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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2003-04**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Children and Families (AC-CF)**

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\* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)



SECTION 13. HFS 46.03 (18m) is created to read:

HFS 46.03 (18m) "Mildly ill" means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. HFS 145.

SECTION 14. HFS 46.03 (19) is amended to read:

HFS 46.03 (19) "Night care-center" means a any care that is offered by a licensed group day child care center ~~which operates during any period of time between 9:00 p.m. and 5:00 a.m.~~

SECTION 15. HFS 46.03 (22g), (22r), (26m) and (29m) are created to read:

HFS 46.03 (22g) "Part day center" means a center where a defined group of children attend for a specified period of time that is less than 5 consecutive hours in length.

(22r) "Physical Restraint" means the use of physical force to restrict the free movement of all or part of a child's body.

(26m) "Representative of the department" means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

(29m) "Sudden infant death syndrome" or "SIDS" means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

SECTION 16. HFS 46.03 (34) is amended to read:

(34) "Volunteer" means a person who agrees to give time, without compensation, to transport children ~~to and from~~ attending a group day child care center or to work with children in a group day child care center.

SECTION 17. HFS 46.03 (35) is created to read:

HFS 46.03 (35) "Wading pool" means a shallow pool, with sides 15 inches or less in height, capable of being dumped to change water and used primarily for small children.

SECTION 18. HFS 46.04 (2) (intro), (c), (f), (g), (i) 2. and 6., 8. (note) and (m) are amended to read:

HFS 46.04 (2) ADMINISTRATION. A group day child care center licensee shall do all of the following:

(c) Ensure that all information provided to the department is current and accurate.

(f) Prior to receiving or continuing a license, ~~Complete~~ complete all application forms and pay all fees and forfeitures due to the department.

(g) Submit to the department a certificate of insurance reflecting ~~current dates of coverage~~ for all of the following:

1. Current dates of coverage for all of the following:

a. 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. b.~~ Vehicle liability insurance, when transportation is provided by the center, with minimums no less than those specified in s. 121.53, Stats.

~~3. c.~~ Non-owned vehicle liability insurance when transportation is provided in vehicles not owned by the center, excluding public transportation vehicles and chartered vehicles, with minimums no less than those specified in s. 121.53, Stats.

2. An indication that pets are included in the liability coverage if cats or dogs are permitted in areas of the center accessible to children during the hours of operation.

(i) 2. Health care. If the center is licensed to care for children under one year of age, Sudden Infant Death Syndrome risk reduction procedures shall be included.

6. Action Contingency plans to be taken followed in the event of a fire or tornado, tornado or other emergency.

**Note:** Under the state public accommodation law, s. ~~406.04~~ 101.22, Stats., as well as federal statutes and regulations related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, handicap, religion or certain other characteristics may be illegal.

(m) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the day child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

SECTION 19. HFS 46.04 (3) (a), (f) and (g) are amended to read:

HFS 46.04 (3) (a) Any ~~accident resulting in the death of a child while in the care of the center or any accident that results in an a-serious injury~~ requiring professional medical treatment ~~such as but not limited to a broken bone, a burn, a concussion, a wound requiring stitches, or the ingestion of poison~~ while the child is in the care of the center. The ~~report~~ department shall be received by the ~~department~~ receive the report within 48 hours after the occurrence.

**Note:** The licensee may use either the Department's form CFS-0055, Child Care Accident Report, or the licensee's own form to report accidents. Information on how to obtain the Department's form is in Appendix E.

(f) ~~The~~ If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., on a form provided in a format specified by the department which is approved by the licensing representative and is received by the specified date. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

**Note:** The licensing representative will notify the licensee if a plan of correction is required and provide the plan of correction format with the notification.

(g) Any known convictions, pending charges or other offenses of the licensee, ~~day child~~ care center employees, or other persons subject to ~~criminal record checks~~ a caregiver background check which could potentially relate to the care of children at the center or activities of the center.

**Note:** See s. HFS 46.04 (8) on reporting suspected child abuse, s. HFS 46.04 (6) (c) on maintaining a center medical log book and s. HFS 46.07 (6) (a) 2. on logging injuries in a center medical log.

SECTION 20. HFS 46.04 (3) (h) to (L) are created to read:

HFS 46.04 (3) (h) A change in room usage, at least 20 working days prior to the change. The department shall approve changes in room usage prior to the change.

(i) Any incident related to a child who leaves the premises of the center without the knowledge of the provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the occurrence.

(j) Any suspected abuse or neglect of a child by a staff member that was reported under s. HFS 46.04 (8) (a) or any inappropriate discipline of a child by a staff member during the child's hours of attendance within 24 hours after the occurrence.

(k) Any incident involving law enforcement that occurs on the premises or involves a person on the premises within 24 hours after the occurrence.

(L) Any construction or remodeling that affects the premises of a center prior to the beginning of the construction or remodeling. If the construction or remodeling has the potential to affect where children are served or a condition of the license, the construction or remodeling shall receive written approval by the department before the construction or remodeling begins.

**Note:** See s. HFS 46.11 (5) (a) for items that affect a condition of the license.

SECTION 21. HFS 46.04 (5) (a) 1. (note) is created to read:

HFS 46.04 (5) (a) 1. **Note:** The licensee may use the Department's form CFS-0053, Child Care Staff Record, or the licensee's own form for recording staff information. Information on how to obtain the Department's form is in Appendix E.

SECTION 22. HFS 46.04 (5) (a) 2. and 3. are repealed and recreated to read:

HFS 46.04 (5) (a) 2. A background information disclosure form, completed prior to the employee's first day of employment and every 4 years thereafter, that does not reveal any information which may preclude the person's employment under s. 48.685, Stats., or ch. HFS 12.

**Note:** The Department's form HFS-64, Background Information Disclosure, is used for reporting employee background information. Information on how to obtain the form is in Appendix E.

3. A complete caregiver background check as specified in s. 48.685, Stats., and ch. HFS 12 including the results of any subsequent investigation related to information obtained as part of the background check within 60 days of employment and every 4 years thereafter.

SECTION 23. HFS 46.04 (5) (a) 5. (note) is created to read:

HFS 46.04 (5) (a) 5. **Note:** The licensee may use either the Department's form CFS-0053A, Child Care Staff Continuing Education Record, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department's form is in Appendix E.

SECTION 24. HFS 46.04 (6) (a) (intro) is amended to read:

HFS 46.04 (6) (a) CHILDREN'S RECORDS. (a) The licensee shall maintain a current written record obtained prior to the child's first day of attendance or subsequent re-enrollment at the center on each child enrolled and shall make the record available to the licensing representative on request. Each record shall include all of the following:

SECTION 25. HFS 46.04 (6) (a) 1. i. (note), 2. (note), 3. (note), 4. (note) and 5. (note) are created to read:

HFS 46.04 (6) (a) 1. i. **Note:** See HFS 46.09 (1) (a) which specifies what written information must be obtained from the parent of an infant or toddler. The licensee may use either the Department's form CFS-0061, Child Care Intake for Child under 2 Years, or the licensee's own form for recording information about each child under 2 years of age. Information on how to obtain the Department's form is in Appendix E.

2. **Note:** The licensee may use either the Department's form CFS-0062 or CFS-0062A Child Enrollment and Health History, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

3. **Note:** The licensee may use either the Department's form CFS-0056, Child Care Center Transportation Permission, or the licensee's own form to obtain authorization to transport children to and from the Center. Information on how to obtain the Department's form is in Appendix E.

4. **Note:** The licensee may use either the Department's form CFS-0058 or CFS-0058A, Child Care Field Trip or Other Activity Notification, or the licensee's own form for securing parental information. The Department's form CFS -62 and CFS-0062A also contain authorization from a parent to participate in field trips if the center chooses to use that form. Information on how to obtain the Department's form is in Appendix E.

5. **Note:** The licensee may use either the Department's form CFS-0104, Child Care School-Age Agreement, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain the Department's form is in Appendix E.

SECTION 26. HFS 46.04 (6) (a) 6. is amended to read:

HFS 46.04 (6) (a) 6. Documentation of each child's health ~~and immunization~~ history on a form provided by the department.

**Note:** The reverse side of the Department's form CFS-0062 or CFS-0062A, Child Care Enrollment and Health History, is used for health history information. Information on how to obtain the form is in Appendix E.

SECTION 27. HFS 46.04 (6) (a) 6m. is created to read:

HFS 46.04 (6) (a) 6m. Documentation of each child's immunization history.

**Note:** The Department's form DPH-4192, Child Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health care provider may be used in place of DPH-4192 or DPH 4192S. Information on how to obtain the form is in Appendix E.

SECTION 28. HFS 46.04 (6) (a) 7. (note) and (c) 2. (note) are created to read:

HFS 46.04 (6) (a) 7. **Note:** The licensee may use either the Department's form CFS-0057, Child Care Informed Consent for Observation or Testing by an Outside Agency, or the licensee's own form for securing the parent's written consent. Information on how to obtain the Department's form is in Appendix E.

(c) 2. **Note:** See s. HFS 46.07 (6) (f) and (j) for information on recording entries in the center medical log book.

SECTION 29. HFS 46.04 (7) (intro), (8) (a), (b) (intro), and 3. and (note) are amended to read:

HFS 46.04 (7) CONFIDENTIALITY. The licensee is responsible for the compliance of day child care center employees and volunteers with s. 48.78, Stats., and this subsection. The licensee shall ensure that:

(8) REPORTING CHILD ABUSE. (a) A licensee, employee or volunteer at a day child care center who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ss. 48.02 (1) and s. 48.981 (1), Stats., shall immediately contact the county department of social services or human services or a local law enforcement agency, as required by s. 48.981, Stats.

(b) The licensee shall ensure that every employee and volunteer who comes in contact with the children at the day child care center has received training every 2 years in all of the following:

3. The ~~process~~ procedure for reporting ensuring that known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

**Note:** ~~Copies of forms mentioned in this section may be obtained from the Forms Center, Division of Children and Family Services, P.O. Box 7851, Madison, Wisconsin 53707-7851 See s. HFS 46.04 (3) (j) on reporting suspected abuse of a child by a staff member to the Department.~~

SECTION 30. HFS 46.05 (title) and (1) (a) are repealed and recreated to read:

**HFS 46.05 Staffing.** (1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF. (a) *Competency.* A child care worker, including the center administrator, center director, child care teachers, assistant teachers, and volunteers counted in the staff to child ratio shall be physically, mentally and emotionally able to provide responsible care for children.

SECTION 31. HFS 46.05 (1) (b) 3. b. and (c) 5. (intro) are amended to read:

HFS 46.05 (1) (b) 3. b. One year of experience as a center director or child care teacher in a licensed day child care center or kindergarten or satisfactory completion of one non-credit department-approved course or one course for credit in early childhood education or its equivalent.

(c) 5. Before a person assumes the position of center director for a center licensed to serve 50 or fewer children, the person shall have completed or obtained, ~~as shown in Table 46.06-A,~~ one of the following: training and experience combinations shown in Table 46.05-A.

SECTION 32. HFS 46.05 (1) (c) 5. a. to i. are repealed.

SECTION 33. Table 46.05-A and 6. (intro) are amended to read:

<b>Table 46.05-A</b>		
<b>EDUCATION AND EXPERIENCE QUALIFICATIONS FOR THE DIRECTOR OF A CENTER LICENSED TO SERVE UP TO 50 CHILDREN WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION</b>		
<b>Post-Secondary Education Including Degree, License, Credentials or Certificate</b>		<b>Experience in A Licensed Day <u>Child</u> Care Center Or a Kindergarten</b>
1.	2 non-credit department-approved courses in early childhood education <del>prior to employment.</del>	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
2.	2 years of credit from an institution of higher education with at least 3 credits in early childhood education or its equivalent.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
3.	2 courses for credit in early childhood education or its equivalent <del>prior to employment and within 18 months, one additional course for credit.</del>	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
4.	One year child care diploma from an institution of higher education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
5.	<del>One year of an</del> <u>An</u> associate of arts degree in <u>early childhood education</u> or child care from an institution of higher education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
6.	Child development associate (CDA) credentials issued by the council for early childhood professional recognition.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
7.	30 credits from an institution of higher education, including 2 courses for credit in early childhood education.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.



8.	License from the Wisconsin department of public instruction to act as a pre-kindergarten or early childhood exceptional educational needs teacher.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
9.	Certificate from American montessori society, or association montessori international, or <u>montessori accreditation council for teacher education.</u>	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.
10.	Certificate from the bureau of apprenticeship standards as a child development specialist.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.

6. Before a person assumes the position of center director for a center licensed to serve 51 or more children, the person shall have completed or obtained, ~~as shown in Table 46.05-B,~~ one of the following: training and experience combinations shown in Table 46.05-B.

SECTION 34. HFS 46.05 (1) (c) 6. a. to f. are repealed.

SECTION 35. Table 46.05-B and (d) 3. (intro) are amended to read:

<b>Table 46.05-B</b>		
<b>EDUCATION AND EXPERIENCE QUALIFICATIONS FOR THE DIRECTOR OF A CENTER LICENSED TO SERVE 51 OR MORE CHILDREN WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION</b>		
<b>Post-Secondary Education Including Degree, License, Credential Or Certificate</b>		<b>Experience in a Licensed Day Child Care Center Or a Kindergarten</b>
1.	4 non-credit department-approved courses in early childhood education or its equivalent <del>prior to assuming the position.</del>	2 years as a child care teacher or center director.
2.	2 years of credit from an institution of higher education with at least 12 credits in early childhood education or its equivalent.	2 years as a child care teacher or center director.
3.	4 courses for credit in early childhood education or its equivalent from an institution of higher education.	2 years as a child care teacher or center director.
4.	An associate of arts-degree in <u>early childhood education or child care</u> from an institution of higher education.	2 years as a child care teacher or center director.
5.	60 credits from an institution of higher education, including 4 courses for credit in early childhood	2 years as a child care teacher or center director.

	education.	
6.	License from Wisconsin department of public instruction to act as a pre-kindergarten or early childhood exceptional educational needs teacher.	2 years as a child care teacher or center director.

(d) 3. Prior to assuming the position, a person hired to be a child care teacher shall be qualified in one of the following ways, as training and experience combinations shown in Table 46.05-C:

SECTION 36. HFS 46.05 (1) (d) 3. a. to i. are repealed.

SECTION 37. Table 46.05-C is amended to read:

<b>Table 46.05-C</b>		
<b>EDUCATION AND EXPERIENCE QUALIFICATIONS FOR A CHILD CARE TEACHER WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION</b>		
	<b>Post-Secondary Education Including Degree, License, Credential Or Certificate</b>	<b>Experience in a Licensed Day Child Care Center Or a Kindergarten</b>
1.	2 non-credit department-approved courses in early childhood education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
2.	2 years of credit from an institution of higher education with at least 3 credits in early childhood education or its equivalent.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
3.	2 courses for credit in early childhood education or its equivalent from an institution of higher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
4.	One year child care diploma from an institution of higher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
5.	<del>One year of an</del> An associate of arts degree in <u>early childhood education</u> or child care from an institution of higher education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
6.	Child development associate credential issued by the council for early childhood professional recognition.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
7.	30 credits from an institution of higher education, including 2 courses for credit in early childhood education.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
8.	Certificate from American	80 working days as a full-time assistant

	montessori society, or-association montessori international or <u>montessori accreditation council for teacher education.</u>	child care teacher or 120 working days as a half-time assistant child care teacher.
9.	License from the Wisconsin department of public instruction to act as a pre-kindergarten or early childhood exceptional educational needs teacher.	80 working days as a full-time assistant child care teacher or 120 working days as a half-time assistant child care teacher.
10.	Certificate from the bureau of apprenticeship standards as a child development specialist.	80 working days as a full-time child care teacher or assistant child care teacher or 120 working days as a half-time child care teacher or assistant teacher.

