

**Chapter PW-CY 40**  
**CHILDREN AND YOUTH**

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**PW-CY 40.01 Definitions.** (1) **DAY CARE CENTER** means a facility where a person or persons provide, for compensation, group care for four or more children under 7 years of age, for less than 24 hours per day.

(2) The terms "DAY CARE CENTER" and "CENTER" are used in these standards interchangeably.

(3) "DEPARTMENT" means the Wisconsin State Department of Public Welfare.

(4) "DIVISION" means the Wisconsin state division for children and youth.

**History:** 1-2-56; Am. Register, June, 1956, No. 6; Eff. July 1, 1956.

**PW-CY 40.02 License procedures.** (1) **LICENSE.** (a) A license shall be secured annually from the division for children and youth except for:

1. Care and supervision given to children by or in homes maintained by a relative or guardian.
2. Care and supervision provided by a person employed to come to the home of the child's parent or guardian for less than 24 hours a day.
3. Centers conducted by a public school system or other public agencies.
4. Centers conducted by parochial schools.
5. Sunday Schools conducted by churches which are considered to be exempt as parochial schools, and care given to children on church premises while their parents are attending services is considered as given without compensation, notwithstanding that the parents make contributions to the church.

(b) The license shall be prominently displayed at the center.

(c) Each license shall bear the name of the person licensed, and describe the premises included.

(d) The number of children specified on the license is the maximum number to be enrolled or to be cared for at any one time.

(e) There is no fee charged for the license.

(f) The type of license issued indicates the professional training of the staff. A center which has a minimum of one child care staff person, certified by the Department of Public Instruction as a nursery school teacher, for every 20 children enrolled will be issued a license designated as a "nursery school". A center which meets the standards otherwise but does not have this minimum of certified teachers will receive a license designating that it operates as a "nursery".

(2) **APPLICATION FOR LICENSE.** (a) An application for a license which shall be made in writing to the department shall include:

1. A completed application form.
2. A statement of the purpose of the day care center.
3. A description of the program and activities designed to carry out the purposes.
4. A floor plan of all of the rooms and outdoor play area.
5. A statement from the State Industrial Commission or local building inspector showing approval of the premises for the use intended.

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(3) RENEWAL OF THE LICENSE. (a) Re-application for a license shall be made each year in writing to the department on specified forms.

(b) Re-application for a new license shall be made to the department whenever there is a change in the conditions described on the last license issued.

(4) STUDY PROCESS. (a) A representative of the department shall visit and study each day care center before the first license and each renewal thereafter, is granted. The representative shall submit to the department a written evaluation of the day care center indicating whether the required standards contained herein have been met.

(b) Each center shall have the continued supervision and consultation of the department and shall submit such reports as may now or in the future be required by the department. A representative of the department may visit at any time to determine compliance with the standards.

(c) The department at its discretion shall have the authority to make exceptions to any standard when it is assured that the granting of such an exception will not be detrimental to the children attending the center.

(5) PROVISIONAL LICENSES. (a) A provisional license for a period of 6 months may be issued to any day care center whose services are needed, but which is temporarily unable to conform to all established minimum requirements.

(b) A provisional license may be renewed for 6 months periods up to 2 years.

(6) EXPIRATION OF LICENSE. (a) All licenses issued by the department shall be for any term not to exceed one year from date of issuance, and shall not be transferrable.

(7) REVOCATION OF LICENSE. (a) The right to operate is dependent upon continued compliance with the required standards of the department.

(b) The license may be revoked by the department in accordance with section 48.71 ((1) and (2)), Wis. Stats., and with the departmental rule section PW-CY 40.02 dealing with license procedures.

(8) APPEAL PROCEDURE. (a) Any person aggrieved by the department's refusal or failure to issue or renew a license or by its revocation of a license has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(9) ALLEGED VIOLATIONS. (a) Whenever the department is advised or has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62 or 48.65, Wis. Stats., it shall make an investigation to determine the facts.

(b) The department shall have authority to inspect the premises where the violation is alleged to occur.

(c) If it is found that the person is violating any of the specified sections, the department may either issue a license if the person is qualified or may institute a prosecution under section 48.76, Wis. Stats.

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#### INTRODUCTORY COMMENT: PERSONNEL AND PROGRAM STANDARDS

Every day care center has an important part to play in the community. Program standards are established so that there is assurance for the parents and children, to the individuals providing the care, and for the community that a wholesome day care service is provided.

Warm, understanding personnel with knowledge of child development can create an environment which will enhance the educational, Register, June, 1956, No. 6.

(b) *Recommended standards.* 1. It is recommended that a first aid kit as outlined by the state board of health should be maintained.

