

CR 83-212

CERTIFICATE

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STATE OF WISCONSIN)
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DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

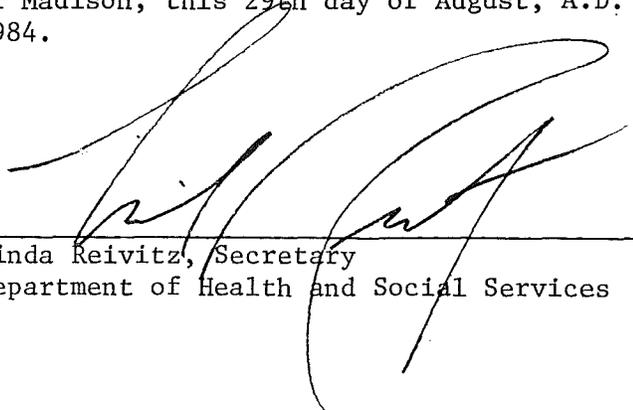
AUG 29 1984
2:15 pm
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed rules relating to day care centers for children were duly approved and adopted by this Department on August 29, 1984.

I further certify that this 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 the State Office Building, 1 W. Wilson Street, in the city of Madison, this 29th day of August, A.D. 1984.



Linda Reivitz, Secretary
Department of Health and Social Services

SEAL:

11-2-84

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AUG 29 1984

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND RECREATING RULES

Division of Statutes
Bureau

To repeal and recreate HSS 55.01 to 55.44, relating to day care centers for children.

Analysis prepared by the Department of Health and Social Services

The rules are revised to correct language and numbering errors, to consolidate duplicative requirements and to make certain requirements clearer and consistent with other existing rules. The staff-to-child ratio is modified in minor ways for all 3 types of day care, family care, group care, and day camps. Definitions of "infant" and "toddler" have been revised and definitions for "parent cooperative," and "supervision of staff" have been added. In addition, children in group lessons to develop a talent or skill for no more than 2 hours a day or 5 hours a week, and care in seasonal programs for not more than 10 days in a 3-month period have been excluded from licensing requirements under this chapter. The section on transportation has been rewritten to more clearly specify the requirements.

Pursuant to authority vested in the Department of Health and Social Services by s.48.67, Stats., the Department of Health and Social Services hereby repeals and recreates rules interpreting s.48.65, Stats., as follows:

SECTION 1. HSS 55.01 to 55.44 are repealed and recreated to read:

CHAPTER HSS 55
DAY CARE FOR CHILDREN

SUBCHAPTER I - GENERAL PROVISIONS

HSS 55.01 Scope
HSS 55.02 Authority and Purpose
HSS 55.03 Applicability
HSS 55.04 Definitions
HSS 55.05 Licensing Administration
HSS 55.06 Complaints
HSS 55.07 Non-Discrimination,
Confidentiality and
Reporting Child Abuse
HSS 55.08 Pets and Livestock
HSS 55.09 Transportation
HSS 55.10 Pools
HSS 55.11 Severability

SUBCHAPTER II - ADDITIONAL REQUIRE-
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CARE CENTERS

HSS 55.20 Scope
HSS 55.21 Operational Requirements
HSS 55.22 The Day Care Provider
HSS 55.23 The Home
HSS 55.24 The Child
HSS 55.25 Additional Requirements
for Infant and Toddler Care
HSS 55.26 Additional Requirements
for Night Care
HSS 55.27 Additional Requirements for
Care of School-Age Children

SUBCHAPTER III - ADDITIONAL REQUIRE-
MENTS FOR GROUP
DAY CARE CENTERS

HSS 55.30 Scope
HSS 55.31 Operational Requirements
HSS 55.32 Personnel
HSS 55.33 Physical Plant and
Furnishings
HSS 55.34 Program
HSS 55.35 Additional Requirements for
Infant and Toddler Care
HSS 55.36 Additional Requirements for
Night Care
HSS 55.37 Additional Requirements for
Care of School-Age Children

SUBCHAPTER IV - ADDITIONAL
REQUIREMENTS FOR DAY
CAMPS FOR CHILDREN

HSS 55.40 Scope
HSS 55.41 Operational Requirements
HSS 55.42 Personnel
HSS 55.43 Campsite and Facilities
HSS 55.44 Program

PREFACE

Section 48.65, Stats., requires that persons operating day care centers for children be licensed. The legislative history of s.48.65, Stats., clearly indicates that it not only includes family and group day care centers but also day camps which provide, for compensation, care and supervision for 4 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 unique differences in the environmental and the programmatic aspects of each type of care.

The statute 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. Chapter HSS 55 represents the minimum level of acceptable care that a licensee must 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 minimal standards, or with certification of day care providers for purchase of services with public funds.

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 and encourages healthy intellectual and emotional development.

Whenever the rules in this chapter indicate that materials such as a request for a variance, an application for licensure or a complaint about a center are to be sent to or may be requested from the department, the specific departmental agency to contact is the department's regional office serving the geographic area of the state in which the day care center is located. If the regional office address is unknown to the day care center operator, a parent or other interested person, then he or she may get the address from the Office for Children, Youth and Families, Division of Community Services, P.O. Box 7851, Madison, WI 53707 (608-266-3036).

SUBCHAPTER I - GENERAL PROVISIONS

HSS 55.01 SCOPE. Sections HSS 55.01 to 55.08 apply to all licensed day care centers for children.

HSS 55.02 AUTHORITY AND PURPOSE. (1) AUTHORITY. Subchapters I, II, and III are promulgated under the authority of s.48.67, Stats.

(2) PURPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of children in day care centers in Wisconsin.

(3) CONSTRUCTION. This chapter shall be liberally construed to effect the purpose in sub. (2).

(4) EXCEPTION TO RULES. The department may grant a variance to a requirement of this chapter when it is assured that the health, safety and welfare of the children served will not be jeopardized. A request for a

variance shall be in writing, shall be sent to the department, and shall include justification for the requested action and an explanation of the alternative provisions planned to meet the intent of the rule.

HSS 55.03 APPLICABILITY. This chapter applies to all licensed day care centers, whether the facility in which the child care and supervision is provided is known as a day care center, family day care, day camp, camp, day nursery, nursery school, preschool, head start or other designation, but does not include:

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

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

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

(4) Care and supervision in emergency situations.

HSS 55.04 DEFINITIONS. In subchapters I, II, III and IV:

(1) "Assistant child care teacher" means a child care worker who works under the supervision of a child care teacher.

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

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

(4) "Care" means providing for the safety and the developmental needs of a child in a group day care center, family day care center or day camp.

(5) "Child care teacher" means a child care worker who plans and implements daily activities for a designated group of children.

(6) "Child care worker" means an adult in a group day care center who meets the qualifications for child care teacher under s.HSS 55.32(1)(c) or assistant child care teacher under s.HSS 55.32(1)(d).

(7) "Compensation" means salary or wage or other material consideration such as gifts or compensatory labor received for the care and supervision of children. "Compensation" does not include 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 the cooperative arrangements.

(8) "Counselor" means a staff member in a day camp who works directly with children.

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

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

(11) "Department" means the Wisconsin department of health and social services unless otherwise noted.

(12) "Family day care center" means a center that provides care and supervision for 4 to 8 children.

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

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

(15) "Group day care center" means a center that provides care and supervision for 9 or more children.

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

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

(18) "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.

(19) "Parent" means either "parent" as defined in s.48.02(13), Stats., or "guardian" as defined in s.48.02(9), Stats.

(20) "Parent cooperative" means a center organized by parents for their preschool children in which the parents have decision-making authority to establish and change policy, program and personnel practices.

(21) "Parochial or private school" means an educational program which meets all the criteria specified under s.118.165(1), Stats., or as determined by the superintendent of public instruction under s.118.167, Stats.

(22) "Physician" has the meaning prescribed in s.448.01(5), Stats.

(23) "Premises" means a tract of land with buildings, structures or shelters on it.

(24) "Provider" means an adult in a family day care center who works with children.

(25) "Self-contained room or area" means a room separated by permanent walls or an area separated by permanent or portable partitions or dividers acting as a visual barrier which:

- (a) Is reserved for a specific group of children; and
- (b) Contains the indoor equipment and furnishings required for that group.

(26) "Supervision of children" means guidance of the behavior and activities of children for their health, safety and well-being.

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

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

(29) "Volunteer" means a person who agrees to give time, without compensation, to provide transportation or to work with children in a day care center.

HSS 55.05 LICENSING ADMINISTRATION. (1) LICENSING CATEGORIES. Day care centers are divided for licensing purposes into the following categories:

- (a) Family day care centers;
- (b) Group day care centers; and
- (c) Day camps.

(2) LICENSING PROCEDURES. (a) A person making an inquiry to the department about obtaining a day care license shall be:

1. Provided with the relevant parts of this chapter;
2. Given other written materials or listings of publications about establishing a day care center;
3. Offered an opportunity to meet with a departmental representative to discuss the materials;
4. Supplied with the necessary forms if licensing is desired; and
5. Assisted through the licensing process by a departmental representative.

Note: The licensure application form, DCS-102, may be obtained from any department regional office.

(b) An applicant shall file an application and other materials required for the specific category of day care center licensure and licensure renewal on forms provided by the department at least:

1. Sixty days prior to the date proposed for the center to begin operating;
2. Except for day camps, 30 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; and
5. Thirty days prior to new ownership of the center.

(c) Day care centers shall include the following materials when submitting an application for licensure:

1. A clearly defined statement of purpose as it relates to the provision of child care services;
2. A signed statement by the applicant or licensee accepting legal responsibility for complying with applicable parts of this chapter;
3. The articles of incorporation and by-laws if the center is organized as a corporation, association or cooperative;
4. A signed authorization which permits the department to make whatever investigation it considers necessary for the verification of pertinent application information;
5. Specifications regarding the center's premises as follows:
 - a. Family and group day care applicants shall submit a diagrammatic floor plan of the center, including room dimensions and room usage, and a diagram of the outdoor areas, including area dimensions, location and enclosures;
 - b. Day camp applicants shall submit a general description of the camp area, geographic location and size of the base camp; and
 - c. Day camps operating without a base camp and having a program consisting primarily of day trips shall submit the proposed itinerary of day trips to the department.
6. Group day care and day camp applicants shall include a written delegation of administrative authority signed by the licensee which outlines the organizational structure and designates, in a chain of command form, those persons on the premises in charge of the center for all hours of operation;
7. Family day care applicants shall include the names, addresses and telephone numbers of 2 references other than relatives; and

8. Day camp applicants shall include:

a. A statement from the state laboratory of hygiene or a state approved laboratory indicating that the water source has been tested and found to be safe; and

b. The name, address and telephone number of the person to be contacted by the licensing representative for the pre-camp licensing review.