**Note:** Non-credit courses entitled *Introduction to the Child Care Profession and Skills and Strategies for the Child Care Teachers* offered by agencies approved by the department meet the training requirements specified in item 1 in table 46.05-C.

SECTION 38. HFS 46.05 (1) (e) 2. a. (note) is created to read:

**Note:** *Introduction to the Child Care Profession* is the name of the non-credit course approved by the Department to meet the entry level training requirements for a child care assistant teacher.

SECTION 39. HFS 46.05 (1) (g) (note) is repealed and recreated to read:

HFS 46.05 (1) (g) **Note:** Information about how to obtain a certificate may be obtained from The Registry, 2517 Seiferth Rd., Madison, WI 53716 or by calling 608-222-1123.

SECTION 40. HFS 46.05 (1) (j) 4. is renumbered 5.

SECTION 41. HFS 46.05 (1) (j) 3. is repealed and recreated to read:

HFS 46.05 (1) (j) 3. No licensee, employee, volunteer, visitor or parent with symptoms of serious illness or a communicable disease transmitted through normal contact reportable under ch. HFS 145 which presents a present safety or health risk to children may be in contact with the children in care.

4. a. No licensee, employee, volunteer, visitor, or parent whose behavior gives reasonable concern for the safety of children may be in contact with the children in care.

b. The department may require a licensee, employee or other person in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

**Note:** See also s. HFS 46.11 (1) (f) which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical or mental health of a person may endanger children in care.

SECTION 42. HFS 46.05 (1) (j) 1. b. (note) is created to read:

HFS 46.05 (1) (j) 1. b. **Note:** The Department's form CFS-0054, Child Care Provider Staff Health Report, is used for recording physical examination information. Information on how to obtain the form is in Appendix E.

SECTION 43. HFS 46.05 (2) (a) (intro), 3., 6. (note), 8. and 11. are amended to read:

HFS 46.05 (2) STAFF DEVELOPMENT. (a) *Orientation.* Except as provided under subd. 2., Each each center shall develop and implement a written orientation program which all new employees, substitutes and regularly scheduled volunteers shall complete and document within their first week at the center. The orientation program shall cover all of the following:

3. Training in emergency procedures, Review of the center contingency plans required under s. HFS 46.04 (2) (i), including fire and tornado evacuation plans including and the operation of fire extinguishers.

6. Note: A copy of the universal precautions may be obtained from the Child Care Information Center by calling 800-362-7353 or from the Occupational Health Section, Bureau of Occupational Health, Division of Public Health, 1414 East Washington Avenue 1 W. Wilson St., Madison, Wisconsin 53703.

8. Review of child abuse and neglect laws and center reporting procedures.

11. The integration of children with disabilities into the program. Procedure for sharing information related to a child's special health care needs including any physical, emotional, social or cognitive disabilities with any child care worker who may be assigned to care for that child throughout the day.

Note: The licensee may use either the Department's form CFS-2026, Group Child Care Staff Orientation Checklist for documenting staff orientation. Information on how to obtain the Department's form is in Appendix E.

SECTION 44. HFS 46.05 (2) (a) 12. is created to read:

HFS 46.05 (2) (a) 12. Review of procedures to reduce the risk of sudden infant death syndrome prior to an employee's or volunteer's first day of work, if the center is licensed to care for children under one year of age.

SECTION 45. HFS 46.05 (2) (c) 3. to 7. are repealed and recreated to read:

HFS 46.05 (2) (c) 3. Continuing education hours may be used to meet the continuing education requirement during the year in which the hours are earned and for the 2 years following that year.

4. Continuing education courses taken for credit through an institution of higher education may be used to meet the continuing education requirement during the year the credits were earned and for the following 2 years.

5. Assistant child care teachers who are currently enrolled in their first entry level course are not required to earn continuing education hours for that calendar year.

6. All staff members in regular contact with children shall obtain and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation within 6 months after

beginning to work with children. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

7. Types of training acceptable to meet continuing education requirements shall be limited to:

- a. Formal courses resulting in credits or continuing education units.
- b. Workshops, conferences, seminars, lectures, correspondence courses and home study courses.
- c. Training offered by the child care center through the use of guest or staff trainers.
- d. Documented observation time in other early childhood programs.

8. Continuing education experiences may be in the areas of early childhood education, child development, child guidance, health, caring for children with special needs, first aid, nutrition as it pertains to child development, supervision of staff or the business or administrative aspects of the operation of a child care center or in communication skills.

9. Independent reading and watching of educational materials may be counted for up to 5 hours of continuing education per year for each person required under par. (c) 1. to have 25 hours of continuing education, and up to 2.5 hours of continuing education per year for each person required under par. (c) 2. to have 15 hours of continuing education.

10. Each administrator and center director shall complete at least 10 hours of training in supervision or personnel management within one year of assuming the position as part of the annual continuing education requirement, if they have not previously received that training.

**Note:** The licensee may use either the Department's form CFS-0053A, Child Care Staff Continuing Education Record, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department's form is in Appendix E.

SECTION 46. HFS 46.05 (3) (g) is created to read:

HFS 46.05 (3) (g) A child may not be released to any person who has not been previously authorized by the parent.

SECTION 47. HFS 46.05 (4) (e) (intro) and 1. are amended to read:

HFS 46.05 (4) (e) ~~During naptime for children 2 years of age and older,~~ an adjustment in group size and staff-to-child ratios in Table 46.05-D may be made as follows:

1. One child care worker shall be within sight or sound of each group of ~~resting~~ sleeping children. If at least one child is awake, sight and sound supervision of awake children is required.

SECTION 48. HFS 46.05 (4) (f) (note) is created to read:

HFS 46.05 (4) (f) **Note:** The licensee may use the Department's form CFS-0078, Child Care Staff-Child Ratio Worksheet – Group Day Care Centers, to adjust the staff-to-child ratio. Information on how to obtain the Department's form is in Appendix E.

SECTION 49. HFS 46.05 (4) (k) 2. (note) is repealed.

SECTION 50. HFS 46.06 (title), (1) (a) and (2) (h) and (i) are amended to read:

**HFS 46.06 Physical plant and furnishings equipment.** (1) BUILDING. (a) The building in which a center is located shall comply with applicable state and local building codes. The licensee shall maintain a report of inspection of the building, which specifies that the building ~~has been approved under chs. Comm 61 to 65~~ meets the applicable Wisconsin commercial building codes for use as a group day child care center by an inspector employed by a municipality certified by the Wisconsin department of commerce.

Note: Inspections can be obtained by a commercial building inspector employed by a municipality certified by the Wisconsin Department of Commerce, an commercial building inspector certified by the Department of Commerce in accordance with chapter Comm 5, "Licenses, Certifications, and Registration," or a Wisconsin architect registered in accordance with chapter A-E 3, Architect Registration, or a Wisconsin engineer registered in accordance with chapter A-E 4, Professional Engineer Registration.

(h) Smoking is prohibited ~~in any indoor or outdoor area of the center in which children are allowed, on any day the center is in operation, regardless of whether~~ on the premises of the center when the children are present.

Note: See s. HFS 46.03 (25) for the definition of premises.

(i) ~~Alcoholic A licensee, employee, volunteer or other individual in contact with children may not consume alcoholic beverages and or any non-prescribed controlled substances as specified in schedules I to V of subch. II of ch. 961, Stats., may not be consumed on the premises of the day care center or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the center's operation.~~

SECTION 51. HFS 46.06 (2) (k) and (L) are created to read:

HFS 46.06 (2) (k) A hot tub located in a room or area accessible to children shall have a visible, locked, rigid cover or be enclosed by a locked fence at least 4 feet tall. The lock shall be installed so that the lock is inaccessible to children.

(L) If a hot tub is located in a room or area not intended for use by children, access to the room or area shall be controlled through the use of a visibly locked door. The lock shall be installed so that the lock is inaccessible to children.

SECTION 52. HFS 46.06 (3) (b) and (c) are amended to read:

HFS 46.06 (3) (b) Make sure that all staff members know what their duties are if there is a ~~fire or, tornado or a, tornado warning,~~ or other emergency.

(c) Keep a written record of dates and times of the monthly fire or tornado practice.

Note: The licensee may use the Department's form CFS-00543, Group Child Care Center Fire and Safety Checklist, to record dates and times of the monthly fire or tornado practice. Information on how to obtain the form is in Appendix E.

SECTION 53. HFS 46.06 (4) (j) (note) is created to read:

**Note:** The licensee may use the Department's form CFS-00543, Group Child Care Center Fire and Safety Checklist, to document the results of the weekly testing of fire alarms and smoke detectors. Information on how to obtain the form is in Appendix E.

SECTION 54. HFS 46.06 (6) (b) 2. is amended to read:

HFS 46.06 (6) (b) 2. A center serving children under 6 months of age shall have the water tested annually for nitrate levels. ~~If nitrate levels in the water are determined to be over 10 milligrams per liter, the department may require an alternate water source for children under 6 months of age.~~

SECTION 55. HFS 46.06 (6) (b) 3. and (note) and (8) (g) (note) are created to read:

HFS 46.06 (6) (b) 3. If water test results indicate the water is bacteriologically unsafe or has nitrate levels that exceed the recommended limits, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe.

**Note:** Centers using a private well that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non community water system (NTNC) and must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest Department of Natural Resources from the list at:  
[www.dnr.state.wi.us/org/caer/cs/ServiceCenter/SSbyRegion.html](http://www.dnr.state.wi.us/org/caer/cs/ServiceCenter/SSbyRegion.html)

(8) (g) **Note:** See Appendix D for information on safe cribs and playpens.

SECTION 56. HFS 46.06 (9) (b) 3. c., 4. b. and (c) 1. are amended to read:

HFS 46.06 (9) (b) 3. c. Sanitize by submerging dishes and utensils for at least 2 minutes in a solution of a 1½ teaspoons of bleach per gallon of water or another sanitizer approved by the department.

4. b. For washing in hometype dishwashers with a temperature setting of between 130° and 150°F., 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 1½ teaspoons bleach per gallon of water or another sanitizer approved by the department.

(c) *Food sources.* 1. Food shall be clean, wholesome, free from spoilage, free from adulteration or misbranding and safe for human consumption. Meat, poultry, fish, molluscan shellfish, eggs and dairy products shall be from an inspected source.

SECTION 57. HFS 46.06 (9) (c) 3m. and (note) are created to read:

HFS 46.06 (9) (c) 3m. Meals shall be prepared on the premises, in a central kitchen operated by the child care center or in another location that has been inspected by a representative of a state agency.

**Note:** Chapter HFS 196 of the administrative rules address restaurants and other public eating establishments. Chapter ATCP 75 of the administrative rules address retail food establishments.

SECTION 58. HFS 46.06 (9) (f) 5., (g) 1. c., (10) (a), Table 46.06 (title), (10) (b) and (11) (b) 1. and 2. a. are amended to read:

HFS 46.06 (9) (f) 5. ~~Frozen~~ Potentially hazardous frozen foods shall be ~~defrosted~~ thawed in the refrigerator, under cold running water or on the defrost setting in a microwave oven. No potentially hazardous frozen food may be ~~defrosted~~ thawed by leaving it at room temperature.

(g) 1. c. Wash their hands with soap and warm running water before starting work, before and after handling food, and after using the toilet. Hands shall be dried with single use towels.

(10) (a) WASHROOM AND TOILET FACILITIES. (a) A group day child care center shall provide at least the number of washbasins and toilets with plumbing indicated in Table 46.06. Urinals may be substituted for up to 1/3 of the total required toilets.

Table 46.06		
MINIMUM NUMBER OF WASHBASINS AND TOILETS REQUIRED IN GROUP DAY CHILD 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 additional toilets and urinals or fraction thereof. ~~Urinals may be substituted for up to 1/3 of the total required toilets.~~

(11) (b) 1. ~~Location.~~ The outdoor play space shall be on the premises of the center.

2. ~~Amount of space.~~ a. There shall be at least 75 square feet of outdoor play space for each child 2 years of age and older using the space at a given time.

SECTION 59. HFS 46.06 (11) (b) 2. b. to d. and 3. a. to d. are renumbered HFS 46.06 (11) (b) 3. to 9., and HFS 46.06 (11) (b) 3. and 6., as renumbered, are amended to read:

HFS 46.06 (11) (b) 3. There shall be at least 35 square feet of outdoor play space for each child under 2 years of age using the space at a given time except as provided in subd. ~~2. e. 4.~~

6. ~~Features.~~ The outdoor play space shall be well-drained and shall be free of hazards such as uncovered wells, cisterns and unused appliances. Structures such as playground equipment, railings, decks and porches accessible to children that have been constructed with CCA treated lumber shall be sealed with an exterior oil based sealant or stain.

SECTION 60. HFS 46.06 (11) (c) 1m. is created to read:



HFS 46.06 (11) (c) 1m. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under par. (b) for a center's outdoor play space.

SECTION 61. HFS 46.06 (11) (c) 2. (intro) and e. (note) are amended to read:

~~HFS 46.06 (11) (c) 2. A center wanting to use an off-premises play space may ask the department~~ A request for an exemption from the requirements under par. (b) for a center's outdoor play space. ~~The request for an exemption under subd. 1m. shall be in writing and shall be accompanied by a plan for outdoor play space which does all the following:~~

e. **Note:** Send the request for an exemption and the off-premises outdoor play space plan to the licensing representative at the appropriate field regional office of the Department's Division of Children and Family Services. See in Appendix A for addresses of the field offices.

SECTION 62. HFS 46.06 (12) is repealed and recreated to read:

HFS 46.06 (12) SWIMMING AREAS. (a) Above ground and in ground swimming pools on the premises may not be used by children in care and shall be enclosed by a 6 foot fences with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 4 inches or less.

(b) A wading pool may be used if the water is changed and the pool is disinfected daily.

(c) A swimming pool or beach that is not located on the center premises may be used by children, if all the following conditions are met.

1. The construction and operation of the pool shall meet the requirements of chs. Comm 90 and HFS 172 for public swimming pools. A beach shall comply with any applicable local ordinance.

2. Certified lifesaving personnel shall be on duty.

3. While children are in the water of a pool or beach other than a wading pool, staff-to-child ratios for child care workers who can swim shall be:

a. For children under 3 years of age: 1:1.

b. For children 3 years of age: 1:4.

c. For children 4 and 5 years of age: 1:6.

d. For children 6 years of age and older: 1:12.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on the number of children in the water and each child's age.

**Note:** A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department. Requests may be made to the licensing representative or regional licensing office listed in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

SECTION 63. HFS 46.07 (1) (a) (intro), (2) (b), (e) (intro), 1. and 3., (f) (note), (3) (d) (note), Table 46.07 (title), (5) (a) 4. (note) and 9. are amended to read:

HFS 46.07 (1) (a) Each group day child care center shall have a written program of activities which are suitable for the developmental level of each group of children. The program shall provide each child with experiences which will promote all of the following:

**Note:** The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at <http://www.collaboratingpartners.com/> or through the Child Care Information Center at 1-800-362-7353.