(6) **EXCLUSION OF STAFF.** (a) *Required standards.* 1. There shall be provisions made for the exclusion of staff or volunteer members when ill, including individuals with diarrhea or those having upper respiratory infections.

(b) *Recommended standards.* 1. It is recommended that a person be excluded for the first two days if he has a cold.

(7) **ROUTINE WEIGHING AND MEASURING.** (a) *Recommended standards.* 1. It is recommended that height and weight measurements be entered on the initial examination form. Thereafter, it is recommended that children be weighed and measured every three months, the weight and height being recorded on the child's health card. Failure to gain in weight or height for two successive periods should be an indication for medical examination.

(8) **PROVISION OF FOOD.** (a) *Required standards.* 1. When attendance covers more than four hours, children shall be served a regular meal supplying at least one-third of the daily food needs.

2. Children attending a three to four hour session shall be provided a mid-session lunch. Such lunch shall provide simple and needed foods such as fruit juice.

(b) *Recommended standards.* 1. The parents should be informed each week of the general food plan in order that they may adjust the child's diet at home so all the daily food needs are adequately met.

(9) **REST PERIODS.** (a) *Required standards.* 1. There shall be a mid-session rest period. If children remain at the Center for more than four hours, the rest period shall be one hour or longer for all children under five years of age.

**PW-CY 40.06 Records and reports standards.** (1) **ADMINISTRATIVE RECORDS.** (a) *Required standards.* 1. Records shall be kept for administrative requirements, and should be used for help in planning for the children and families.

(2) **CHILDREN'S RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each child attending the Center which shall include:

- a. Name, birthdate, full names of both parents or guardian.
- b. Home address of parents, work addresses and telephone numbers of parents.
- c. Name, address, and telephone of family physician.
- d. Name, address, and telephone of person to be notified in case of an emergency when parents cannot be reached.
- e. Written consent of parent to contact family or Center physician in case of an emergency.
- f. Record of all physical examinations and of other matters relating to each child's health.
- g. Date child enters and leaves group.
- h. Records of daily attendance of each child.

(b) *Recommended standards.* 1. In addition to the above, progress records for each child should be kept by the child caring staff.

(3) PERSONNEL RECORDS. (a) *Required standards*. 1. There shall be maintained a record for each employe, which shall include:

- a. Name and address.
- b. Age.
- c. Training, education, experience, and other qualifications.
- d. Report of physical examination at time of employment and subsequent annual examinations.

(b) *Recommended standards*. 1. In addition, there should be a periodic written evaluation of each employe.

(4) STATISTICAL REPORT. (a) *Required standards*. 1. Centers shall submit a monthly statistical report to the department by the 15th of the month following the month for which the report is made.

(5) PERSONNEL PRACTICES. (a) *Recommended standards*. 1. There should be a written statement on file at the center of personnel policies which include hours of work, vacation, sick leave, leave of absence, salary schedules.

**PW-CY 40.07 Equipment standards.** (1) **PLAY EQUIPMENT.** (a) *Required standards*. 1. There shall be sufficient equipment to meet the varied developmental needs and interests of the child of the different age groups.

a. There shall be equipment outdoors and indoors to assure variety in active physical play and creative learning experiences for the children attending the center.

b. There shall be equipment for climbing, swinging, sliding, riding, to push and pull, and sand in which to explore and dig, large building blocks with building toys, creative materials for art, music, literature, science, woodworking, and manipulative toys.

(2) **FURNISHINGS.** (a) *Required standards*. 1. Small tables and chairs shall be of suitable size for the children.

2. There shall be low, open shelves within easy reach of the children for the storage of play materials.

3. There shall be sufficient work space for children.

4. There shall be individual space for children's clothing, such as lockers or low hooks.

5. All furnishings and equipment shall be durable and safely constructed so that there are no sharp, rough, loose, or pointed edges which could injure children.

**History:** 1-2-56; Am. Register, June, 1956, No. 6; Eff. July 1, 1956.

**PW-CY 40.08 Physical plant standards.** (1) **BUILDING.** (a) *Required standards*. 1. Chapter nine of the Wisconsin State Building Code applies to Day Care Centers.

2. There shall be an inspection of each building by the Industrial Commission or local building inspector to determine compliance with local and state regulations. This inspector will file with the department a written statement of conformance to all local regulations as regards safety and fire protection.

3. All electrical work shall conform to the Wisconsin State Electrical Code, comprising orders 1000-1641 inclusive, of the Industrial Commission. It shall be inspected periodically.

4. No Child Care Center may be located in a convalescent or maternity home or in a rooming house or boarding house for adults.

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