(d) Within 20 working days after receiving an application for initial licensure, a departmental representative shall contact the applicant in person or by phone and develop a check list for the applicant to utilize in meeting pre-licensing requirements, including:

1. Necessary building inspections;
2. Required equipment, furnishings and supplies;
3. Requirements for staffing and staff qualifications;
4. Required safety and sanitation equipment and supplies; and
5. Required written policies and procedures.

(e) When the applicant determines that all requirements on the check list have been met, the applicant shall notify the departmental representative.

(f) Within 20 working days after the notification under par. (e) the departmental representative shall survey the day care center site to determine whether the applicant has complied with all of the requirements.

(g) When the applicant is found to be in compliance with all requirements, the department shall issue a day care center license within 5 working days from the date of completing the survey study.

(h) If the applicant is not in compliance, the department shall specify in writing the areas of non-compliance and the applicant shall have an opportunity to make the necessary changes and shall be re-surveyed within 20 working days after notifying the departmental representative.

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

(4) TERMS OF LICENSE. (a) The number of children under 7 years of age in care of 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 a center's operation may not exceed those specified in the license.

(5) ADDITIONAL LICENSE. A licensee seeking licensure for an additional center location shall demonstrate compliance with applicable parts of this chapter in the operation of the existing center.

(6) CONDITION OF LICENSURE. The department may refuse to grant a license or may revoke a license if the licensee, applicant or proposed or current employe or volunteer:

(a) Is the subject of a pending criminal charge if the charge substantially relates to the circumstances of caring for children or activities of the center;

(b) Has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially related to the care of children or activities of the center;

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

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

(7) 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 shall be based on, but is not limited to, one or more the the following:

1. Failure to provide environmental protections such as heat, water, electricity or telephone service;

2. The licensee, employe or volunteer has been convicted of or has a pending charge for a crime against life or bodily injury;

3. The licensee, employe or volunteer has been convicted of a felony, misdemeanor or other offense or has a pending criminal charge which substantially relates to the circumstances of caring for children or activities of the center; or

4. The licensee, employe or volunteer is the subject of a current investigation for alleged child abuse or neglect pursuant to s.48.981, Stats.

Note: Examples of actions the department will consider in making determinations under s.HSS 55.05(6) and (7), are: abuse and neglect of children; sexual assault; abuse of residents of facilities; crimes against life and bodily security; kidnapping; abduction; arson of buildings or property other than buildings; robbery; receiving property from children; crimes against sexual morality, such as enticing a minor for immoral purposes or exposing minors to harmful materials and interfering with the custody of a child. The list is illustrative. It is not all-inclusive of the types of offenses that may be considered.

(b) An initial order to close may be a verbal order by a departmental representative but shall be approved at a regional administrative level before it becomes effective. The department shall within 72 hours of the approval either permit the reopening of the center or initiate proceedings in accordance with s.227.14(3), Stats., for the revocation of the license to operate. A preliminary hearing on the revocation shall be provided within 10 working days of the initial order to close.

(8) EFFECT OF NOTICE TO REVOKE OR DENY A LICENSE. The department shall provide a center with a written 30-day notice of intent to revoke or deny a license. Upon receipt of that notice 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.

HSS 55.06 COMPLAINTS. All complaints concerning a licensed or illegally operating day care center shall be submitted to the department by telephone, letter or personal interview. Complaints shall be investigated by a licensing representative of the department. A written report of the findings of the investigation shall be sent to the complainant upon request.

HSS 55.07 NON-DISCRIMINATION, CONFIDENTIALITY AND REPORTING CHILD ABUSE. (1) DISCRIMINATION PROHIBITED. The licensee shall ensure that the day care center does not discriminate on the basis of age, race, color, sex, sexual orientation, creed, handicap, national origin or ancestry against:

(a) Any employe or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment as specified in the Fair Employment Act, ss.111.31 to 111.395, Stats.; or

(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 age requirement specified under this chapter.

(2) CONFIDENTIALITY OF RECORDS. The licensee is responsible for compliance by the day care center with confidentiality requirements specified in s.48.78, Stats., and this subsection.

(a) 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 the information; or

2. Any 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 child.

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

(3) REPORTING CHILD ABUSE. (a) A 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 or local law enforcement agency in compliance with s.48.981, Stats.

(b) The licensee shall 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. Identification of children who have been abused or neglected; and

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.

HSS 55.08 PETS AND LIVESTOCK. (1) Dogs and cats that are kept on the premises of a day care center shall be vaccinated against diseases for which vaccines are available and which present a hazard to the health of children.

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

(3) In the event that an animal bites a child, the parent shall be notified and 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 shall be followed. Parents shall be notified of any action taken by the veterinarian.

(4) Turtles, skunks and poisonous reptiles are prohibited from being kept on the premises of a day care center as pets in order to prevent salmonella, rabies and poisoning.

(5) Animal pens shall be kept clean.

(6) Pets shall be kept and handled in a manner which protects the well-being of both children and pets.

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

(8) No horses or other farm animals may be quartered closer than 500 feet from the building in which the day care center is located.

HSS 55.09 TRANSPORTATION. This subsection applies to all center-provided or center-contracted transportation of children, including both regularly scheduled transportation to and from the center and field trip transportation.

(1) GENERAL. (a) The center shall assume responsibility for a child between the time the child is picked up until the child is delivered to the parent or to a responsible person designated by the parent.

(b) Center-provided transportation includes transportation in:

1. Center-owned or leased vehicles;
2. Volunteer or staff-owned vehicles for which the volunteer or staff is reimbursed for the use of the vehicle; and
3. Volunteer or staff-owned vehicles without reimbursement to the owner for the use of the vehicle.

(c) Whenever the center contracts with a firm for the provision of transportation, the center shall ensure that the firm complies with all applicable requirements of this subsection.

(d) When children are transported in school buses as defined in s.340.01(56), Stats., the school buses shall comply with ch. TRANS 300.

(e) When regularly scheduled transportation is provided by the center, the name of each driver, type of license held and the date of expiration of the license shall be on file at the center. When services are contracted, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the center.

(f) The center shall maintain a written plan for regularly scheduled transportation of children between the children's homes and the center, which shall include:

1. A list of children transported and the method of taking daily attendance;
2. The schedule of the transportation route;

3. The name and address of the person authorized to receive the child if the child is dropped off at a place other than the child's residence; and

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

(g) The center shall have written safety precautions to be followed when transporting handicapped children who have a limited ability to respond to an emergency.

(h) Emergency information as required under s.HSS 55.31(8)(a)1.e. and d. and 2. shall be carried in the vehicle.

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

(2) DRIVER. (a) The driver of a center-operated or center-contracted vehicle shall hold a valid Wisconsin operator's license for the type of vehicle being driven.

(b) The center shall have a copy of the staff member's driving record on file before that person may act as a driver. The driver shall:

1. Sign a waiver authorizing the administrator of the center to obtain a copy of his or her driving record; or

2. Provide the administrator with a copy of his or her driving record.

Note: Copies of driving records may be obtained from the Department of Transportation, Division of Motor Vehicles, Bureau of Driver Licensing, P.O. Box 7918, Madison, WI 53707.

(c) The driver of a vehicle shall be at least 18 years of age but under 70 years of age and have at least one year of experience as a licensed driver.

(3) VEHICLE. (a) All center-provided or center-contracted transportation vehicles shall be registered by the state of Wisconsin.

(b) Center-owned vehicles shall be in safe operating condition, and at 6-month intervals the licensee shall provide the department with evidence of the vehicle's safe operating condition on forms provided by the department.

Note: Form DCS-52, Safety Inspection for Day Care Vehicles, may be obtained from any department regional office.

(c) Center-owned vehicles shall be equipped with a first aid kit.

(d) All vehicles shall be clean, uncluttered, and free of obstructions on the floors, aisles and seats.

(e) All vehicles shall be enclosed. Children may not be transported in a truck except in the cab.

(f) When seat belts are available, children 4 years of age and older shall wear them.

Note: Section 347.48(1), Stats., in effect requires that most automobiles belonging to Wisconsin residents be equipped with seat belts.

(g) When children under the age of 4 are being transported in a motor vehicle each child shall be properly restrained in a child safety restraint system or in a seat belt in accordance with s.347.48, Stats.

(h) Doors shall be locked at all times when the vehicle is moving.

(i) A copy of any accident report shall be submitted to the department within 5 days after the occurrence of an accident involving a vehicle transporting children.

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

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

(c) There shall be at least one adult supervisor in addition to the driver when there are more than 10 children under 5 years of age in the vehicle.

(d) There shall be at least one adult supervisor in addition to the driver when there are more than 17 children 5 years and older in the vehicle.

(e) After transporting a child to his or her destination, the driver shall wait until the child enters the building or is in the hands of a designated authorized adult.

(f) A seat shall be provided for each child. Allowable width in determining seating capacity is 13 inches for a child and 20 inches for an adult.

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

(h) No more than 3 persons, including the driver, may occupy the front seat of a vehicle.

(i) The driver of a center-owned vehicle shall conduct vehicle evacuation drills initially and at 3-month intervals. The evacuations shall be supervised and verified in writing by a staff person.

HSS 55.10 POOLS. A center which has a pool, beach, or other swimming place on its premises shall comply with:

- (a) The requirements of ch. HSS 171; and
- (b) American Red Cross standards as specified in s.HSS 55.44(7) and (8).

HSS 55.11 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.

SUBCHAPTER II - ADDITIONAL REQUIREMENTS
FOR FAMILY DAY CARE CENTERS

HSS 55.20 SCOPE. Sections HSS 55.20 to 55.26 apply to all licensed family day care centers.

HSS 55.21 OPERATIONAL REQUIREMENTS. (1) ADMINISTRATION. The licensee shall:

(a) Comply with all applicable statutes under which the requirements in this chapter are promulgated;

(b) Comply with all applicable requirements in this chapter;

(c) 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 for each occurrence.

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

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

(d) Make written information available to parents on enrollment practices, including admission and termination of enrollment; fees and absences; health practices, including illness and injuries; nutrition; daily activities of the children; and discipline;

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

(f) Ensure that all published statements, such as brochures and publicity, are accurate.

(2) 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 48 hours after the occurrence. In this paragraph, "serious injury" means one requiring inpatient hospitalization of the child;

(b) A catastrophe resulting in damage to the center, within 24 hours after the occurrence; and

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

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

1. Enrollment information as prescribed under s. HSS 55.31(4)(a)1.
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 written 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 project; and
5. Documentation of the child's most recent physical examination, immunization history and other matters relating to the child's health.

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

(c) The licensee shall maintain a daily medical log to record any injuries received by a child or medication dispensed to a child.

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, dated and signed or initialed by the provider.

HSS 55.22 THE DAY CARE PROVIDER. (1) QUALIFICATIONS. (a) The provider shall:

1. Be at least 18 years of age; and
2. Have satisfactorily completed, or be enrolled in, 40 hours of early childhood training which is approved by the department.

(b) The provider shall document 15 hours of training received each year 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 other day care programs.

(c) Family day care providers licensed to care for infants and toddlers shall receive 10 hours of training in infant and toddler care as approved by the department within 6 months after accepting any infant or toddler for care. The training shall be part of the required entry-level training or shall be obtained through continuing education.

(d) 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 shall be determined as follows:

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

2. When children who are 7 years of age or older and 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 total number of children to be served within the licensed capacity.

(b) The maximum number of children that one provider may care for is specified in Table 55.22.

Table 55.22

MAXIMUM NUMBER OF CHILDREN IN FAMILY DAY CARE, PER PROVIDER

Children Under 2 Years of Age	Children 2 Through 6 Years of Age	Maximum Number of Children in a Group	Maximum Number of Additional Children in First Grade or Above in Care for Fewer than 3 Hours a Day
0	8	8	0
1	7	8	0
2	5	7	1
3	2	5	3
4	0	4	2

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

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

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

(f) A second adult shall be available within 5 minutes for emergencies. There shall be a dated and signed statement with the name, address and telephone number on file certifying the second person's availability and agreement to serve.

(g) In the event of the provider's absence, the licensee shall ensure that a substitute provider is on the licensed premises during any period that enrolled children are present. The substitute provider may be the same person as the person designated to be on-call for emergencies.

(h) The adult on-call for emergencies and the substitute provider shall receive an orientation to the operation of the home which includes:

1. The procedure for evacuation and other emergencies;
2. The location of the daily attendance sheet and emergency information for children; and
3. The written information specified in s.HSS 55.21(1)(d).

(i) 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, except volunteers, shall have a health examination within 6 months prior to beginning work or within 30 days after beginning work. The report shall be dated and signed by a licensed physician, be on file in the center and certify that:

1. The person is free from illness detrimental to young children, including tuberculosis; and
2. The person is physically able to work with young children.

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

HSS 55.23 THE HOME. (1) GENERAL REQUIREMENTS. (a) Building. 1. The licensee shall maintain a report of inspection which indicates that the building has been approved for use as a family day center by an inspector employed or certified by the department of industry, labor and human relations. 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.

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, the furnace room, and that part of the kitchen occupied by stationary equipment and furniture not intended for children's use.

3. The inside temperature of the building shall not be less than 67° F (20° C).

(b) Protective measures. 1. 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 are 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, including 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. Fire extinguishers shall be operable at all times, inspected once a year by a person qualified to do so and bear a label indicating their present condition and date of the last inspection.

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

7. Each center shall have an evacuation plan for fire, tornados and other emergencies and shall practice emergency evacuation procedures monthly.

8. The center shall have at least one telephone with a list of emergency telephone numbers such as the local rescue squad, fire department, law enforcement agency, child protective services and emergency medical service posted by each telephone.

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

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

11. Alcohol and non-prescribed controlled substances as specified in s.161.01, Stats., may not 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 used 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 found 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, rough, loose or pointed edges. The furnishings shall include:

(a) Table space and sufficient seating for each child;

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

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

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

(e) Low shelves for equipment used daily by the children.

(3) KITCHENS. (a) Equipment. Equipment and utensils for preparing, serving and storing food shall be clean and equipped for 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; and

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 a home-type dishwasher with a temperature setting of between 130 and 150° F. (54° to 66° C.), dishes and utensils shall be washed, using soap or detergent, and rinsed in the dishwasher. Where dishwashers are equipped with automatic sanitizers, the sanitizers shall be used.

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 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 are pasteurized and meet the Grade A milk standard of the department of agriculture, trade and consumer protection 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. 1. Food shall be stored at temperatures which protect against spoilage.

a. 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 likely to spoil quickly if not kept at the proper temperature shall be continuously maintained at 40° F. (4° C.) or below or 150° F (66° C) or above, as appropriate, except during necessary periods of preparation and service.

b. Each refrigerator shall be maintained at 40° F. (4° C.) or lower and each freezer at 0° F. (-17° C.) or lower.

c. Each refrigerator and freezer shall be equipped with a clearly visible, accurate thermometer.

d. Food shall be covered during 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 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 use by the children.

(b) Steps or blocks shall be provided if the washbasin or toilet is 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: Information pertaining to plumbing requirements can be found in ch. ILHR 82.

(5) OUTDOOR SPACE. (a) This subsection applies to any center where children are present for more than 3 hours a day.

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

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

(d) 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 there are hazards nearby, including but not limited to traffic or bodies of water.

HSS 55.24 THE CHILD. (1) PROGRAM. (a) Planned activities shall be designed to expose children to a variety of cultures 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; and
6. Participate in imaginative play.

(b) The daily activities shall be planned according to the age and developmental level of the children 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; and
4. Individual and group activities.

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

(d) Cultural diversity shall be reflected in the program through incorporation of a variety of languages, foods, celebrations and lifestyles.

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

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

(b) Only a person meeting the qualifications of a provider may discipline children. Discipline may not be delegated to older children or peers.

(c) Punishment which is humiliating or frightening to a child, including 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 the child or the child's family;

3. Binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle; or

4. Withholding or forcing meals, snacks or naps.

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

(3) EQUIPMENT. (a) Indoor and outdoor play equipment shall be provided and shall be:

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

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

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

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

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

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

Note: Lists suggesting kinds and numbers of equipment for centers are available from a department regional office on request.

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

(4) REST PERIODS. (a) During sessions lasting more than 4 hours, there shall be a nap or rest period of 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 be helped to 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. When sleeping bags are used, the child's head may not rest directly on the floor.

1. When the beds of family members are used by day care children, the beds shall be completely covered with a separate sheet.

2. Each child using a bed, cot or crib shall be provided with an individually identified sheet and blanket which may be used only by that child until it is washed.

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

4. There shall be a complete change of bedding 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 and at least weekly.

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

(5) MEALS AND SNACKS. (a) Food shall be provided based on the amount of time children are present, as specified in Table 55.24.

Table 55.24

MEALS AND SNACKS TO BE SERVED TO CHILDREN IN FAMILY DAY CARE CENTERS	
Time Present	Number of Meals and Snacks
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 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 shall 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; and
3. Grade A vitamin D milk.

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

1. Protein sources, such as meat, poultry, fish, eggs, 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; and
4. Grade A vitamin D milk.

(f) Mid-morning and mid-afternoon snacks shall consist of at least one of the following: milk or a 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.

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

(h) The food served shall:

1. Reflect a variety of cultures and ethnic diversity;
2. Be made known to parents; and
3. Be reported in writing to the department upon request.

(i) When bag lunches or other foods are provided by a parent, the provider shall ensure that each child has a meal that provides 1/3 of the child's daily nutritional requirements as specified in pars. (d) and (e).

(6) HEALTH. (a) Observation. 1. Each child upon daily arrival at the center shall be observed by the provider for symptoms of illness.

2. Any evidence of unusual bruises, contusions, lacerations or 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. A child with a sore throat, inflammation of the eyes, fever, lice, ringworm of the scalp, rash, vomiting, diarrhea or other illness or condition having the potential to affect the health of other persons, shall be isolated;

b. The child who has been isolated 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; and

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 listed in ch. HSS 145, including but not limited to chickenpox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, scarlet fever, whooping cough, diphtheria or meningitis, the local public health officer shall be notified.

2. Whenever it is determined that a child has a communicable disease, the exposed children shall be watched for symptoms of the disease and their parents shall be notified as specified in sub. (7).

3. A child may be readmitted without a statement from a physician after having had a communicable disease only if the child has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department.

(d) Medication. 1. No prescription or non-prescription medications, including aspirin, cough medicine or nose drops, may be given to a child except under the following conditions:

a. A written authorization 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-prescription medication is labeled with the child's name and the request includes dosage and directions for administration; and

d. A written report including type of medication given, dosage, time, date and the name of the person administering the medication is kept in the center's medical log as specified in s.HSS 55.21(3)(c).

2. Medication shall be stored so that it is not accessible to children.

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

(e) Personal cleanliness. 1. Children's hands shall be washed with soap and running 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 running water before handling food and after assisting with toileting.

3. Individual washcloths, combs and toothbrushes 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.

5. Applicable rules under s.HSS 55.25(4) shall apply when children 2 years and older need attention for diapering and toileting.

(f) Injuries. 1. Treatment for injuries shall be planned for and carried out as follows:

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

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

c. There shall be written procedures to be followed for bringing a child to emergency medical care;

d. Each center shall have a supply of bandages, tape and bandaids;

e. Standard first aid practices shall be followed for serious injuries;

f. There shall be routine procedures for treatment of minor injuries; and

g. Superficial wounds may be cleaned with soap and water only and protected.

2. A record of injuries shall be kept in the center medical log required under s.HSS 55.21(3)(c).

(g) Physical examination. 1. Each child, including the provider's children in care, shall have an initial physical examination not more than 6 months prior to nor later than 3 months after admission to a center.

2. Evidence of the most recent physical examination shall be provided by a report signed and dated by a physician.

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

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.

Note: 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. A record of immunizations for each child shall be maintained to document compliance with s.140.05(16), Stats., and ch. HSS 144.

