vegetable, a cereal or bread product and pasteurized grade A vitamin D milk; and

(c) Each infant who is unable to hold his or her own bottle shall be held for bottle feeding. Bottles may not be propped.

(10) REST. The provider shall ensure that each child has a clean, comfortable and safe place to rest as follows:

(a) Each child shall be allowed to have undisturbed rest or a nap, when needed, in a place that is clean, safe and comfortable; and

(b) Each child shall have a personal clean sheet or blanket or both and pillowcase if a pillow is used.

(11) PROVIDER AND PARENT COMMUNICATION. The provider shall ensure ongoing communication with a child's parent by:

(a) Allowing parents to visit and observe the program of child care during any hours that care is being provided;

(b) Talking to each child's parent at least once a week about his or her child's development, activities, likes and dislikes;

(c) Developing written information which specifies the charge for day care and the expected frequency of payment for the service; and

(d) Making a copy of the applicable certification standards available to each parent.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85; emerg. r. (1) (d), eff. 11-5-85; r. (1) (d), Register, April, 1986, No. 364, eff. 6-1-86.

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HSS 55.62 Standards for school-age programs. School-age day care programs shall meet the following standards in order to be certified:

(1) **PERSONNEL.** (a) *Director.* Each school-age day care program shall have a person designated as director. The director shall:

1. Be at least 21 years of age; and
2. Have had at least one year of child care or administrative experience with preschool or school-age children or have completed 40 classroom hours of training in at least one of the following areas: child development, early childhood education, elementary education, child guidance, physical education, recreation or other department approved training;

(b) *Program leader.* A program leader shall be designated by the program director to plan and implement the daily activities for a designated group of children. The program leader shall:

1. Be at least 18 years old;
2. Have completed high school or its equivalency;
3. Have had 80 working days experience working with school-age children; and
4. Have completed 20 classroom hours of training in at least one of the following areas: child development, early childhood education, elementary education, child guidance, physical education, recreation or other department-approved training;

(c) *Program assistant.* A program assistant shall:

1. Work under the supervision of a program leader;
2. Be at least 18 years old; and
3. Have completed or be enrolled in 10 classroom hours of training in at least one of the following areas: child development, early childhood education, elementary education, child guidance, physical education, recreation or other department approved training;

(d) *Substitutes.* In the absence of a regular staff member, there shall be a similarly qualified substitute who is at least 18 years old, but when the regular staff member is not expected to be absent for more than 3 days a person not meeting the educational qualifications under par. (a), (b) or (c) may substitute for the regular staff member if a qualified person is not available.

(e) *Staff records.* The school-age day care program shall maintain a record for each employe which is available to the county agency and includes: