

Chapter HSS 55

DAY CARE CENTERS FOR CHILDREN

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PREFACE

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

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

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

SUBCHAPTER I — General Provisions

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

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

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

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

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

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

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

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

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

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

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

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

(b) Day care centers exclude:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The driver shall conduct an evacuation drill of the vehicle during the first week of each camp session. The evacuations are to be supervised and verified in writing by a staff person.

(13) **DAY TRIPS.** (a) Day trips away from the base camp shall meet the following conditions:

1. Staff shall carry signed parental permission for the emergency medical care of children for all children who go on day trips.

2. The counselor child rates shall be maintained on day trips except that the number of adults accompanying children away from the base camp may be no less than 2.

3. A planned source of emergency medical care in the area to be visited shall be known to staff.

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

(b) Day camps which operate without a base camp and whose program consists primarily of day trips shall submit a proposed itinerary of day trips to the department.

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

SUBCHAPTER V — Start-up Grants

HSS 55.50 Start-up grants to assure availability of child care. (1) GENERAL INFORMATION. (a) *Statement of intent.* This section regulates the expenditure of funds appropriated to provide start-up grants for newly operating centers, including grants for expansion of existing centers in Wisconsin.

(b) *To whom the rules apply.* The rules in this section apply to all persons, groups and day care centers making application for start-up grants.

(c) *Exceptions to rules.* The department may make an exception to any of the rules for approving start-up grants when it is assured that granting the exception is beneficial to the health, safety and welfare of children.

(d) *Definitions.* The definitions in s. HSS 55.05 (4) apply. In addition:

1. "Child care" means day care for children and includes group care, family care and in-home care.

2. "Division" means the division of community services of the department.

3. "Family care" means the care of a child in a family home other than the child's own home by a responsible person other than the child's parents for a period of time less than 24 hours.

4. "In-home care" means care in the child's own home by someone other than the child's parents on a routine planned basis for a period less than 24 hours.

5. "Newly operating center" means a day care center which has been in operation for a period of less than one year or an existing center making grant application for expansion purposes.

6. "Satellite system" means family day care homes, in-home care providers or a combination of both which are centrally organized, coordinated, and administered as a unit in themselves or as an extension of another center or as part of the educational or training program of an accredited school of social work or school of early childhood education.

7. "Start-up grants" means money payments or a planned series of money payments to an approved applicant to be used for development or expansion of needed child care services. The grants are not loans.

(2) APPLICATION FOR START-UP GRANTS. (a) Application shall be made on a form provided by the department.

(b) Application shall be open to:

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1. Individuals or groups planning to establish voluntary non-profit or proprietary child care services;

2. Individuals or groups submitting proposals for:

- a. A new center;
- b. Expansion of an existing center or group of centers;
- c. An innovative program for special needs of the children; or
- d. Satellite systems of family care, in-home care or a combination of both.

3. Newly operating centers which are experiencing financial difficulties.

(c) The individual, group or center making application shall:

1. Document the need for the specific service to be provided in the area proposed in the plan; and

2. Submit written assurance to the department that the service to be provided will meet the requirements for licensing of the day care centers for children under this chapter.

(d) Application from newly operating centers experiencing financial difficulties shall also include:

1. Documentation of expenditures and income for the total period of operation giving special details of financial problem area;

2. Documentation of need for the service including the target group of parents and children;

3. A detailed operating budget for any period of operation as requested by the department.

Note: A copy of the application form can be obtained by writing: Bureau of Human Resources, Division of Community Services, One West Wilson, P.O. Box 7851, Madison, WI 53707.

(3) USE OF START-UP GRANTS. (a) Grants may be used to:

1. Finance a specific purchase or budget item related to operating costs, including but not limited to:

- a. Structural changes to meet licensing and building codes;
- b. Necessary equipment to begin or improve operations; and
- c. Salary of a staff person or persons for a period not to exceed 12 months;

2. Finance a percentage of the total operating budget for a 12-month period or less; or

3. Substitute for continuation of an in-kind contribution made for a limited period of time which would need to be met by the budget before the program is in full operation, including but not limited to:

a. In-kind donation of free rent by a church, agency or building owner for a limited period of time; and

b. Voluntary services of staff.

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(b) Start-up grants may not be used for a service which could be funded from other community, state or federal sources. This does not, however, preclude the collaborative use of those funds with start-up and improvement grant funds to meet the beginning of a needed service.

(4) TIME LIMIT. No subsidy from a start-up grant may extend beyond a 12-month period.

(5) START-UP GRANTS FOR SATELLITE SYSTEMS OF DAY CARE. (a) Applications proposing to develop a satellite system of family care, in-home care, or a combination of both shall be accepted only from:

1. An existing center;
2. A licensed agency providing services to parents and children who may need child care;
3. A county department of social services;
4. An accredited college or university offering training in social work or early childhood education; or
5. A corporate community coordinating group concerned primarily with child care.

(b) The satellite system shall have centralized administration which shall include:

1. Recruitment, evaluation and training of the families which will be part of the system;
2. Ongoing training to upgrade the system itself and the quality of the care given;
3. A person who coordinates and supervises the care families in the system and gives or makes available consultation to them on a planned, ongoing basis;
4. An evaluation and approval of each child served and a central file of pertinent data on each child and family; and
5. Centralized bookkeeping.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

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