(7) PARENTS. (a) Parents shall be given an explanation of the operating practices and the program of the center before the child is admitted.

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

1. Immediately if the child becomes ill or is seriously injured; and

2. When they pick up the child or when the child is delivered if the child has incurred a minor injury.

(c) The center shall permit parents to visit and observe during the hours of operation.

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

(e) A copy of the applicable parts of this chapter shall be made available to parents.

(f) Parents shall be informed that the center maintains a medical log. Entries regarding a particular child shall be made accessible to the child's parents upon request.

HSS 55.25 ADDITIONAL REQUIREMENTS FOR INFANT AND TODDLER CARE. Family day care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(1) GENERAL REQUIREMENTS . (a) Information obtained on preadmission enrollment forms shall be used to individualize the program of care for each child. At least once every 2 months the provider and the child's parents

shall discuss the child's development and routines. Any changes shall be noted in writing on the special intake forms and dated.

(b) Infants and toddlers are restricted to first floors and ground floors having direct grade-level exits.

(c) Safety gates shall be provided at stairways.

(2) DAILY PROGRAM. (a) Each child shall be allowed to form and follow his or her 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 related to activities such as bedtime, feeding, diapering and toileting shall be used as opportunities for language development and other learning experiences.

3. When a non-walking child is awake, the provider shall change the child's position and location periodically.

4. The non-walking child shall be given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm and uncluttered area.

5. The children shall be encouraged to play with a wide variety of safe toys and objects.

6. Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when health reasons indicate otherwise.

(c) Transportation of infants and toddlers shall be in accordance with requirements under s.HSS 55.09.

(3) FEEDING. (a) Each infant and toddler shall be fed on his or her 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 for children over one year of age and Grade A vitamin D whole milk for children one year and under. Use of other types of milk shall be based on the written recommendations of the child's physician.

(e) Leftover milk or formula 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 the 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-base 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) The children 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 children.

(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, except that no child may be forced to eat.

(4) 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) A child shall be changed on a surface which is individual to the 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 with soap and running water before and after each diapering or assistance with toileting routines.

(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 during diapering with a disposable washcloth or fabric washcloth which may be used only once before being discarded or washed. Washcloths shall be individual to each child.

(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.

HSS 55.26 ADDITIONAL REQUIREMENTS FOR NIGHT CARE. Family day care centers providing care and supervision to children during any time between 7:00 p.m. and 6:00 a.m. shall comply with the additional requirements of this section.

(1) GENERAL REQUIREMENTS. (a) No provider may take care of children for more than 12 hours in any 24-hour period.

(b) The parent or the center shall provide each child in night care with individually labeled sleeping garments, a washcloth, a towel, a 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.

(2) 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.

(3) 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.

(4) SLEEPING. (a) Children who attend the center for the evening hours but do not spend the whole night at the center shall be given an opportunity to sleep.

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

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

(d) A supply of extra sleeping garments and bedding shall be maintained for emergencies and accidents.

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

(f) Pillows with pillow cases shall be available for children who choose to use them.

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

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

HSS 55.27 ADDITIONAL REQUIREMENTS FOR CARE OF SCHOOL-AGE CHILDREN.

Family day care centers serving children who regularly attend programs for part of the day in a facility other than the center shall comply with the additional requirements of this section.

(1) PROGRAM. (a) The center shall have a written agreement signed by the 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 from the school through provision of:

1. Rest and quiet areas;
2. Recreational activities, including outdoor and active play; and
3. Freedom for children to select and plan their own activities.

(2) MEALS AND SNACKS. School-age children who are present in the day care center shall be served meals and snacks 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 shall be served lunch, and those present in the evening shall be served dinner.

(c) School-age children present after school shall be served a snack.

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.

HSS 55.31 OPERATIONAL REQUIREMENTS. (1) ADMINISTRATION. The licensee shall:

(a) Comply with all applicable statutes under which the requirements in this chapter are promulgated;

(b) Comply with all applicable requirements in this chapter;

(c) Designate, in writing, a Wisconsin resident who is responsible for ensuring compliance with all applicable requirements in this chapter, if the licensee resides in another state;

(d) Meet, upon request, with the department 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 for each occurrence;

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

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

(f) Develop written policies on the following subjects, submit them to the department for review and implement them:

1. Termination of enrollment of children;

2. Fee payment and refund; and

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;

(g) Develop written policies on the following subjects, submit them to the department for approval and implement them as approved:

1. Admission, health, education, nutrition and discipline;

2. Transportation, when provided;

3. Plans for evacuation and other emergencies;
4. In-service training; and
5. Orientation of new staff and volunteers;

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

(i) Ensure that all published statements such as brochures and publicity are accurate.

(2) 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 48 hours after the occurrence. In this paragraph, "serious injury" means an injury requiring inpatient hospitalization of the child;

(b) A catastrophe resulting in damage to the building, within 24 hours after the occurrence;

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

(d) A change of any program service at least 5 days prior to the change; and

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

(3) STAFF RECORDS. The licensee shall:

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

1. The name, address, date of birth, education, position, previous work experience in child care including reason for termination, and the name, address, telephone number of persons to be notified in an emergency and a signed statement affirming that he or she has not been convicted or is not the subject of a pending criminal charge as specified under s.HSS 55.05(6) or (7);

2. Evidence of the most recent physical examination as required under s.HSS 55.32(1)(g); and

3. Documentation of educational qualifications for the position, orientation and inservice training as specified in s.HSS 55.32(1) and (2); and

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

(4) CHILDREN'S RECORDS. (a) The licensee shall maintain an up-to-date written record at the center on each child enrolled and make it available to the licensing representative. Each record shall include:

1. Pre-admission and enrollment information consisting of:
 - a. The name and birth date of the child;
 - b. Full names of the parents;
 - c. The child's home address and telephone number;
 - d. Address and telephone number where a parent can be reached while the child is in care;
 - e. Name, address, telephone number and relationship to the child of a person to be notified in an emergency when a parent cannot be reached immediately;
 - f. Name, address and telephone number of a physician or medical facility caring for the child;
 - g. Names, addresses and telephone numbers of persons 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; and
 - i. For infants and toddlers, an up-to-date statement from the parent about the specific habits of eating, sleeping, toileting, communication and comforting;
2. Written consent from the parent for emergency medical care or treatment;
3. Authorization from the parent to transport the child to and from the center, when transportation is provided;
4. Authorization from the parent 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 written 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 project; and
6. Documentation of the most recent physical examination, immunization history, and other matters relating to the child's health.

(b) The licensee shall maintain a written record of 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.

(c) The licensee shall maintain a daily medical log to record any injuries received by a child or medication dispensed to a child.

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, dated and signed or initialed by the person making the entry.

HSS 55.32 PERSONNEL. (1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.

(a) Person with administrative responsibility. 1. The licensee shall designate a person or persons to be the administrator or administrators responsible for the center's management, including personnel, finances, and physical plant maintenance.

2. A designated administrator shall:

a. Be at least 21 years of age; and

b. Have completed high school or its equivalent as determined by the department of public instruction, or hold a certificate, credentials or a diploma from a post-secondary early childhood training program.

3. Prior to assuming the position, a person designated as administrator shall:

a. Have had one year experience as a manager or have satisfactorily completed 40 hours of training in business or program administration; and

b. Have had one year of experience as a program director as described in par. (b), or as a primary child care worker, or have satisfactorily completed 40 hours of department-approved training in early childhood education.

4. A person may meet the requirements of subd. 3 if, prior to assuming the position, he or she has completed the administrative training or experience requirement and is currently enrolled in the early childhood education training, or has completed the early childhood education training or experience and is currently enrolled in the administrative training.

5. Within each subsequent year after assuming the position, an administrator shall complete 15 additional hours of early childhood education, business or program administration as approved by the department. This training shall be in addition to the in-service training required under sub. (2).

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

7. Accumulated hours of training beyond what is required at the entry level, as specified in subd. 3, shall be counted toward meeting each subsequent year's requirement specified in subd. 5.

(b) Program director responsibilities. 1. The licensee shall designate a person or persons to be the program director or program directors responsible for supervision of the planning and implementation of the program and for directing the orientation and in-service training of staff.

2. A designated program director shall:

a. Be at least 21 years of age; and

b. Have completed high school or its equivalency as determined by the department of public instruction, or hold a certificate, credentials or diploma from a post-secondary early childhood training program which is approved by the department.

3. Prior to assuming the position of program director in a center or multi-center agency licensed to serve 40 or fewer children at any one time and operated by the same licensee, the person shall:

a. Have completed 120 working days experience as a half-time worker or 80 working days experience as a full-time worker 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 have been certified by the Wisconsin department of public instruction as a nursery school teacher or an exceptional educational needs teacher or show evidence of meeting the qualifications for certification; and

b. Have earned 2 years of documented credit at an institution of higher education with at least 3 credits equivalent to early childhood education, or have satisfactorily completed 80 hours of department-approved training in early childhood education.

Note: Full-time work experience is considered provision of child care for 4 or more hours a day and half-time work experience is considered provision of child care for under 4 hours but at least 2 hours a day.

4. Prior to assuming the position of program director 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 shall:

a. Have completed 2 years of experience as a child care teacher meeting the qualifications of par. (c) in a licensed day care center, kindergarten or early childhood program approved by the department; and

b. Have earned 2 years of documented credit at an institution of higher education with at least 12 credits equivalent to early childhood education, or have satisfactorily completed 160 hours of training in early childhood education approved by the department.

5. The person designated as program director under subd. 3 or 4 shall each year after assuming the position complete 15 additional hours of training in early childhood education as approved by the department. This training is in addition to the in-service training required under sub. (2).

6. Accumulated hours of training beyond the entry level requirement specified in subds. 3.b. and 4.b. shall be counted toward meeting the annual training requirement specified in subd. 5.

(c) Child care teacher. 1. A child care teacher shall plan and implement the daily activities for a designated group of children.

2. A person who is a child care teacher shall:

a. Be at least 18 years old; and

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

3. Prior to assuming the position, the person who is a child care teacher shall:

a. Have worked for 120 days half-time or 80 days full-time 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 as an exceptional educational needs teacher or show evidence of meeting the qualifications for certification; and

b. Have earned 2 years of documented credit in an institution of higher education with at least 3 credits equivalent to early childhood education, or have satisfactorily completed 80 hours of department-approved training in early childhood education, have Child Development Association (CDA) credentials, or have satisfactorily completed another department-approved competency program.

4. Each year after assuming the position, a child care teacher shall complete 15 hours of additional training in early childhood education approved by the department. This training is in addition to the in-service training required under sub. (2).

5. Accumulated hours of training beyond the entry level requirement specified in subd. 3.b. shall be counted toward meeting the annual training requirement specified in subd. 4.

(d) Assistant child care teacher. 1. An assistant child care teacher shall:

a. Work under supervision of a child care teacher with a group of children;

b. Be at least 18 years old;

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

d. Within one year after assuming the position, and within each subsequent year, complete 15 additional hours of training in early childhood education approved by the department. This training shall be in addition to the in-service training required under sub. (2).

2. A parent serving as an assistant child care teacher in a parent cooperative may be exempted from the training requirements specified in subd. 1. Volunteers in a parent cooperative shall have at least 4 hours of training in day care programming and procedures before working in the classroom.

(e) Substitutes. 1. When a regular staff member is absent, 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 serve as a substitute child care worker 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 under 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 4 hours of training in day care programming and procedures before working in the classroom.

4. The program director shall:

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

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 who work directly with children, except volunteers, shall have a health examination within 6 months prior to beginning work or within 30 days after beginning work. The report, dated and signed by a physician, shall be on file in the center and shall certify that:

a. The person is free from illness detrimental to children, including tuberculosis; and

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

2. No staff member, volunteer, visitor or parent with symptoms of illness, communicable disease 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 disease may work in a center until it is definitely determined by appropriate tests that the person is not a carrier of this disease.

(2) ORIENTATION AND IN-SERVICE TRAINING. (a) Each center shall develop and implement a written orientation program which all new staff and regularly scheduled volunteers shall complete within their first week at the center. This orientation shall include:

1. Review of the applicable parts of this chapter;
2. 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 childhood illnesses;
6. Schedule of activities; and
7. Review of child abuse and neglect laws.

(b) Centers shall develop and implement an annual in-service training plan which may include use of staff meeting time which is set aside for training. The center shall provide training at a ratio of 2 hours per month for each month of program operation. Training methods shall include, but are not limited to, one or more of the following:

1. Discussion of materials concerning child growth and development and early childhood education which are available for and may be used by staff;
2. Presentations by community resource people; and
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 teacher shall supervise each group of children.

(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

MAXIMUM GROUP SIZE AND MINIMUM NUMBER OF CHILD CARE WORKERS
IN GROUP DAY CARE CENTERS

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

(d) Maximum group size does not apply to field trips, outdoor play areas, and those areas reserved exclusively for napping and eating, but staff-to-child ratios shall be maintained in these settings.

(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 infants and toddlers 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.

(g) When children 2 years and older are part of a mixed-age group, the size of the group shall be determined by the number of children that can be cared for by 2 child care workers as determined by the staff-to-child prorata requirement under (e).

Note: Worksheets for prorating staff-to-child ratios for mixed-age groups are available from the department upon request.

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

(i) 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 adults shall be a child care worker directly involved in the supervision and care of children.

(j) When 9 or more children are on a field trip there shall be at least 2 adults accompanying the children and at least one of the adults shall be a child care worker.

(k) Support staff, such as clerical, housekeeping and food service staff, may only 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. If they meet the qualifications of child care worker.

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

(m) 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.

HSS 55.33 PHYSICAL PLANT AND FURNISHINGS. (1) BUILDING. (a) The licensee shall maintain a report of inspection of the building, which specifies that the building has been approved for use as a group day center by an inspector employed or certified by the department of industry, labor, and human relations. 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.

(b) The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of the changes.

(c) Space designated for use by the children may only be used by children and staff and may not be used for other purposes while the center is open.

(d) The inside temperature of the building shall not be less than 67° F. (20° C.).

(2) PROTECTIVE MEASURES. (a) Steam radiators, electric fans, electric outlets, electrical heating units and hot surfaces, such as pipes, shall be protected by screens or guards.

(b) Unvented space heaters are prohibited.

(c) No potentially dangerous hazards, including firearms, ammunition, explosives, abandoned automobiles and household appliances, uncovered wells or cisterns and stacked lumber, may be kept on the premises.

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

(e) A motor vehicle shall be at the center at all times or a public or private emergency vehicle shall be immediately available in case of an emergency.

(f) The center shall have a telephone or access to a telephone on the premises during hours of operation, and a list of emergency telephone numbers, including numbers for the local rescue squad, fire department, law enforcement agency, child protective services and emergency medical service, shall be posted at each telephone. In this paragraph, "telephone" does not include pay telephones requiring payment to reach the operator or telephones in locked rooms.

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

(h) Smoking may be permitted during hours of operation only in rooms or areas not used by children.

(i) Alcoholic beverages and non-prescribed controlled substances, 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.

(j) Children shall not be allowed in an area where power tools are in use.

(3) EMERGENCIES. (a) Each center shall have a written plan for responding to fires, tornados and other emergencies. The center shall:

1. Post the plan and practice implementation of the plan monthly;
2. Inform all staff members of their duties in the event of such an emergency; and
3. Keep a written record of dates and times of the monthly practice.

(4) FIRE PROTECTION. (a) Each fire extinguisher on the premises shall be operable at all times, inspected once a year by a qualified person, and shall bear a label indicating its present condition and date of the last inspection.

(b) All staff members shall be instructed in and knowledgeable about the use of fire extinguishers.

(c) Exits and exit passageways shall have a minimum clear width of 3 feet and be unobstructed by furniture or other objects.

(d) Extension cords may not be used in place of permanent wiring.

(e) No more than 2 electrical appliances may be plugged into any one wall outlet.

(f) The door to the basement and furnace room shall be closed.

(g) Areas under stairs may not be used for storage.

(h) All exit lights shall be lit at all times.

(i) Fire alarms and smoke detectors shall be tested weekly.

(5) SANITATION. (a) The premises shall be free from litter, clean and in good repair.

(b)1. There shall be no flaking or deteriorating paint on exterior and interior surfaces in areas accessible to children.

2. 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 when they become soiled.

(e)1. Toilet rooms and fixtures shall be in a sanitary, odor-free condition at all times.

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

(f) Windows that are used for ventilation shall be screened.

(g) The premises shall be maintained in a manner which prevents the entrance or harborage of vermin.

(6) WATER. (a) A safe supply of drinking water shall be readily available to children at all times from a drinking fountain of the angle jet type or by use of disposable cups. Common use of drinking cups is prohibited.

(b) 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 found bacteriologically safe prior to use. The report shall be available to the department upon request.

(7) INDOOR SPACE. (a) The space used by children shall be no less than 35 sq. ft. (3.3 sq. meters) of usable floor space for each child, exclusive of passageways, bathrooms, lockers, office, storage areas,

isolation quarters, staff room, furnace room, parts of rooms occupied by stationary equipment and areas not at all times available to children including areas used exclusively for large muscle activity, napping or eating.

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

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

(b) Tables and seating shall be scaled to the proper height and size for the children's comfort and reach.

(c) In centers where meals are served, there shall be table space for each child and seating sufficient to serve the children cared for in a 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 children may select, use and replace items.

(e) Each child shall have storage space for clothing and personal belongings. For children 2 years of age and older, the space for outergarment storage shall be at child level.

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

(9) KITCHENS. (a) Equipment. 1. Equipment and utensils used for preparing, serving and storing food shall be clean and equipped for 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 and 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 preparation, storage and food service 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; and

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

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 the automatic rinse injector; and

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 a sanitizer approved by the department.

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, P.O. Box 309, Madison, Wisconsin 53701.

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

2. Only milk and milk products which are pasteurized and meet the Grade A milk standards of the Wisconsin department of agriculture, trade, and consumer protection 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 or low acid food which has been processed in a place other than a commercial food processing establishment may be used.

(d) Food storage. 1. Food shall be stored at temperatures which 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 likely to spoil quickly if not kept at the proper temperature shall be continuously maintained at 40° F. (4° C.) or below or 150° F. (66° C.) or above, as appropriate, except during necessary periods of preparation and service.

b. Each refrigeration unit shall be maintained at 40° F. (4° C.) or lower and each freezing unit shall be maintained at 0° F. (-17° C.) or lower.

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

d. Food shall be covered while refrigerated.

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

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. In this paragraph, "food-grade plastic" means any material used in the construction of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

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

c. Foods shall be stored in a clean, ventilated place protected from contamination by sewage, wastewater backflow, condensation, leakage or vermin.

(e) Cleaning aids. 1. Poisonous and toxic materials, including 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 shall be clean and shall be stored outside of food preparation or food storage areas.

(f) Food handling. 1. Raw fruits and vegetables shall be washed before being served or cooked.

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 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 cold foods shall be capable of maintaining the temperature at or below 40° F. (4° C.), and containers for hot foods shall be capable of maintaining the temperature at or above 150° F. (66° C.).

(g) Food service personnel. 1. Food service personnel include any person who participates in preparation of breakfast, lunch or 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; and
- c. Wash their hands before starting work, before and after handling food, and after using the toilet.

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

Table 55.33

NUMBER OF WASHBASINS AND TOILETS REQUIRED IN GROUP DAY CARE CENTERS

Maximum Number of Children for Which the Center is Licensed	Number of Toilets	Number of Washbasins
9 or 10	1	1
11 to 25	2	1
26 to 40	3	2
41 to 55	4	2
56 to 70	5	3

(b) When a center is licensed for more than 70 children, one additional toilet shall be provided for each additional 15 children or fraction thereof and washbasins shall be provided in the ratio of one for every 2 toilets and urinals or fraction thereof. Urinals may be substituted for up to 1/3 of the total required toilets.

(c) Children under the age of 30 months need not be included when determining the required fixtures; however, in all cases, at least one toilet and one washbasin shall be provided.

(d) When potty chairs are used for children under 30 months of age the potty chairs shall be provided in a ratio of one for every 4 children or fraction thereof.

(e) Steps or blocks shall be provided if the washbasins and toilets are not proportioned to the size of the children.

(f) Soap, toilet paper, disposable paper towels or individually labeled clean cloth towels and a wastepaper container 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: Information pertaining to plumbing requirements can be found in ch. ILHR 82.

(11) OUTDOOR SPACE. (a) This subsection applies to any center where children are present for more than 3 hours a 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 outdoor space shall be well-drained and free of hazards.

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

HSS 55.34 PROGRAM. (1) PROGRAM PLANNING AND SCHEDULING. (a) Each group day care center shall have a written program of activities planned according to the developmental level of each group of children and intended to expose children to a variety of cultures. 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; and

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; and
3. Indoor and outdoor activities.

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

(d) Routines such as toileting and 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 eating, napping and other routines;
2. Daily periods when a variety of experiences are concurrently available for the children to select their own activities; and
3. Protection from excessive fatigue and overstimulation.

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

(g) A variety of cultures shall be reflected in the program through incorporation of different languages, foods, celebrations and lifestyles.

(h) When a center is open in the early morning and late afternoon, the center shall plan activities which meet the individual needs of the children during those time periods by:

1. Providing opportunities to rest and eat; and
2. Using materials or providing activities which for the most part do not duplicate materials or activities planned for the major part of the program.

(i) The program, as implemented, shall reflect the center's written program plan of activities and educational policy.

(2) DISCIPLINE. (a) 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. Disciplinary policy shall be designed to help the child develop self-control, self-esteem and respect for the rights of others.

(b) Only a child care worker meeting the qualifications of a child care teacher or assistant child care teacher may discipline children. Discipline shall not be delegated to older children or peers.

(c) Punishment which is humiliating or frightening to a child is prohibited. Examples of prohibited punishment include:

1. Spanking, hitting, pinching, shaking or inflicting any other form of corporal punishment;

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

3. Binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle; and

4. Withholding or forcing meals, snacks or naps.

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

(3) EQUIPMENT. (a) Indoor and outdoor play equipment shall be provided and shall be:

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

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

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

(b) Equipment and supplies shall be provided according to the following criteria:

1. Child development shall be fostered through selection of a variety of equipment to:

a. Provide for large muscle development;

b. Provide for construction activities and for the development of manipulative skills;

c. Encourage social interaction;

d. Provide for intellectual stimulation; and

e. Encourage creative expression;

2. Sufficient indoor play equipment shall be provided to allow each child a choice of at least 3 activities involving equipment when all children are involved in using equipment; and

3. Sufficient outdoor play equipment shall be provided to allow each child at least one activity involving equipment when all children are involved in using equipment; and

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

Note: Lists suggesting kinds and numbers of play equipment for centers are available from a department regional office on request.

(4) REST PERIODS. (a) During sessions lasting more than 4 hours, 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 be helped to have a quiet time through the use of equipment or activities which do 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.) from the next bed, cot, crib or sleeping bag. When sleeping bags are used, the child's head may not rest directly on the floor.

(d) Beds, cots, cribs, sleeping bags and bedding shall be individually identified to ensure that each child uses the same items between washings of items.

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

(f) A complete change of bedding shall be made after each 5 uses or immediately when wet or soiled and always upon a change in occupancy. Sleeping bags shall be washed or cleaned 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.

(5) MEALS AND SNACKS. (a) Food. 1. Food shall be provided as specified in Table 55.34, based on the amount of time children are present:

Table 55.34

MEAL AND SNACK REQUIREMENTS FOR EACH CHILD IN GROUP DAY CARE CENTERS

Time Present	Number of Meals and Snacks
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 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 1/3 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; and
 - c. Grade A vitamin D milk.
6. Noon and evening meals shall consist of at least one item from each of the following categories:
 - a. Protein sources, such as meat, poultry, fish, eggs, cooked dried peas or beans, cheese or peanut butter;
 - b. 2 vegetables, or 1 vegetable and 1 fruit, or 2 fruits;
 - c. Cereal, or whole grain or enriched bread products; and
 - d. Grade A vitamin D milk.
7. Mid-morning and mid-afternoon snacks shall consist of at least one of the following: milk or a 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.
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 diverse types of foods; and
 - e. Reflect a variety of cultures and ethnic diversity.
9. Any changes in the menu as planned shall be recorded on the copies of the menu kept on file and posted for parents.
10. Enough food shall be prepared for each meal to enable children to have second portions of vegetables or fruit, bread and milk.

11. When bag lunches or other foods are provided by a parent, the center shall ensure that each child has a meal that provides 1/3 of the child's daily nutritional requirements as specified in subds. 5. and 6.

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

13. Cooks, staff members, child care workers, and substitutes having direct contact with the children shall be informed about food allergies and other allergies of specific children.

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

2. Meals shall be served with time allowed for socialization.

3. Children shall be encouraged to serve themselves.

4. Food shall not be used as a punishment or reward.

5. Children shall not be forced to eat.

(6) HEALTH. (a) Observation. 1. Each child upon arrival at the center shall be observed by a staff person for symptoms of illness.

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

(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. The following procedures shall apply when an apparently ill child is observed in the day care center:

1. A child with a sore throat, inflammation of the eyes, fever, lice, ringworm of the scalp, rash, vomiting, diarrhea, or other illness or condition having the potential to affect the health of other persons shall be isolated;

2. The child shall be provided with a bed, crib or cot, sheet and blanket in the isolation room or area with a staff member within sight and hearing of the child, except that for sessions of 4 hours or less a kindergarten mat may be provided for the isolation room or area instead of a bed, crib or cot. Isolation shall be used until the child can be removed from the center;

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 removal of the child from the center; and

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

- a. The parent consents;
- b. The written health policy of the center allows ill children to remain at the center; and
- c. 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 chickenpox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, scarlet fever, whooping cough, diphtheria, meningitis or other reportable communicable disease under ch. HSS 145, the local public health officer shall be notified.

2. Whenever it is determined that a child has a communicable disease, the exposed children shall be watched for symptoms of the disease and their parents shall be notified as specified in sub. (7).

3. A child may be readmitted without a statement from a physician after having had a communicable disease only if the child has been absent for a period of time equal to the longest usual incubation period of the disease as specified by the department.

(e) Medication. 1. No prescription medication or non-prescription medication, including 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-prescription medication is labeled with the child's name and includes the dosage and directions for administering; and
- 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 required under s.HSS 55.31(4)(c).

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

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

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

2. Persons who work with the children shall wash their hands with soap and running water before handling food and after assisting with toileting.

3. Individual washcloths, combs and toothbrushes 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.

5. Applicable rules under s.HSS 55.35(4) shall apply to children 2 years and older who require attention for diapering and toileting.

(g) Injuries. 1. Treatment of children who are injured shall be planned for and carried out as follows:

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

b. 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;

c. There shall be written procedures to be followed for bringing the child to emergency medical care;

d. Each center shall have a supply of bandages, tape, and bandaids.

e. Standard first aid practices shall be followed for serious injuries;

f. There shall be routine procedures for treatment of minor injuries; and

g. Superficial wounds may be cleaned with soap and water only and protected.

2. A record of injuries shall be kept in the child's permanent file and in the center medical log required under s.HSS 55.31(4)(c).

3. Records of injuries 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. 1. Each child shall have an initial physical examination not more than 6 months before or later than 3 months after admission to a center.

2. Evidence of the child's most recent physical examination shall be provided by a report signed and dated by a physician.

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

4. Each child under 2 years of age shall be examined 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. A record of immunizations for each child shall be maintained to document compliance with s.140.05(16), Stats., and ch.HSS 144.

(7) 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. Immediately, if the child becomes ill or is seriously injured;

3. When they pick up the child or when the child is delivered to the parents if there is a minor injury; and

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

(b) The center shall permit parents to visit and observe during the hours of operation.

(c) The center shall make opportunities available at least twice each year for parent and staff communication regarding the child's adjustment to the program, and his or her 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 in the education policy. This information shall be shared with parents.

(e) A copy of the applicable parts of this chapter 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.

(8) Parents shall be informed that the center maintains a medical log. Entries regarding a particular child shall be made accessible to the child's parents upon request.

(9) MISCELLANEOUS ACTIVITIES. A center which includes in its program watercraft, riflery, archery or horseback riding shall comply with the applicable requirements under s. HSS 55.44(8), (9), and (11).

HSS 55.35 ADDITIONAL REQUIREMENTS FOR INFANT AND TODDLER CARE. Group day care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(1) GENERAL REQUIREMENTS. (a) Prior to admission, an interview shall be conducted with the child's parent or guardian to obtain written information which will aid child-caring staff in individualizing the program of care for each child as specified in s.HSS 55.31(4)(a) 1.i. 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; and
6. Developmental and health history.

(b) Admission information for infants and toddlers shall be on file in the room or area to which the child is assigned and shall be known to the child care worker.

(c) At least every 2 months after admission, child care staff and parents shall discuss the child's development and routines with revisions noted in writing and dated.

(d) Each 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) The regularly assigned child care teacher and assistant child care teacher for each group of infants and toddlers shall have a minimum of 10 hours of training in infant and toddler care approved by the department within 6 months after assuming the position. This training may be part of the required entry-level training, or may be obtained through inservice or continuing education.

(f) Infants and toddlers are restricted to first floors and ground floors having direct grade-level exits.

(2) DAILY PROGRAM. (a) Each child shall be allowed to form and follow his or her 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 relating to activities such as bedtime, feeding, diapering and toileting shall be used as opportunities for language development and other learning experiences.

3. While a non-walking child is awake, the child care worker shall change the child's position and location periodically.

4. The non-walking child shall be given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm and uncluttered area.

5. Infants and toddlers shall be encouraged to play with a variety of safe toys and objects.

6. Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when health reasons indicate otherwise.

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

(d) The space occupied by permanently erected cribs shall be excluded in determining the 35 square feet (3.3 meters) space requirement for each child.

(e) Transportation of infants and toddlers shall be in accordance with requirements under s.HSS 55.09.

(3) FEEDING. (a) Each infant and toddler shall be fed on his or her 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 for children over one year of age and Grade A vitamin D whole milk for children one year and under. Use of other types of milk shall be based on the written recommendations of the child's physician.

(e) Leftover milk or formula 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 the next day, 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) Children shall be encouraged to experiment with self-feeding with their hands and spoons. Eating utensils and cups shall be scaled to the size and developmental level of children.

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

(4) DIAPERING AND TOILETING ACTIVITIES. (a) Toilet training shall be planned cooperatively between the child's assigned child care worker and the parent so that the toilet routine established is consistent between the center and the child's home, except that no routine attempts may be made to toilet-train a child under 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 to meet the needs of each child.

(d) A child shall be changed on a surface which is individual to the child or is cleaned with a germicidal solution after each use.

(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 child care worker shall wash his or her hands with soap and running water before and after each diapering or assistance with toileting routines.

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

(l) Each self-contained classroom or area serving infants or toddlers who are diapered shall have a 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.

HSS 55.36 ADDITIONAL REQUIREMENTS FOR NIGHT CARE. (1) Group day care centers which operate during any period of time between 7:00 p.m. and 6:00 a.m. shall comply with the additional requirements of this section.

(2) GENERAL REQUIREMENTS. (a) Night care may be provided only in centers which have self-contained classrooms.

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

(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 that a child attends the center may not exceed 12 hours during any 24-hour period.

(e) Minimum staff-child ratios and group sizes specified in s.HSS 55.32(3) shall be maintained.

(f) At no time may there be fewer than 2 adults on the premises while children are sleeping.

(g) Every child shall be within the sight or sound of a child care worker.

(h) All child care workers on duty shall remain awake during night care.

(i) The parent or center shall provide each child in night care with an individually labeled sleeping garment, a washcloth and towel, a toothbrush and, if the child wishes, a special toy or blanket which has meaning to him or her.

(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 to read or do school work.

(4) PREVENTIVE MEASURES. (a) Child care staff shall be given training in 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 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) 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 not the whole night shall have an opportunity to sleep as needed.

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

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

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 ensure consistency between the family and night care center bedtime routines.

HSS 55.37 ADDITIONAL REQUIREMENTS FOR CARE OF SCHOOL-AGE CHILDREN.

Group day care centers serving children who regularly attend programs for part of the day in a facility other than the center shall comply with the additional requirements of this section.

(1) PROGRAM. (a) The center shall have a written agreement signed by the 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 from the school through provision of:

1. Rest and quiet areas;
2. Recreational activities, including outdoor and active play; and
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 7 years of age, the program for children 7 years of age and over shall not infringe on the required space, equipment, staff or bathroom facilities for the younger children.

(2) STAFF QUALIFICATIONS. When a center provides care exclusively for children enrolled in a kindergarten or elementary school, the qualifications of the program director or teacher may include experience and credits earned in elementary education, physical education or recreation in place of the educational requirements specified in s.HSS 55.32(1).

(3) MEALS AND SNACKS. School-age children who are present in the day care center shall be served meals and snacks 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 shall be served lunch, and those present in the evening shall be served dinner.

(c) School-age children present after school shall be served a snack.

SUBCHAPTER IV - ADDITIONAL REQUIREMENTS
FOR DAY CAMPS FOR CHILDREN

HSS 55.40 SCOPE. Sections HSS 55.40 to 55.44 apply to all licensed day camps for children.

HSS 55.41 OPERATIONAL REQUIREMENTS. (1) ADMINISTRATION. The licensee shall:

(a) Comply with all applicable statutes under which the requirements in this chapter are promulgated;

(b) Comply with all applicable requirements in this chapter;

(c) Designate, in writing, a Wisconsin resident who is responsible for ensuring compliance with the applicable requirements in this chapter, if the licensee resides in another state;

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

(e) 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 for each occurrence;

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

3. Non-owned vehicle liability insurance when transportation is provided by other than camp-owned vehicles;

(f) Develop written policies on the following subjects, submit them to the department for review and implement them:

1. Termination of enrollment of children;

2. Fee payment and refund; and

3. Personnel policies, job descriptions, and terms of employment; and

(g) Develop written policies on the following subjects, submit them to the department for approval and implement them as approved:

1. Admission, health, nutrition and discipline;

2. Program objectives and a description of activities designed to carry out the program objectives;

3. Transportation, when provided;
4. Plans for evacuation and other emergencies;
5. In-service training and orientation of staff and volunteers; and
6. Supervised swim plan, if applicable.

(h) Make available to the parents, on request, a copy of the applicable parts of this chapter and a copy of the child care policies of the camp. Personnel, in-service training and orientation policies need not be included;

(i) Ensure that all published statements such as brochures and publicity are accurate; and

(j) 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.

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

(a) An accident resulting in the death or serious injury of a child while at a camp, within 48 hours after the occurrence. In this paragraph, "serious injury" means an injury requiring inpatient hospitalization of the child;

(b) A catastrophe which damages the base camp, within 24 hours after the occurrence;

(c) A change in the board chairperson of the day camp, within 30 days of the change;

(d) A change of the day camp director, within 7 days of the change; and

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

(3) STAFF RECORDS. The licensee shall:

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

1. The employe's name, address, date of birth, education, position, previous experience in child care and a signed statement affirming that he or she has not been convicted or is not the subject of a pending criminal charge as specified under s.HSS 55.05(6) or (7);

2. Documentation of any pertinent certification or training required for the position; and

(b) Maintain a listing at the base camp of the name, address, and telephone number of the person to be notified in the event of an emergency involving an employe.

(4) CHILDREN'S RECORDS. (a) The licensee shall maintain an up-to-date written record on each child enrolled at the camp and make the record available to the licensing representative. Each record shall include:

1. Pre-admission and enrollment information consisting of:
 - a. The name and birthdate of the child;
 - b. Full names of parents;
 - c. The child's home address and telephone number;
 - d. Address and telephone number where a parent can be reached while the child is in care;
 - e. Name, address, telephone number and relationship to the child of the person to be notified in an emergency, when a parent cannot be 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; and
 - h. Dates of camp session in which the child is enrolled; and
2. Consent from the parent for emergency medical care or treatment;
3. Authorization from the parent to transport the child to and from the camp, when transportation is provided;
4. Authorization from the parent 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 written 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 project;
6. The child's health history and any other matters relating to the child's health; and
7. The daily attendance of the child for the length of time the child is enrolled in the program.

(b) The licensee shall maintain a daily medical log recording any injuries received by a child or medication dispensed to a child.

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.

HSS 55.42 PERSONNEL. (1) STAFF: PAID AND VOLUNTEER. (a) Each day camp shall have a person designated as camp director on the premises at all times.

(b) The camp director shall be at least 21 years of age and shall meet one of the following criteria:

1. Have at least 2 years of supervisory or administrative experience in an organized camp or children's program; or

2. Have a bachelor's degree in outdoor education, recreation, social work, psychology, child development or education or in another camp-related field.

(c) Paid counselors who are counted in determining the counselor-to-child ratio shall have completed high school or the equivalent as determined by the department of public instruction.

(d) Paid or volunteer counselors who are counted in determining the counselor-to-child ratio shall be at least 18 years of age.

(e) 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 pre-camp training program plan, a copy of which shall be submitted to the department. The plan shall include, but is not limited to, the following:

1. A review of the applicable parts of this chapter;
2. A review of camp policies and procedures;
3. Job responsibilities in relation to job descriptions;
4. Training in the recognition of illness of children;
5. Daily activity plans and schedules;
6. Emergency first aid;
7. The emergency plan required under s.HSS 55.43(2);

8. Training in the use of fire extinguishers and other fire-fighting equipment;

9. Training in the recognition of local poisonous plants and snakes; and

10. Child abuse and neglect laws.

(b) All paid and volunteer counselors who are counted in determining the counselor-to-child ratio shall have pre-camp training. The pre-camp training program shall be for a minimum of 3 camp days or 18 hours and shall include orientation at the base camp.

(c) Campers' parents serving as staff may be exempted from the 3 camp days or 18 hours of pre-camp training when the following conditions are met:

1. The parent receives 4 hours of training in day camp programming required under par. (a), including orientation at the base camp; and

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 shall be closely supervised at all times.

(b) There shall be a ratio of at least one counselor to every 4 children under 4 years of age. There shall be a ratio of at least one counselor to every 6 children 4 years of age. There shall be a ratio of one counselor to every 12 children 5 and 6 years of age. When there is a mixed-age group, the staff-to-child ratio shall be adjusted on a prorata basis, according to age.

Note: Worksheets for prorating staff-to-child ratios for mixed age groups are available from the department upon request.

(c) The counselor-to-child ratio shall be exclusive of maintenance staff, program specialists and counselors in training.

(d) The camp director may not leave the base camp during the hours of operation unless another qualified person is at the base camp. This person shall be identified in a written delegation of administrative authority and shall be authorized to make decisions.

(e) When 9 or more children are present at the base camp, there shall be at least 2 adults available at all times and at least one of the adults shall be a counselor.

(f) When children 7 years of age and older are served in the same unit with children under 7 years of age, the ratio of counselors to all children in the unit shall be consistent with the requirements for the under 7 year-old ratio.

(4) HEALTH QUALIFICATIONS. No staff member, volunteer, visitor or parent with symptoms of communicable disease or physical illness, or whose behavior gives the camp director reason to be concerned for the safety of the children, may be allowed on the premises of the day camp.

HSS 55.43 BASE CAMP AND FACILITIES. (1) SITE AND BUILDING. (a) The base camp shall provide natural resources that allow for an outdoor living experience.

(b) On-site or off-site shelters shall be provided for use during inclement weather for ongoing camp activities.

(c) The base camp shall be located in an area that has good drainage.

Note: Local authorities should be consulted to obtain any required zoning clearances or building permits.

(d) Buildings and shelters on sites used or constructed primarily for day camp purposes shall comply with chs. ILHR 50 to 64 and an inspection report shall be filed with the department.

(e) All buildings and structures used by children for day camp purposes shall have not less than 2 plainly marked exits.

(2) SAFETY. (a) Protective measures. 1. Each camp shall have a written plan for dealing with emergency situations, including but not limited to fire, natural disaster, lost campers, lost swimmers, accident and illness.

2. Staff shall be informed of and knowledgeable about the following:

a. His or her duties in the event of an emergency;

b. Evacuation routes; and

c. The location of the nearest telephone. A list of emergency telephone numbers shall be immediately available to staff.

3. 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.

4. No 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.

5. All hazards, including abandoned refrigerators with doors, open grease traps, unsafe fences, and abandoned excavations, shall be eliminated or provided with protective devices.

6. Substances which may be toxic if ingested, inhaled, or handled, including drugs, chemicals and pesticides, shall be clearly labeled and stored in areas not accessible to children.

7. A motor vehicle shall be available at all times for emergency transportation.

(b) Fire protection. 1. All fire protection facilities and equipment shall be inspected and maintained in working order by a qualified person.

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, safe and clean.

2. Furnishings and other equipment shall be clean.

3. Toilet facilities shall be in 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 often as necessary to prevent decomposition and overflow at the site.

6. The areas around garbage and rubbish containers shall be clean and dry.

7. Solid waste disposal sites on the premises shall 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 rodents 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 harborage and infestations.

(c) Food preparation, service and storage. 1. When food is provided and served by the day camp, s.HSS 55.33 (9) shall 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. The dishes shall be stored in such a manner as not to expose them to contamination.

4. Single-service utensils and food containers shall be made from non-toxic materials and shall not be reused.

5. Milk shall 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 into water from the container is prohibited. The container shall be cleaned daily. The water source shall be a public water supply or as specified in subd. 2.

(e) Washrooms and toilet facilities. 1. Handwashing and toileting 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.

3. Soap, toilet paper and wastepaper containers shall be provided and accessible to children.

4. Outdoor toilets, when used, shall be constructed according to the requirements of s. ILHR 52.63.

5. If devices other than plumbed toilets or outdoor toilets are used, they shall be subject to local ordinances and required permits shall be obtained.

6. Plumbing shall comply with all applicable sections of ch. ILHR 82.

7. Liquid waste disposal shall be connected to a public sewer, if available. If not available, liquid waste disposal shall be in accordance with ch. ILHR 82.

HSS 55.44 PROGRAM. (1) PROGRAM PLANNING AND IMPLEMENTATION. (a) Each day camp shall have a program of activities planned according to the developmental level of each group of children and intended to expose children to a variety of cultures. The program shall provide each child with experiences which encourage:

1. An appreciation and understanding of the natural environment;
2. Large and small muscle development;
3. Learning of skills;
4. Self-esteem and positive self-image;
5. Opportunities for recreation; and
6. Social interaction in a group setting.

(b) The program shall:

1. Protect the children from excessive fatigue and from overstimulation; and
2. Encourage spontaneous activities.

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

(b) Only staff specified under s.HSS 55.42(2)(b) and (c) may discipline a child. Discipline may not be delegated to older children or peers.

(c) Punishment which is humiliating or frightening to a child is prohibited. Examples of prohibited punishment include:

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

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

(3) EQUIPMENT. (a) The camp shall provide program equipment in a variety and quantity which will allow staff to implement activities outlined in the written policy on program objectives and activities required under s.HSS 55.41(1)(g)2.

(b) All equipment shall be:

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

(4) REST. When a session is more than 4 hours in length, there shall be a rest period or period of quiet activities of approximately one hour for all children under 5 years of age.

(5) FOOD. (a) Food shall be provided in accordance with Table 55.44 which is based on the amount of time children are present:

Table 55.44

MEAL AND SNACK REQUIREMENTS FOR EACH CHILD AT A DAY CAMP

Time Children Are Present	Number of Meals and Snacks
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 hours or more	2 meals and 2 or 3 snacks

(b) Camp-provided transportation 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 reported to cooks, counselors and substitutes having direct contact with children.

(d) The meal and snack patterns listed shall be used in meal planning. Each meal shall provide 1/3 of the daily nutritional requirements of the child.

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

1. Protein sources, such as meat, poultry, fish, eggs, cooked dried peas or beans, cheese or peanut butter;
2. 2 vegetables, or 1 vegetable and 1 fruit, or 2 fruits;

3. Cereal, or whole grain or enriched bread; and
4. Grade A vitamin D milk.

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

(g) When a bag lunch or other food is provided by the parent, the camp shall ensure that each child has a meal that provides 1/3 of the daily nutritional requirements for a child of that age.

(h) Children's hands shall be washed with soap and water before eating.

(6) HEALTH. (a) Observation. 1. Each child upon arrival at the camp shall be observed by a staff person for symptoms of illness.

2. Any evidence of unusual bruises, contusions, lacerations or 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 a 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. A child with a sore throat, inflammation of the eyes, fever, lice, ringworm of the scalp, rash, vomiting, diarrhea, or other illness or health condition shall be isolated until the child can be removed from the camp; and

b. 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 to take the child from the camp.

(d) Communicable disease. 1. When a child is suspected of having chickenpox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, scarlet fever, whooping cough, diphtheria, meningitis, or any other communicable disease under ch. HSS 145, the local health officer shall be notified.

2. Whenever it is determined that a child has a communicable disease, the exposed children shall be watched for symptoms of the disease and their parents shall be notified of the children's exposure.

3. A child may be readmitted without a statement from a physician after having had a communicable disease only if the child has been absent for a period of time equal to the longest usual incubation period of the disease as specified by the department.

(e) Medication. 1. No prescription or non-prescription medication, including 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 the 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; and

d. A written report which includes the type of medication given, dosage, time, date and name of the person administering the medication shall be kept in the child's record and in the medical log which shall meet specifications of s.HSS 55.41(4)(b).

2. All medications shall be stored so that they are not accessible to the children.

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

(f) Injury. 1. Written procedures for the treatment of children who are in accidents or otherwise injured shall be available and made known to staff and shall be carried out as follows:

a. Written permission from the parent to call the family physician or refer the child for medical care in case of injury shall be on file at the camp. This permission may be used only when the parent or the designated responsible person cannot be reached;

b. Prior to the opening of camp, a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed medical facility, shall be designated and made known to staff and parents;

c. There shall be written procedures to be followed for bringing a child to emergency medical care;

d. First aid equipment shall be available at a designated location in each cottage or other living unit and at the first aid area;

- e. First aid equipment shall be taken on all out-of-camp trips;
- f. Standard first aid practices shall be followed for serious injuries;
- g. There shall be routine procedures for treatment of minor injuries; and
- h. Superficial wounds may be cleaned with soap and water only and protected.

2. A daily record of injuries shall be kept in the medical log.

3. Records of injuries shall be reviewed by the camp director and staff as part of the in-service training to determine that all preventive measures are being taken.

(g) Health history. A written health history which includes dates of immunization, allergies, limitations that would affect activities and other health conditions shall be obtained from the parent before the first day of camp. This shall be kept on file at the base camp and be available to staff.

(7) WATERFRONT. (a) Swimming area. 1. Beaches, pools and other swimming areas used by campers shall be located, constructed, equipped and operated according to the requirements of ch. HSS 171.

2. The source and bacteriological, chemical, physical and biological quality of water at pools and beaches used by day camp children shall meet the requirements of ch. HSS 171.

3. Swimming pools shall be enclosed with a fence. All gates shall be locked when waterfront staff are not on duty.

4. The swimming area used by a day camp shall have designated areas for non-swimmers, intermediate swimmers, advanced swimmers and divers.

(b) Waterfront staff. 1. Each day camp offering swimming, boating, canoeing, or other aquatic activities shall designate a staff person as waterfront director. The waterfront director shall:

- a. Be 18 years of age or older; and
- b. Hold a Red Cross water safety instructor's certificate or a comparable 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 under s.HSS 55.42(3)(b) shall be maintained by staff who can swim.

3. The waterfront director or an equally qualified person shall be 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 made known to staff. The plan shall include:

- a. A system of checking persons in and out of the water; and
- b. Emergency procedures to be carried out when a swimmer cannot be found.

(d) Boating prohibited in swimming areas. Except in an emergency, no rowboat, canoe, motor boat or other craft, except a lifeboat used by lifeguards, is permitted in a swimming area, pursuant to s.30.68(7), Stats.

(e) Supervision of waterfront activities. Children shall be closely supervised when they are participating in fishing and shoreline activities.

(8) WATERCRAFT. (a) All watercraft shall comply with ch. NR 5.

(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 person wearing it.

(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 swimming shall be limited to the use of rowboats only.

(9) RIFLERY AND ARCHERY. Riflery and archery shall 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 and rifle range may be used only under the supervision of an adult instructor;

(b) Other 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; and

(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.

(10) TOOLS. (a) Power tools shall not be used by children under 7 years of age.

(b) Children under 7 years of age shall not be allowed in areas where power tools are in use.

(c) When power tools and other tools are not in use, they shall be stored in an area not accessible to children.

(11) HORSEBACK RIDING. (a) This subsection 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) The 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 camp's liability insurance.

(12) DAY TRIPS. For day trips away from the base camp:

(a) Staff shall carry signed parental permission for the emergency medical care of all children on the day trip;

(b) The counselor-child ratio under s.HSS 55.42(3)(b) shall be maintained, except that the number of adults accompanying children away from the base camp may be no fewer than 2;

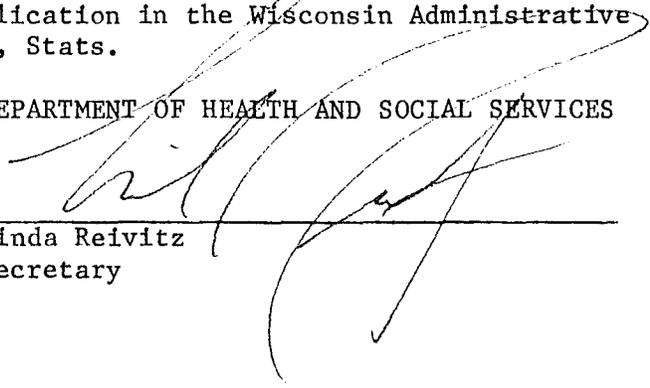
(c) A planned source of emergency medical care in the area to be visited shall be known to staff; and

(d) A list of children participating in the day trip shall be maintained by a counselor accompanying the children.

The repeal and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.026(1), Stats.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Date: 8/27/84



Linda Reivitz
Secretary

Seal:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

Linda Reivitz
Secretary

August 29, 1984

RECEIVED

AUG 29 1984

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

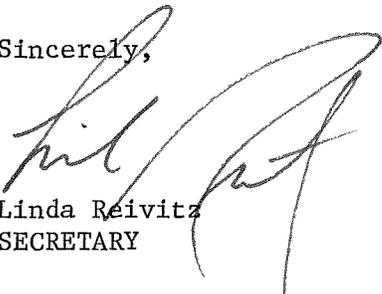
Revisor of Statutes
Bureau

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 55, administrative rules relating to day care centers for children.

These rules are also being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,


Linda Reivitz
SECRETARY

Enclosure