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

(e) Actions which that are aversive, cruel or humiliating or frightening to a child, and actions that may be psychologically, emotionally or physically painful, discomfoting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include:

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

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

(f) **Note:** Inappropriate discipline of a child by a staff member must be reported to the department within 24 hours after the occurrence under s. HFS 46.04 (3) (j).

(3) (d) **Note:** Lists suggesting kinds and numbers of play equipment for centers are Information on selecting play equipment is available from the Child Care Information Center, 2409 S. Stoughton Rd., Madison, WI 53716, 1-800-362-7353, Madison, Wisconsin 53716.

Table 46.07	
MEAL AND SNACK REQUIREMENTS FOR EACH CHILD IN A GROUP DAY CHILD CARE CENTER	
Time a Child is Present	Number of Meals and Snacks
At least 2½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
At least 10 or more hours	2 meals and 2 or 3 snacks

(5) (a) 4. **Note:** See Appendix Appendices B and C for information on the U.S. department of agriculture child and adult care food program minimum meal requirements.

9. A special diet, based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written instruction of a child's physician and upon request of the parent.

SECTION 64. HFS 46.07 (5) (a) 9m. is created to read:

HFS 46.07 (5) (a) 9m. A special diet based on a food allergy may be served upon the written request of the parent.

SECTION 65. HFS 46.07 (6) (d) 5. (intro), (e) 1., 2. and 3. (note), (f) 1., a. and (note) and c. are amended to read:

HFS 46.07 (6) (d) 5. The center follows and implements procedures in a written plan for the provision of care to mildly ill children approved and signed by a licensed physician, or a pediatric or family nurse practitioner which covers all of the following:

(e) *Communicable disease*. 1. A child with a reportable communicable disease specified in ch. HFS 145 may not be admitted to or be permitted to remain in a day child care center during the period when the disease is communicable.

2. When it is determined that a child enrolled in a day child care center has a reportable communicable disease under ch. HFS 145 transmitted through normal contact, such as chicken pox, German measles, infectious hepatitis, measles, mumps, scarlet fever or meningitis, the local public health officer and the parents of exposed children shall be notified.

3. **Note:** ~~A chart with information is available from the Child Care Information Center, 2109 S. Stoughton Rd., Madison, WI 53716, 1-800-362-7353~~ The Wisconsin Division of Public Health has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child must be excluded from the center. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center at 800-362-7353.

(f) *Medications*. 1. Center staff may give prescription or non-prescription medication, such as aspirin pain relievers or cough medicine, to a child ~~or apply parent-provided and labeled sunscreen or insect repellent to a child~~ only under the following conditions:

a. A written authorization that includes the child's name and birthdate, name of medication, administration instructions, medication intervals and length of the authorization dated and signed by the parent is on file. Blanket authorizations that exceed the length of time specified on the label are prohibited.

**Note:** The Department's form CFS-0059 or CFS-0059A, Authorization to Administer Medication, is used to obtain the parent's authorization to provide medications. Information on how to obtain the form is in Appendix E.

c. A written record, including type of medication given, dosage, time, date and the name or initials of the person administering the medication, shall be made in the center medications and injury log book on the same day that the medication is administered. ~~The recording of the application of sunscreen or insect repellent is not required.~~

**Note:** See s. HFS 46.04 (6) (c) on maintaining a center medications and injury log book.

SECTION 66. HFS 46.07 (6) (f) 2. and 3. are renumbered 3. and 4.

SECTION 67. HFS 46.07 (6) (f) 2. is created to read:

HFS 46.07 (6) (f) 2. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the brand and ingredient strength of the sunscreen or repellent. Authorizations shall be reviewed every 6 months and updated as necessary. The recording of the application of sunscreen or insect repellent is not required.

SECTION 68. HFS 46.07 (6) (j) 9., (k) 3. (notes) and 5. are amended to read:

HFS 46.07 (6) (j) 9. Records of injuries shall be reviewed by the director or designated person with staff ~~at least twice each year~~ every 6 months in order to determine that all possible preventive measures are being taken. There shall be documentation in the medications and injury log book that reviews have taken place.

**Note:** See s. HFS 46.04 (6) (c) on maintaining a center medications and injury log book.

(k) 3. **Note:** ~~Copies of the health examination report form are available from the Forms Center, Division of Children and Family Services, P.O. Box 7851, Madison, Wisconsin 53707. The Department's form CFS-0060 or CFS-0060A, Child Health Report, is used to record health examination information. Information on how to obtain the form is in Appendix E.~~

~~**Note:** Any of the following, eligible to be certified as a HealthCheck provider, is authorized to sign a health examination report: A HealthCheck provider is a medical professional associated with or employed by an outpatient hospital facility, a health maintenance organization, a visiting nurse association, a clinic operated under a physician's supervision, a local public health agency, a home health agency, a rural health clinic, an Indian health agency or a neighborhood health center.~~

5. A child's health history on a form prescribed by the department completed by the child's parent shall be on file at the center by the first day of attendance. Information contained on the health history form shall be shared with any child care worker assigned to care for the child.

**Note:** The reverse side of the Department's form CFS-0062 and CFS-0062A, Child Care Child Enrollment and Health History, is used to record a child's health history. Information on how to obtain the form is in Appendix E.

SECTION 69. HFS 46.07 (7) is repealed and recreated to read:

HFS 46.07 (7) PETS AND ANIMALS. (a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is

enrolled, parents shall be notified in writing prior to the pets' addition to the center.

(d) Reptiles, amphibians, turtles, ferrets, poisonous animals, psittacine birds, exotic and wild animals may not be accessible to children.

**Note:** Psittacine birds are hooked-billed birds of the parrot family that have 2 toes forward and 2 toes backward and include parrots, macaws, grays, lovebirds and cockatoos.

(e) All contact between pets or animals and children shall be under the close supervision of a child care worker who is close enough to remove the child immediately if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.

(f) Pets, pet feeding dishes, cages and litter boxes are prohibited in any food preparation, storage or serving areas. Pet and animal feeding dishes and litter boxes may not be placed in areas accessible to children.

(g) Indoor and outdoor areas accessible to children shall be free of animal excrement.

(h) If dogs or cats are allowed in areas of the center accessible to children, the certificate of insurance required under s. HFS 46.04 (2) (g) shall indicate the number and types of pets covered by the insurance.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets or animals.

SECTION 70. HFS 46.08 (2) (b) 3. (note) is created to read:

HFS 46.08 (2) (b) 3. **Note:** The licensee may use either the Department's form CFS-0056, Child Care Center Transportation Permission, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

SECTION 71. HFS 46.08 (3) is repealed and recreated to read:

HFS 46.08 (3) (a) The driver of a center-provided vehicle shall be or have all of the following:

1. At least 18 years of age.
2. A valid Wisconsin operator's license for the type of vehicle driven.
3. At least one year of experience as a licensed driver.

(b) The center shall have on file a copy of the driving record of the driver of a center-provided vehicle.

**Note:** Information on how to obtain driver license records can be obtained by calling the Department of Transportation at 608-266-2353.

SECTION 72. HFS 46.08 (4) (b) is amended to read:

HFS 46.08 (4) (b) Each child under 4 years of age or 40 pounds being transported in a vehicle with a seating capacity of 15 or fewer shall be seated and properly restrained in an individual child car safety seat. Each child ~~age 4 to 8 years of age~~ and above shall be restrained in an individual vehicle safety seat belt or a car safety seat. Each accompanying adult shall be restrained by an individual seat belt. Seat belts may not be shared.

SECTION 73. HFS 46.08 (4) (d) is created to read:

HFS 46.08 (4) (d) Children under age 13 may not ride in the front seat. If a vehicle has a front passenger side air bag, the air bag shall be deactivated and inoperable during the period a child is a passenger in the front seat.

SECTION 74. HFS 46.08 (5) (d) is amended to read:

HFS 46.08 (5) (d) A seat in the vehicle shall be provided for each child. ~~In determining seating capacity for a vehicle not required to have seat belts, at least 13 inches for seating shall be allowed for a child and 20 inches for an adult. In a vehicle not required to have seat belts, the~~ manufacturer shall determine the capacity of the vehicle.

SECTION 75. HFS 46.08 (7) is repealed and recreated to read:

HFS 46.08 (7) CENTER VEHICLES. (a) A center-provided vehicle shall be in safe operating condition. Except for licensed contract motor carrier vehicles, the licensee shall provide the department evidence of the vehicle's safe operating condition at 12-month intervals on a form the department provides. Licensed contract motor carrier vehicles shall comply with all applicable standards for those vehicles.

**Note:** The Department's form CFS-0052, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the Department's form is in Appendix E.

(b) A center-provided vehicle, other than a licensed contract motor carrier, shall be equipped with a first aid kit.

SECTION 76. HFS 46.09 (1) (a) is renumbered (am).

SECTION 77. HFS 46.09 (title) and (intro) are amended to read:

**HFS 46.09 Additional requirements for infant and toddler care. (1) APPLICABILITY, QUALIFICATIONS AND GENERAL REQUIREMENTS.** (a) Group day child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

SECTION 78. HFS 46.09 (1) (a) 6. (note) is created to read:

HFS 46.09 (1) (a) 6. **Note:** The licensee may use the Department's form CFS-0061, Child Care Intake for Child Under 2 Years, or the licensee's own form to record information for individualizing the program of care for each child. Information on how to obtain the Department's form is in Appendix E.

SECTION 79. HFS 46.09 (1) (f) is amended to read:

HFS 46.09 (1) (f) Infants and toddlers are restricted to first floors and ground floors having direct grade-level exits unless the building is in compliance with all applicable building codes that permit children to be cared for on other levels. The building inspection report on file with the licensing office shall indicate that children under 2 years of age may be cared for on other levels of the center.

SECTION 80. HFS 46.09 (1) (j) to (L) and (2) (bm) are created to read:

HFS 46.09 (1) (j) Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Water beds may not be used by children under age 2.

(k) Sheets or blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

(L) Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

(2) (bm) Each child under one year of age shall be placed to sleep on his or her back unless otherwise specified in writing by the child's physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

SECTION 81. HFS 46.09 (2) (f) and (3) (a) 4. are amended to read:

HFS 46.09 (2) (f) When a non-walking mobile child is awake, the child care worker shall change the child's body position and location in the room periodically. Non-mobile children who are awake shall be placed in on their stomach occasionally throughout the day.

(3) (a) 4. Except as provided in subd. 6., provide formula or breast milk to all children under 6 12 months of age.

SECTION 82. HFS 46.09 (3) (a) 5. is repealed.

SECTION 83. HFS 46.10 is renumbered 46.095.

SECTION 84. HFS 46.095 (1), (2) (title) and (intro), (c) and (3) (title) and (intro), as renumbered, are amended to read:

**HFS 46.095 Exceptions and additional requirements for care of school-age children.**

(1) APPLICABILITY. This section applies to group day child care centers that serve only school-age children and group day child care centers that serve school-age children in groups separate from children who are under 5 years of age. This section does not apply to group day child care centers where school-age children are served in groups with children under 5 years of age.

(2) EXCEPTIONS FOR GROUP DAY CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN. All requirements under ss. HFS 46.04 to 46.08 and 46.12 11 apply to group child care centers serving school-age children, except for the following requirements:

(c) Section HFS 46.06 (11) (b) ~~3-b.~~ 6. concerning a permanent enclosure of outdoor space. Where hazards exist, such as traffic or bodies of water, the boundaries of outdoor play space shall be made known to the children.

(3) EXCEPTIONS FOR GROUP DAY CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN IN SCHOOL BUILDINGS. The following requirements do not apply to group day child care centers serving only school-age children in school buildings currently in use as school buildings:

SECTION 85. HFS 46.095 (3) (dm) is created to read:

HFS 46.095 (3) (dm) Section HFS 46.06 (5) (c) on the requirement that garbage containers be covered. All other requirements of this section shall be met.

SECTION 86. 46.095 (4) (title) and (a) 2. (note), as renumbered, are amended to read:

HFS 46.095 (4) ADDITIONAL REQUIREMENTS FOR GROUP DAY CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN.

(a) 2. ~~Note: A copy of the school-age release form may be obtained from the Forms Center, Division of Children and Family Services, P. O. Box 7851, Madison, Wisconsin 53707-7851~~ The licensee may use either the Department's form CFS-0104, Child Care School-Age Agreement, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain the Department's form is in Appendix E.

SECTION 87. HFS 46.11 is renumbered to 46.10.

SECTION 88. HFS 46.10 (1) and (2) (d), as renumbered, are amended to read:

**HFS 46.10 Additional requirements for night care.** (1) APPLICABILITY. Group day child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the additional requirements of this section.

(2) (d) All child care workers on duty shall remain awake, available, within call and able to respond to the needs of the children during night care.

SECTION 89. HFS 46.12, 46.13 and Appendices A to D are repealed and recreated to read:

**HFS 46.11 Licensing administration.** (1) GENERAL CONDITIONS FOR APPROVAL OF LICENSE. (a) A facility that provides care on a regular basis to 9 or more children under the age of 7 years shall be deemed to be providing care for compensation and shall be licensed as a group child care center.

(b) Prior to receiving a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures due to the department.

(c) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fine or forfeitures.

(d) Persons licensed to operate a group child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the group child care



center. A determination of being unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not it results in a criminal charge or conviction.

(e) The department shall issue a group child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

(f) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center might endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that shall certify the condition of the individual and the possible effect of that condition on the group child care center or the children in care.

(g) The department may deny or revoke the license if the examination specified under par. (f) gives the department reasonable concern for the care of children.

(h) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years. An applicant is deemed ineligible to submit an application for a license and a licensee may not hire an employee within 2 years from the date an applicant or employee had a child care license revoked or denied.

(2) INITIAL APPLICATION FOR A PROBATIONARY LICENSE. (a) An applicant for a license shall participate in pre-licensing technical assistance towards the completion of the initial licensing study checklist with a representative of the department prior to submitting an application for a license.

**Note:** 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate Division of Children and Family Services regional office in Appendix A. The Department will provide the application form to a license applicant upon completion of the pre-licensing technical assistance.

2. An initial licensing study checklist includes a list of those licensing rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or from the appropriate regional office in Appendix A.

(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

(c) An applicant for an initial license shall include all the following with the application form:

1. The license fee required under s. 48.65 (3) (a), Stats.

2. A completed background information disclosure form provided by the department for the applicant and, if the center will be located in a residence, any household member aged 10 and above.

3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.

4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.

5. A copy of all the policies required under s. HFS 46.04 (2) (h) and (i) and a completed copy of the group child care policy checklist provided by the department.

**Note:** Information on how to obtain a copy of CFS-2048 Group Child Care Policy Checklist is available in Appendix E.

6. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6-month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(g) The department shall consider a licensee who fails to submit any of the materials described in sub. (3) or (4) by the expiration date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(3) OBTAINING A REGULAR LICENSE (a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license application.

2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.

3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any applicable penalty under s. 48.76, Stats., the department shall issue a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

(4) CONTINUING A REGULAR LICENSE. (a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.
2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.
3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.
4. Any changes to center policies, if not previously submitted.

