

(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 HFS 46.12, 46.13 and Appendices A to D are repealed and recreated to read: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

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.

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:

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:

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

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.~~

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, discomforting, 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.

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.

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:

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

(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 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:

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.

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

	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:

	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:

Table 46.05-C		
EDUCATION AND EXPERIENCE QUALIFICATIONS FOR A CHILD CARE TEACHER WHICH MUST HAVE BEEN COMPLETED OR OBTAINED PRIOR TO ASSUMING THE POSITION		
	Post-Secondary Education Including Degree, License, Credential Or Certificate	Experience in a Licensed Day Child Care Center Or a Kindergarten
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.	One year of an An associate of arts degree in <u>early childhood education or child care</u> 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