**Note:** The department will supply a copy of the CFS-65 Group Child Care Center License Application form prior to the continuation date of the license.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(5) AMENDING A LICENSE. (a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the licensed capacity of the center.
2. The age range of the children.
3. The hours of the center's operation.
4. The days of the week the center is in operation.
5. The months of the year the center is in operation.
6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

**Note:** The Department's form CFS-0065 Group Child Care License Application is used to apply for a new license. The Department will provide an application prior to the continuation date for a new license or when notified by the licensee of a change that will affect a condition of the license.

(d) A licensee proposing to increase the licensed capacity of a center shall demonstrate compliance with this chapter in the operation of the existing center and compliance with rules for any other facility licensed by the department and operated by the licensee.

(6) **ADDITIONAL LICENSE.** A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of the existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(7) **LICENSE DENIAL OR REVOCATION.** (a) The department may deny, revoke or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children, has or has been any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.

2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center.

3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. HFS 129.10.

5. 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 for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Had a child care license or certification revoked or denied within the last 5 years.

7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Made false statements or withheld information.

**Note:** Examples of charges and offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children are: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (1).

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53(5), Stats., and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject of review only as provided in the memorandum of understanding entered into under s. 49.587, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301 (5), Stats., and not as provided in s. 48.72, Stats.

(8) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE. (a) 1. If the department decides under sub. (7) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the notice, based on the criteria under s. 48.715 (4m) (a) and (b), Stats., unless the decision is appealed under sub. (11).

(b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a group child care center may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(9) SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. 227.51 (3), Stats., the department shall summarily suspend a license and close a group child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center or has a pending charge that substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the day care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a group child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under sub. (7) or (8) to revoke the license. A preliminary hearing shall be conducted by the department of administration's division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(10) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. (a) Any person aggrieved by the department's decision to deny a probationary or regular license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be received by the division of hearings and appeals within 10 days after the date of the notice under sub. (8). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

**Note:** A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, Wisconsin. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.
2. The petitioner withdraws the request in writing.
3. The petitioner agrees in writing to accept an informal resolution of the appeal.
4. The petitioner abandons the hearing request. The division of hearings and appeals shall determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:

1. Shall consider and apply all standards and requirements of this chapter.

2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.

3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b) 4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision's issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.

**HFS 46.12 Complaints, inspections and enforcement actions.** (1) COMPLAINTS. (a) Anyone having a complaint about a licensed or illegally operating group child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

**Note:** A complaint should be sent, phoned or delivered to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The licensee may not discharge an employee because that employee has reported violations of this chapter to the representative of the department.

(2) INSPECTION. Pursuant to s. 48.73, Stats, the department may visit and inspect any group child care center at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children served and staff records and any other materials or other individuals having information on the group child care center's compliance with this chapter.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

## Appendix A

### REGIONAL OFFICES OF THE DIVISION OF CHILDREN AND FAMILY SERVICES

The Department of Health and Family Services licenses day care centers through five Division of Children and Family Services regional offices. Below are addresses and phone numbers of the regional offices and related counties.

#### **Northeastern Office**

(Green Bay)  
200 North Jefferson  
Suite 411  
Green Bay, WI 54301-5191  
(920) 448-5312

Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago,

#### **Northern Office**

(Rhinelander)  
1853 North Stevens Street  
P.O. Box 697  
Rhinelander, WI 54501-0697  
(715) 365-2500

Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood

#### **Southeastern Office**

(Waukesha)  
141 N.W. Barstow Street, Room 104  
Waukesha, WI 53188-3789  
(262) 521-5100

Kenosha, Milwaukee, Racine, Waukesha

#### **Southern Office**

(Madison)  
2917 International Lane, Suite 110  
Madison, WI 53704  
(608) 243-2400

Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth

#### **Western Office**

(Eau Claire)  
610 Gibson Street Suite 2,  
Eau Claire, WI 547013695  
(715) 836-2157

Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn



## Appendix B

### CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

The meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

	Ages 1 & 2	Ages 3, 4, & 5	Age 6 up to 12
<b>BREAKFAST</b>			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Juice, <sup>a</sup> fruit or vegetable or Fruit(s) or vegetable(s)	1/4 cup	1/2 cup	1/2 cup
3. Grains/Breads: <sup>b</sup>			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc. <sup>b</sup>	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz <sup>C</sup>	1/3 cup or 1/2 oz <sup>C</sup>	3/4 cup or 1 oz <sup>C</sup>
Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
<b>LUNCH OR SUPPER</b>			
1. Milk	1/2 cup	3/4 cup	1 cup
2. Meat or meat alternate:			
Meat, poultry, fish, cheese	1 oz	1+1/2 oz	2 oz
Alternate protein products <sup>g</sup>	1 oz	1+1/2 oz	2 oz
Yogurt, plain or flavored, unsweetened or sweetened	4 oz or 1/2 cup	6 oz or 3/4 cup	8 oz or 1 cup
Egg	1/2 egg	3/4 egg	1 egg
Cooked dry beans or peas	1/4 Cup	3/8 cup	1/2 cup
Peanut butter or other nut or seed butter	2 Tbsp.	3 Tbsp.	4 Tbsp.
Peanuts or soynuts or tree nuts or seeds	1/2 oz = 50% <sup>d</sup>	3/4 oz = 50% <sup>d</sup>	1 oz = 50% <sup>d</sup>
3. Vegetable and/or fruit <sup>e</sup> (at least two)	1/4 cup total	1/2 cup total	3/4 cup total
4. Grains/Breads: <sup>b</sup>			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc. <sup>b</sup>	1/2 serving	1/2 serving	1 serving
Cereal, hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cereal, cold, dry	1/4 cup or 1/3 oz <sup>C</sup>	1/3 cup or 1/2 oz <sup>C</sup>	3/4 cup or 1 oz <sup>C</sup>
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
<b>SUPPLEMENT</b>			
Select two of the following four components:			
1. Milk	1/2 cup	1/2 cup	1 cup
2. Juice, a,f fruit or vegetable or Fruit(s) or vegetable(s)	1/2 cup	1/2 cup	3/4 cup
3. Grains/Breads: <sup>b</sup>			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc. <sup>b</sup>	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz <sup>C</sup>	1/3 cup or 1/2 oz <sup>C</sup>	3/4 cup or 1 oz <sup>C</sup>
Hot cooked	1/4 cup	1/4 cup	1/2 cup
4. Meat or meat alternate			
Meat, poultry, fish, cheese	1/2 oz	1/2 oz	1 oz
Alternate protein products <sup>g</sup>	1/2 oz	1/2 oz	1 oz
Egg, Large <sup>h</sup>	1/2 egg	1/2 egg	1/2 egg
Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup

Peanut butter or other nut or seed butter	1 Tbsp.	1 Tbsp.	2 Tbsp.
Peanuts or soynuts or tree nuts or seeds	½ oz	½ oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened	2 oz or 1/4 cup	2 oz or 1/4 cup	4 oz or 1/2 cup

- a Must be full strength fruit or vegetable juice.
- b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, combread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.
- c Either volume (cup) or weight (oz), whichever is less.
- d No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. Of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.
- e Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
- F Juice may not be served when milk is the only other component.
- g Alternate protein products may be used as acceptable meat alternates.
- h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

## Appendix C

### CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant's eating habits.

#### Infant Meal Pattern

Birth Through 3 Months	4 Through 7 Months	8 Through 11 Months
<b>BREAKFAST</b>		
4 - 6 fl. oz. Formula <sup>1</sup> or breast milk <sup>5,6</sup>	4 - 8 fl. oz. formula <sup>1</sup> or breast milk <sup>5,6</sup>	6 - 8 fl. oz. formula <sup>1</sup> or breast milk <sup>5,6</sup>
	0 - 3 T. infant cereal <sup>2</sup> (optional)	2 - 4 T. infant cereal <sup>2</sup>
		1 - 4 T. fruit and/or vegetable
<b>LUNCH OR SUPPER</b>		
4 - 6 fl. oz. formula <sup>1</sup> or breast milk <sup>5,6</sup>	4 - 8 fl. oz. formula <sup>1</sup> or breast milk <sup>5,6</sup>	6 - 8 fl. oz. formula <sup>1</sup> or breast milk <sup>5,6</sup>
	0 - 3 T. infant cereal <sup>2</sup> (optional)	2 - 4 T. infant cereal <sup>2</sup> and/or
	0 - 3 T. fruit and/or vegetable (optional)	1 - 4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or
		1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread
		1 - 4 T. fruit and/or vegetable
<b>SUPPLEMENT</b>		
4 - 6 fl. oz. Formula <sup>1</sup> or breast milk <sup>5,6</sup>	4 - 6 fl. oz. formula <sup>1</sup> or breast milk <sup>5,6</sup>	2 - 4 fl. oz. formula <sup>1</sup> , breast milk <sup>5,6</sup> , or fruit juice <sup>3</sup>
		0 - 1/2 bread or
		0 - 2 crackers (optional) <sup>4</sup>

1 Shall be iron-fortified infant formula.

2 Shall be iron-fortified dry infant cereal.

3 Shall be full strength fruit juice.

4 Shall be from whole-grain or enriched meal or flour.

5 It is recommended that breast milk be served in place of formula from birth through 11 months.

6 For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

#### Required Guidelines for Infant Meal Pattern

**Definition of Infant.** Any child less than 12 months of age.

**Definition of Infant Formula.** Infant formula defined by USDA is "any iron-fortified infant formula intended for dietary use as a sole source for food for normal healthy infants served in liquid state at manufacturer's recommended dilution".

**Infant Formula/Breast milk.** The decision regarding feeding infants breast milk or the type of infant formula is one for the infant's doctor and parents/guardian to make together.

**Definition of Optional.** Optional foods must be served as each infant becomes developmentally ready for the specified foods.

## Appendix D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

### Your Used Crib Could Be DEADLY

CPSC Document # 5020

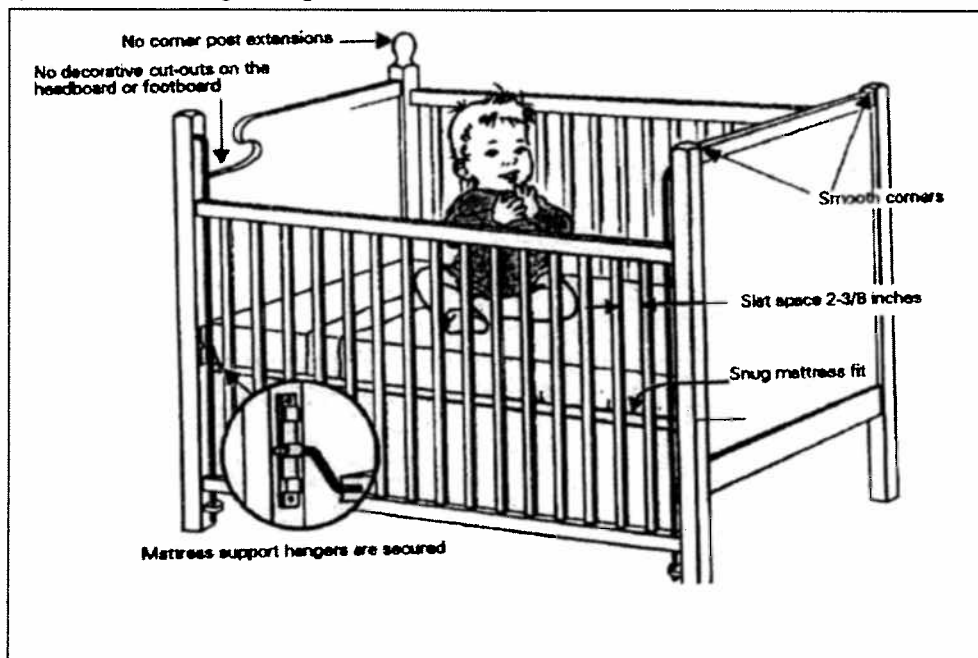
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in a child care center. To protect all children, destroy it and replace it with a safe crib.

#### A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby's body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or foot board so a baby's head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.



## Appendix E

### INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR GROUP CHILD CARE CENTERS Revised [Revisor to insert effective date]

The Department forms listed below are arranged in two categories: 1) those that the Department requires group child care centers to use are designated as "REQUIRED"; and 2) those that the group child care center may choose to use, at their option, if they do not wish to use another form that records the same information. Forms designated as "REQUIRED" shall be used by licensees.

Applicants and licensees may use Adobe Acrobat pdf forms on the following list for which the Department has available at its website: [http://www.dhfs.state.wi.us/ri\\_dcfs/INDEX.HTM](http://www.dhfs.state.wi.us/ri_dcfs/INDEX.HTM).

Applicants and licensees may complete the form online at the Department's website, save the file to their hard drive and print a copy for their records. Licensees without Internet access, or those wanting to request a form from the Department may do so by writing to the address provided below. **The Department will send only one copy of each form to each applicant or licensee.** Applicants and licensees may reproduce as many paper and electronic forms as they need.

Department of Health and Family Services  
Division of Children and Family Services  
Forms Manager  
P.O. Box 8916  
Madison, WI 53708-8916

<u>FORM #</u>	<u>FORM TITLE</u>	<u>REQUIRED?</u>
CFS-0052	Vehicle Safety Inspection	YES
CFS-0053	Child Care Staff Record	
CFS-0053A	Child Care Staff Continuing Education Record	YES
CFS-0054	Child Care Provider Staff Health Report	YES
CFS-0055	Child Care Accident Report	
CFS-0056	Child Care Center Transportation Permission	
CFS-0057	Child Care Informed Consent for Observation or Testing by an Outside Agency	
CFS-0058	Child Care Field Trip or Other Activity Notification / Permission	
CFS-0058A	Notificación / Permiso Para Excursiones O Otra Actividad De Guardería De Niños	
CFS-0059	Authorization to Administer Medication	
CFS-0059A	Autorización Para Administrar Medicamentos	
CFS-0060	Child Health Report - In-Home, Family Child Care, Child Care Centers	YES
CFS-0060A	Reporte de Salud del Niño en el Hogar, Guardería Familiares, Guardería Grupal	
CFS-0061	Child Care Intake for Child Under 2 Years	
CFS-0062	Child Care Child Enrollment and Health History	Health History Required
CFS-0062A	Matriculación de Niños en Guarderías e Historia de Salud	
CFS-0078	Child Care Staff-Child Ratio Worksheet – Group Child Care Centers	
CFS-0104	Child Care School-Age Agreement (Reverse side of CFS-56)	
CFS-0543	Group Child Care Center Fire and Safety Checklist	
CFS-0865	Child Care Center Safety Checklist	
CFS-1675	Child Care Child Record Checklist	
CFS-1675A	Group Child Care Staff Record Checklist	
CFS-2026	Group Child Care Staff Orientation Checklist	
CFS-2027	Group Child Care Volunteer Training Confirmation	
CFS-2048	Group Child Care Policy Checklist	YES
DPH-4192	Child Care Immunization Record	
DPH-4192S	Registro De Immunizacion Para Guardería de Niños	

HFS-0064 Background Information Disclosure  
DMT-25 Forms Requisition Request

YES  
YES

This rule shall take effect on January 1, 2005, as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health and  
Family Services

Dated:

By: \_\_\_\_\_

Helene Nelson  
Secretary

SEAL: