

**PROPOSED ADMINISTRATIVE RULES – CR03-052; HFS 45 and 46  
ANALYSIS FOR LEGISLATIVE STANDING COMMITTEES  
PURSUANT TO S. 227.19 (3), STATS.**

Basis and Purpose of Proposed Rules

The Department's administrative rules governing the licensing of day care centers are chapters HFS 45 and 46. Chapter HFS 45 applies to day care centers that care for between four and eight children under age seven. The Department currently refers to these centers as "family day care centers." Chapter HFS 46 applies to day care centers that care for nine or more children under age seven. The Department currently refers to these centers as "group day care centers."

With minor exceptions, the Department has not revised ch. HFS 45 since 1989. Since then, several events have suggested or required its modification.

1. In 1997, the Department created ch. HFS 46. Chapters HFS 45 and 46 address similar topics and should, but currently do not always, contain comparable requirements, including those related to definitions, licensing procedures and enforcement actions. Therefore, one purpose of this rulemaking order is to unify the treatment of a variety of subjects across the chapters.
2. Since 1989, a variety of child safety practices standards have changed and become generally accepted. For example, cardiopulmonary resuscitation training for childcare providers has become standardized. The Department's proposed rules for both chapters HFS 45 and 46 reflect these practices.
3. Pertinent statutory changes over the past five years relating to caregiver background checks under s. 48.685, Stats., and prohibitions on smoking under s. 101.123 (2) (bm), Stats., are reflected in the rules. In addition, 2001 Wisconsin Act 16 amended s. 48.67, Stats., to require that all child care centers licensed to care for children under age one must receive training in the most recent medically accepted practice to reduce the risk of Sudden Infant Death Syndrome. The proposed rules describe the needed training.
4. The proposed rules reflect changes in the ways the Department issues a license and create provisions that would allow the Department to bar consideration of an application if the applicant has had a previous license revoked or application denied for a substantive reason.
5. The Department proposes to change the term "day care center" to the more descriptive term "child care center."

Given the preceding events, the Department has proposed a variety of changes to chs. HFS 45, Family Child Care Centers, and 46, Group Child Care Centers. In developing these rules, the Department consulted the Department of Workforce Development's Office of Child Care, the agency responsible for developing ch. DWD 55, rules for certified child care homes, and the Department of Commerce's Division of Safety and Buildings.

The Department's authority to repeal and recreate these rules is found in s. 48.67, Stats. The rules interpret s. 48.67, Stats. Through these final proposed changes, the Department believes that it is contributing to the statutory goal of protecting and promoting the health, safety and welfare of the children in the care of all licensees.

Changes to Rulemaking Order Analysis or Fiscal Estimate

- *Changes to Rulemaking Order Analysis*

The Department significantly revised its analysis section from that in the initial proposed order. The bulk of the changes were due to 2003 Wisconsin Act 118, which mandated changes to the content of several administrative rule-related documents. Specifically, the Department:

- Changed the format of the analysis to conform with newly-required areas required to be addressed;
- Expanded the analysis section to address the information newly-required under s. 227, Stats.;
- Added a section regarding the effect of the rules on small businesses;
- Added a section regarding the fiscal effect on the private sector;
- Added a section that describes how the proposed rules relate to pertinent federal regulations; and
- Added a section that describes the relationship of the proposed rules to comparable rules in adjacent states.

- *Changes to Fiscal Estimate*

With the exception of incorporating a discussion of private sector fiscal effects, the Department has made no changes to the proposed rule that affects its original fiscal estimate. The Department anticipates that there will be some minor costs incurred by child care centers when these rules are implemented. For example, all persons working with children will be required to have a current certificate of completion for Infant/Child Cardiopulmonary Resuscitation (CPR). Costs are anticipated to range from \$10 to \$30 per person each time the training is needed. Certificates are valid for periods from one to five years depending on the agency providing the training. The Department did not specify a specific agency that must provide the training to allow centers to choose the type of training program desired. Under the proposed revisions, family child care licensees who allow cats and dogs to have unrestrained access to the children in care would be required to provide specific liability insurance pertaining to pets. In other words, the liability insurance certificate from the insurance agent will need to specify that the center is covered for cats or dogs. Those family child care licensees who do not allow pets to have unrestrained access to the children would not be required to have this coverage. The Department is not able to determine how many centers may be affected by this regulation but estimates the cost of such liability insurance could range from \$50 to \$250 per year depending on the type of insurance coverage obtained and the limits of the policy. Group child care licensees are already required to have liability insurance and additional costs for coverage of unrestrained pets should be negligible. The Department does not anticipate any other costs to licensees under these proposed revisions.

Response to Clearinghouse Recommendations

The Department accepted all of the Clearinghouse comments on the proposed rule. In addition, the Department offers the following comments.

Comment 4.a.: Since the department is repealing and recreating ch. HFS 45, cross-references to provisions in that chapter may need to be changed. For example, s. HFS 52.45 (3) (b) refers to s. HFS 45.07; the correct cite under the new rule is to s. HFS 45.09. The department should correct this. As another example, s. DWD 58.04 (3) (f) refers to s. HFS 45.04 (1). The department should notify the Department of Workforce Development that this is no longer accurate. Similarly, other rules of the department refer to "day care centers" under ch. HFS 45 or 46. The department may wish to change those rules to refer to "child care centers."

Response: The Department normally relies on the Revisor of Statutes to identify discrepancies in existing administrative code resulting from changes the Department or the Legislature makes to statutes or administrative code. These changes do not need to be formally promulgated, but are handled through communications with the Revisor's Office. The Department will also do so pursuant to changes made through this order.

### Effect on Small Business

The revision of HFS 45 will affect family child care centers licensed to care for up to 8 children. The revisions to HFS 46 will affect group child care centers licensed to care for 9 or more children. As of June 2003 there were 3,111 licensed family child care centers and 2,399 licensed group child care centers. All programs affected by the proposed changes to the administrative code will receive a mailing from the Department indicating the dates, times and locations of scheduled public hearings as well as instructions on how to obtain a copy of the proposed revisions and the procedure to make oral or written comments regarding the revisions.

The proposed revisions to the rules expand the list of items that must be reported to the Department within a specified time frame. The reports required in the rule revision are a means by which the Department obtains information about situations occurring at a child care center or that affect children enrolled at a center which have the potential to affect the health, safety or welfare of the children enrolled in the program. These new reporting requirements are being proposed for the purpose of protecting the children in care. Therefore, the Department has not proposed specific exemptions from these reporting requirements.

The Department is also proposing rule revisions that will bring HFS 45 into alignment with HFS 46 and will reflect current best practices in early childhood education and care. The Department has included provisions in the rule revisions that allow individual programs to request an exception to any given rule provided a alternative plan for protecting the health, safety and welfare of children in care is also included with the request. These exception requests are evaluated and approved on an individual basis.

### Modifications to Initial Proposed Rule

In response to the comments received through the public hearing process, the proposed rules have been modified to make them clearer and to respond to the commenters' concerns. For example, the Department received many comments that requiring substitute caregivers in family child care centers to meet the entry level qualifications within six months after starting to work was unreasonable and would greatly limit the pool of available substitutes. In response, the rule was modified to require a substitute to meet the entry-level training qualifications after having worked in a program for 240 hours. The Department made other modifications in cases in which commenters indicated that the Department's meaning or intent had not been clear.

The pet provisions of the proposed rules received many comments. As a result of these comments, the Department is proposing several modifications to the rules, including prohibiting certain animals (such as reptiles, amphibians, certain birds in the parrot family and exotic or wild animals) from being accessible to children, rather than prohibiting their presence in areas of a center used by children. The Department also added required liability insurance that covers the presence of pets only when cats and dogs have unrestricted access to children in a child care center rather than to require liability insurance whenever pets are present at the center.

Another area of the proposed rule that generated many comments was the inclusion of the word "holding" in prohibited behaviors for guiding children's behavior. As a result of these comments,

the word "holding" was removed and replaced with the term "physical restraint," and a definition was added describing what the Department considers physical restraint.

The family child care rules proposed allowing children to be supervised by a provider who is within the sight or sound of the children. The Department had proposed adding a requirement for sight and sound supervision while children under age 5 were outside or eating. The Department received many comments from family child care providers that these restrictions would make it difficult for them to manage to adequately supervise all children. In response, the Department modified the rules to require that a provider be outside with the children providing sight and sound supervision only if the children were not playing inside an enclosed area. The Department also removed the rule that required sight and sound supervision during meals and replaced it with a general rule that requires providers to provide close supervision to children at all times.

Finally, several commenters objected to the Department's prohibition on centers from using swimming pools on the premises of a center. In this instance, the Department has decided to retain this provision in the rule due to safety concerns for the children in care. In recent years, there has been a drowning death and several near drownings that have occurred while children were in a child care center. The rules allow centers to take children to public swimming pools or beaches and specify safety protections that must be in place when there is a pool on the premises of a center. A center may request an exception to the rules if the center can demonstrate that it can adequately protect the children in care while using an on-premises pool. Such an exception process would allow agencies such as YMCA's and others to continue to provide a swimming activity for children as a part of the daily activities, while protecting children in care.

#### Comments on Proposed Rule

##### *- Public Hearing Summary*

The Department held two public hearings on its proposed revision of chs. HFS 45 and 46. The first hearing was in Wausau on July 28, 2003 and the second was in Waukesha on August 14, 2003. Jill Chase and Anne Carmody, of the Department's Regulation and Licensing Bureau in the Division of Children and Family Services, staffed the hearings. A total of 24 people attended the July 28th hearing. Sixteen persons provided oral testimony and 18 observed the hearing proceedings. Eighty people attended the August 14th hearing. Of those 80 people, 66 only observed the proceedings while 14 persons provided comments (both in writing and orally.) The Department's comment period remained open until Monday, August 28<sup>th</sup>. The Department also received 85 written comments either via email or postal mail.

##### *- Public Comments Summary*

Comments ranged from general statements of support (9 commenters) to general statements of opposition (10 commenters). The majority of the comments were requests for clarifications or modifications to the rules. One area that garnered many comments included the proposed rule that required substitute providers in family child care centers needed to have obtained the required entry level training within six months of providing care (27 commenters). Proposed rules that would have required sight and sound supervision of children in a family child care center when children were eating or playing outside also elicited a number of comments. Twenty two commenters opposed the requirement for sight and sound supervision during meals and six commenters opposed the requirement for sight and sound supervision while children under age five were playing outside. Twelve commenters opposed the requirement that the children in care could not use swimming pools on the premises. Thirteen commenters opposed the addition of the word "holding" to prohibited behaviors when guiding children's behavior. Most of these

commenters requested that the term "holding" be modified or defined to make the rule clearer regarding exactly what types of behavior would be prohibited. Fifteen commenters objected to the section on rules that related to pets in child care centers. Approximately 44 commenters had concerns about one or more specific rules in the ss. HFS 45.07 (7) and 46.07 (7), relating to pets.

In responding to the commenters' remarks, the Department consulted with its advisory committee, reviewed other states licensing rules and the American Academy of Pediatrics and the American Public Health Association publication, "Caring for our Children, National Health and Safety Performance Standards for Children in Out of Home Care Settings," second edition.

- List of Hearing Attendees and Commenters

Name and Address	Position on Revision	Action
1. Mary L. Kinder Campus For Kids 4905 E. Buckeye Madison, WI 53716	Requests parts of the rules be clarified.	Oral testimony.
2. Bonnie Friberg Campus for Kids 4905 E. Buckeye Rd. Madison, WI 53727	Requests parts of the rules be clarified.	Oral testimony.
3. Coleen A. Haen Day by Day Discoveries 5140 Algoma Road New Franken, WI 54229	Requests parts of the rules be clarified	Oral testimony and written comments
4. Kristi Hefty P.O. Box 287 Wittenberg, WI 54499	Requests parts of the rules be clarified.	Oral testimony.
5. Kara Prange 1866 Wallinford Dr. Sun Prairie, WI 53590	Requests parts of the rules be clarified.	Oral testimony.
6. Tammy Dannhoff Kids are Us Child Development Ctr. LLC 1725 Sanders St. Oshkosh, WI 54902 <i>920-235-3102 WK: 235-6443</i>	Requests parts of the rules be clarified.	Oral testimony.
7. Krista J. Sobieski 406 Preston Lane Redgranite, WI 54970	Requests parts of the rules be clarified.	Oral testimony.
8. Kay Moericke 12238 Hwy WW Wausau, WI 54403	Requests parts of the rules be clarified.	Oral testimony.
9. Angela A. Pfaff N2048 Cedar Ct. Stoddard, WI 54658	Requests parts of the rules be clarified.	Oral testimony.
10. Malanie M. Schmitz 709 Northpoint Dr. Stevens Point, WI 54481	Requests parts of the rules be clarified.	Oral testimony.

11. Christine Giles Heart Warming Day Care 2702 Country Creek Ln. Schofield, WI 54476	Opposes parts of the rules.	Oral testimony.
12. Marsha Schewe 1788 Shadow Lawn Rd. Mosinee, WI 54455	Opposes parts of the rules and requests parts of the rules be clarified.	Oral testimony.
13. Tammy Westfall 816 Elm St. Wausau, WI 54401	Opposes parts of the rules.	Oral testimony.
14. Jill K. Habeck 3515 Ross Ave. Schofield, WI 54476	Requests parts of the rules be clarified.	Oral testimony.
15. Ruth Rigney N10688 Hwy CC Tomahawk, WI 54487	Opposes parts of the rules.	Oral testimony.
16. Laure Blanchard Wausau Child Care Inc. 505 N. 28 <sup>th</sup> Ave. Wausau, WI 54403	Requests parts of the rules be clarified.	Oral testimony.
17. Sherry Chelminiak W7336 Island Rd. Delevan, WI 53115	No position stated.	Observed.
18. Lori Lutz Milwaukee Health Dept Health and Safety in Child Program Manager 1639 S. 23 <sup>rd</sup> <a href="mailto:llutz@milwaukee.gov">llutz@milwaukee.gov</a>	Requests parts of the rules be clarified.	Oral testimony.
19. Barbara Evenson 1093 Carol Ave. Ripon, WI 54971	Supports the rules as written.	Observed.
20. Julie Glazewski W231 S5927 Molla Dr. Waukesha, WI 53189	Supports rules as written.	Observed.
21. Sandra Scheulke 16655 Willow Ridge Lane Brookfield, WI 53005	Opposes rules as written.	Observed.
22. Michelle Kingele N92 W27668 Hickory Rd. Hartland, WI 53029	Opposes rules as written.	Observed.
23. Robert Schuelke 1711 Rempe Drive	Opposes parts of rules and requests parts of the rules be	Observed at hearing, and written comments.

Waukesha, WI 53186	clarified.	
24. Paul Klahn 432 S. 94 <sup>th</sup> St. Milwaukee, WI 53214	Opposes rules a written.	Observed.
25. Clara Walker 4054 N. 19 <sup>th</sup> Pl. Milwaukee, WI 53209	Opposes rules as written.	Observed.
26. Anne Sellitto W168 S7230 Eton Ct. Muskego, WI 53150	Supports parts of the rules and opposes parts of the rules.	Written comments.
27. Karen Narlow 2315 Kensington Dr. Waukesha, WI 53188	Supports parts of the rules and opposes parts of the rules.	Oral testimony and written comments.
28. Jody Kretion Little Rascals Daycare 2150 Plum Rd Mosinee, WI 54455	No position stated.	Observed.
29. Krisann Mauritz 11913 Rainbow Rd. 8 Marshfield, WI 54449	No position stated.	Observed.
30. Angel Pfaff 3011 S. 22 <sup>nd</sup> St. LaCrosse, WI 54601	No position stated.	Observed.
31. Helen Scovel 8640 Woodland Dr. Minocqua, WI	No position stated.	Observed.
32. James Schoenick 5031 Griffith Ave. Wisconsin Rapids, WI 54494	No position stated.	Observed.
33. Clayden Schoenick 5031 Griffith Ave. Wisconsin Rapids, WI 54494	No position stated.	Observed.
34. Victoria Rosenow W15168 Rosenow Ln. Wittenberg, WI 54499	No position stated.	Observed.
35. Sheryl Bauer Hometown Children's Center 709 North Point Dr. Stevens Point, WI 54481	No position stated.	Observed.
36. Canaland Christian Day Care and Preschool 801 Hwy 10 W Stevens Point, WI 54481	No position stated.	Observed.

37. Sara Strnad Day by Day Discoveries 5140 Algoma Rd. New Franken, WI 54229	No position stated.	Observed.
38. Barb Ziemer 707 3 <sup>rd</sup> St. Wausau, WI 54403	No position stated.	Observed.
39. Erin Rohan 406 Preston Lane Redgranite, WI 54970	No position stated.	Observed.
40. Therese McDermott 4903 E. Buckeye Rd Madison, WI 53716	No position stated.	Observed.
41. Linda Brown 4905 E. Buckeye Rd. Madison, WI 53716	No position stated.	Observed.
42. Sheryl Strommen Campus for Kids 4905 E. Buckeye Rd. Madison, WI 53716	No position stated	observed
43. Carla Buntrock Campus for Kids 4905 E. Buckeye Rd. Madison, WI 53716	No position stated	observed
44. Thao H. Moua 406 Fulton St.	No position stated.	Observed.
45. Angela VanDeVoort N1783 State Hwy 17 Merrill, WI 54452	No position stated.	Observed.
46. Michelle Bethke Children's World Learning Centers 1109 N. Mayfair Rd. Wauwatosa, WI 53226	Opposed parts of the rules.	Oral testimony and written comments.
47. SueAnne Beecher 400 E. Waterford Ave (mysmallones@hotmail.com)	Opposed parts of the rules.	Oral testimony and written comments.
48. Lela Manning 3167 N. 45 <sup>th</sup> St.	No position on rules stated requested mailed copy of revisions prior to hearing.	Oral testimony.
49. Annette Moy Kenosha YMCA 1785 W. Meyer Ln #16105 Oak Creek, WI 53154	Requests parts of the rules be clarified.	Oral testimony.



50. Youa H. Vang Hmong's First Academy 1115 N. 35 <sup>th</sup> St. Milwaukee, WI 5320	Supports rules; requests translation into Hmong.	Oral testimony.
51. June Ertenberg 3265 Hwy K Hartford	Oppose the rules as written.	Observed.
52. Sally A. Roose Rooster Loft Montessori W243 S7125 Cameron Dr. Waukesha, WI 53189	Opposes rules as written.	Oral testimony and written comments.
53. Richard Wills 2544 N 27 <sup>th</sup>	No position stated.	Observed.
54. Patrice Klahn 4325 S. 94 <sup>th</sup> St. Milwaukee, WI 53214	Oppose the rules as written.	Oral testimony.
55. Michelle Oglesby 4261 N. 68 <sup>th</sup> Milwaukee, WI 53216	Opposes parts of the rules.	Oral testimony.
56. Ted O'Leske 7225 W. River Rd. Caledonia, WI 53154	Requests part of the rules be clarified.	Oral testimony.
57. Janet M. Haasch 15330 W. Harcove Dr. New Berlin, WI 53151	Opposes parts of the rules.	Oral testimony.
58. Steven Seiler 1015 Mt. Blane Ct. Green Bay, WI 54311	Opposes parts of the rules requests parts of the rules be clarified.	Written comments.
59. Jean A. Ferrier 2120 Spring Creek Cir. Green Bay, WI 54311	Opposes parts of the rules Requests parts of the rules be clarified.	Written comments.
60. Heather Kraynik 3661 Conard Rd. New Franken, WI 54229	Opposes parts of the rules Requests parts of the rules be clarified.	Written comments.
61. Cindy Virlee 4895 Champion Rd. New Franken, WI 54229	Opposes parts of the rules Requests parts of the rules be clarified.	Written comments.
62. Loretta A. Kohlbeck 3146 Carnoustie Way New Franken, WI 54229	Opposes parts of the rules Requests parts of the rules be clarified.	Written comments.
63. Cathy Breenen 3070 Claymore Ln.	Opposes parts of the rules Requests parts of the rules be	Written comments.

New Franken, WI 54339	clarified.	
64. Jaime K. Shultz 1922 Green Bay Street LaCrosse, WI 54601	Opposes parts of the rules.	Written comments.
65. Kathy Stensvad Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
66. Lindsey Compton Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
67. Tristan Rule Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
68. Amber Gustafson Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
69. Stephannie Schmidt Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
70. Jenny Shilts Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
71. Nettie Lyn Tietel Rainbow's End Daycare 601 3 <sup>rd</sup> Ave. W Ashland, WI 54806	Opposes part of the rule.	Written comments.
72. Jim and Kris Huntzinger S 84 W32321 Jericho Rd. Mukwonago, WI 53149 <a href="mailto:jrhuntzinger@prodigy.net">jrhuntzinger@prodigy.net</a>	Opposes part of the rules.	Written comments.
73. Joyce Ragan 1521 Michigan Ave. Wisconsin Dells, WI 53965	Opposes part of the rules.	Written comments.
74. Roni Westbrook Christian Chapel Day Care 1415 Well Street Onalaska, WI 54650 <a href="mailto:ccdaycare@centurytel.net">ccdaycare@centurytel.net</a>	Opposes part of the rules.	Written comments.

75. Donna M. Seidel Donna's Day Care 515 Grahl St. Medford, WI 54451	Opposes part of the rules.	Written comments.
76. Beth Nicholson, Director Kiddie Kampus Preschool and Day Care 828 W. Main St. Watertown, WI 53094	Opposes part of the rule.	Written comments.
77. Becky Engebretson Becky's Cuddly Care FCC 1189 Division St. Green Bay, WI 54303	Opposes parts of the rule; requests parts of the rules be clarified.	Written comments.
78. Heather A Mennen 600 Greenbell St. Green Bay, WI 54301	Opposes parts of the rule; requests parts of the rules be clarified.	Written comments.
79. Donna Aznoe Kiddie Haven Family Day Care 541 Fred Street Green Bay, WI 54302	Opposes parts of the rule; requests parts of the rules be clarified.	Written comments.
80. Caroline Casper St. Phillip Preschool 6975 Grotto Avenue Rudolph, WI 54475 <a href="mailto:chefman@wctc.net">chefman@wctc.net</a>	Opposes parts of the rule.	Written comments.
81. Frank and Nancy Provenzano 611 Greenway Rd. Monona, WI 53716-2666	Opposes parts of the rules.	Written comments.
82. Tina Grahek Bay Area Day Care 2135 Crestwood Sprs. Dr. Green Bay, WI 54304	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
83. Leann Majeski 3827 Conard Rd. New Franken, WI 54229	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
84. Sharon Nash 6813 Maywood Ave. Middleton, WI 53562-2722	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
85. Judy Gordon, Director Small World Child Care Sheboygan YMCA 812 Boughton Dr. P.O. Box 609 Sheboygan, WI 53082-0609	Requests parts of the rule be clarified.	Written comments.
86. Rebecca Conard 4241 Birch Tree Cr. New Franken, WI 54229	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.

87. Judy Gray Christian Chapel Day Care W5526 CTH 5 Onalaska, WI 54650	Opposes part of the rule.	Written comments.
88. Michelle Duval 2560 Carmel Ln Green Bay, WI 54311	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
89. Phillip Hansen, Executive Director Badger Chapter American Red Cross 4860 Sheboygan Ave. P.O. Box 5905 Madison, WI 53705-0905	Supports parts of the rules.	Written comments.
90. Anne Robertson, Operations Manager Ebenezer Child Care Centers 1496 S. 29 <sup>th</sup> St. Milwaukee, WI 53215	Opposes parts of the rules.	Written comments.
91. Weslynn Korenic, Owner/Administrator Gingerbread House Preschool, Inc. 5224 Farwell St. McFarland, WI 53558	Opposes parts of the rules.	Written comments.
92. Nancy L. Valentine 3284 Maple Grove Suamico, WI 54173-8133	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
93. Shannon & Jodi VandenHeuvel 2480 Valley Haven Lane Green Bay, WI 54311	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
94. Kym M. Reed Kym's Little Treasures Child Care 3017 Ancestor Way Green Bay, WI 54313	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
95. Vivian Kranz Tot Stop Family Daycare 3740 N. Hwy 80 Elroy, WI 53929	Supports parts of the rules; opposes parts of the rules.	Written comments.
96. Kate MacCrimmon Pear Tree Child Care 920 Emerald St. Madison, WI 53715 <a href="mailto:katetodd@merr.com">katetodd@merr.com</a>	Opposes parts of the rules.	Written comments.
97. Marie Sinur-Schmidt Tosa-Tot-To-Teen Day Care Center 2340 N. 85 <sup>th</sup> St. Wauwatosa, WI 53226 <a href="mailto:reeruss@earthlink.net">reeruss@earthlink.net</a>	Opposes parts of the rules.	Written comments.

98. Carol Vincent Hug a Bunch FCC 1779 Ninth St. Green Bay, WI 54303	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
99. Bill Vander Zouwen 506 Vernon Ave. Madison, WI 53714	Opposes parts of the rules.	Written comments.
100. Phil Oresick 1927 Cliff Alex Court North Waukesha, WI 53189	Opposes parts of the rules.	Written comments.
101. Linda Ripp Waunakee Manor <u>Lindave@TDS.NET</u>	Opposes parts of the rules.	Written comments.
102. Stacy Czaplewski 28921 Sunrise Lane Waterford, WI 53185	Opposes parts of the rules.	Written comments.
103. Sara J. Turner <u>Sjturner@chorus.net</u>	No position provided.	Written comments.
104. Becky Van Houten Preschool of the Arts 11 Science Ct. Madison, WI <u>Psabecky@mailbag.com</u>	Opposes parts of the rule; requests parts of the rule be clarified.	Written comments.
105. Sarah Adams-Kollitz Preschool of the Arts 11 Science Ct. Madison, WI 53711 <u>Psasarah@mailbag.com</u>	Opposes parts of the rules.	Written comments.
106. Barbara J. May, Administrative Director Dillons Prairie House Preschool and Child Care Oconomowoc, WI <u>Tmay3@wi.rr.com</u>	Opposes parts of the rules.	Written comments.
107. Tamera Wagner Tender Care Center 458 Fur Lane Wisconsin Dells, WI 53965 <u>Swagner@merr.com</u>	Opposes parts of the rules.	Written comments.
108. Michelle Krantz Tender Beginnings Family Day Care Madison, WI <u>Michelle@krantz.tv</u>	Opposes parts of the rules.	Written comments.
109. David Dees, Director Community Nutrition Programs	Requests parts of the rules be clarified.	Written comments.

Department of Public Instructor		
110. Eleanor Dockry Director/Quality Programming Encompass Child Care, Inc. 1300 Bellevue St. Green Bay, WI 54302 <a href="mailto:Eleanor@Encompasschildcare.org">Eleanor@Encompasschildcare.org</a>	Opposes part of the rules; requests parts of the rule be clarified.	Written comments.
111. Dennis and Kelly Scherr <a href="mailto:Scherr@wwt.net">Scherr@wwt.net</a>	Opposes parts of the rules.	Written comments.
112. Lynn Moller 1226 Velvet Leaf Dr. Madison, WI 53719 <a href="mailto:Lakemo@charter.net">Lakemo@charter.net</a>	Opposes parts of the rules.	Written comments.
113. Anne Sellitto W 168 S7230 Eton Ct. Muskego, WI 53150 <a href="mailto:Sellittoa@sbcglobal.net">Sellittoa@sbcglobal.net</a>	Supports parts of the rules; opposes parts of the rules.	Written comments.
114. Joan Laurion <a href="mailto:Laurion@co.dane.wi.us">Laurion@co.dane.wi.us</a>	Opposes parts of the rules.	Written comments.
115. Colleen Lemke <a href="mailto:Rclemke@ameritech.net">Rclemke@ameritech.net</a>	Supports parts of the rules; opposes parts of the rules.	Written comments.
116. Sarah Fleming <a href="mailto:Lenfleming@msn.com">Lenfleming@msn.com</a>	Opposes parts of the rules.	Written comments.
117. Phyllis K.H. Smith Phyllis' Fun Care 6051 Hagen Hill Circle Madison, WI 53718 <a href="mailto:Eeyorepkhs@aol.com">Eeyorepkhs@aol.com</a>	Opposes parts of the rules.	Written comments.
118. Barb Meulemans, Director Child Care Learning Center 1545 E. Broadway Dr. Appleton, WI 54913 <a href="mailto:Bmeulemans@msn.com">Bmeulemans@msn.com</a>	Opposes parts of the rules.	Written comments.
119. Liza Dable <a href="mailto:Liza.dable@bostikfindley-us.com">Liza.dable@bostikfindley-us.com</a>	Opposes parts of the rules.	Written comments.
120. Regina Kane <a href="mailto:NortsMom@aol.com">NortsMom@aol.com</a>	Requests part of the rules be clarified.	Written comments.
121. David Cherney <a href="mailto:DCHERNEY@isol.net">DCHERNEY@isol.net</a>	Opposes parts of the rules.	Written comments.
122. Peggy Haack Harmony Child Care Services 305 Clemons Ave. Madison, WI 53704	Supports parts of the rules; opposes parts of the rules.	Written comments.

<a href="mailto:phaack@wecanaeyc.org">phaack@wecanaeyc.org</a>		
123. Audrey Kreklow A Home Away from Home Daycare 315 W. Burns St. Portage, WI <a href="mailto:4kreklows@centurytel.net">4kreklows@centurytel.net</a>	Opposes parts of the rules; requests parts of the rules be clarified.	Written comments.
124. Wendy Arnn <a href="mailto:warnn@chorus.net">warnn@chorus.net</a>	Opposes parts of the rules.	Written comments.
125. Liz Pekol Pekol Family Daycare <a href="mailto:pekol@charter.net">pekol@charter.net</a>	Opposes parts of the rules.	Written comments.
126. Jennifer R. Vaughan Sticky Finders Family Daycare 6318 Woodington Way Madison, WI 53711 <a href="mailto:chasv@chorus.net">chasv@chorus.net</a>	Opposes parts of the rules.	Written comments.
127. Diana <a href="mailto:diana@merr.com">diana@merr.com</a>	Supports the rules.	Written comments.
128. Kathleen Martens 2189 Conover Circle Oregon, WI 53575 <a href="mailto:W.KathleenMartens@wkmarten@charter.net">W.KathleenMartens@wkmarten@charter.net</a>	Supports parts of the rules; opposes parts of the rules; requests parts of the rules be clarified.	Written comments.
129. Katie Grady Loving Hands FCC <a href="mailto:LovingHandsFCC@msn.com">LovingHandsFCC@msn.com</a>	Supports parts of the rules; opposes parts of the rules.	Written comments.
130. Nancy Bradley 101 S. Mills St. Madison, WI 53715 <a href="mailto:brat@itis.com">brat@itis.com</a>	Supports parts of the rules; opposes parts of the rules.	Written comments.
131. Susan Watkins P.O. Box 12612 Milwaukee, WI 53212	No position stated.	Observed.
132. Louisa L. Holmes Weezie's Loving Hands Daycare P.O. Box 18106 Milwaukee, WI 53218	No position stated.	Observed.
133. Tracy Davidson P.O. Box 090346 4660 N. 41 <sup>st</sup> St. Milwaukee, WI 53209	No position stated.	Observed.
134. Nancy J. Carr 4609 N. Sherman Blvd. Milwaukee, WI 53209	No position stated.	Observed.

135. Delores Cobb 3800 N. 10 <sup>th</sup> Milwaukee, WI 53206	No position stated.	Observed.
136. Patricia Woods 2414 W. Hopkins St. Milwaukee, WI 53260	No position stated.	Observed.
137. Gale Fisher 4073 N. 23 <sup>rd</sup> Milwaukee, WI <a href="mailto:fishergale53@hotmail.com">fishergale53@hotmail.com</a>	No position stated.	Observed.
138. Mary Ann Dawson 880 N. 24 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.
139. Towonda Ford 1339 W. Hadley St. Milwaukee, WI 53206 <a href="mailto:showersoflove@sbcglobal.net">showersoflove@sbcglobal.net</a>	No position stated.	Observed.
140. Lydia Geter 4012 N 18 <sup>th</sup> St Milwaukee, WI	No position stated.	Observed.
141. Thelma Lawson 2827 N 36 <sup>th</sup> Milwaukee, WI <a href="mailto:tlhccare@aol.com">tlhccare@aol.com</a>	No position stated.	Observed.
142. Bessie O. Carter 4647 N. 19 <sup>th</sup> Pl. Milwaukee, WI 53209	No position stated.	Observed.
143. Rosie Stevenson 2234 N 26 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.
144. Virginia Emmons 2825 N. 29 <sup>th</sup> Milwaukee, WI 53210	No position stated.	Observed.
145. Earlean Collier Collier Consulting Firm, Inc. P.O. Box 01401 Milwaukee, WI 53209 <a href="mailto:Collierconsultingfirm@yahoo.com">Collierconsultingfirm@yahoo.com</a>	No position stated.	Observed.
146. Shirley R. Honard Shirley's Child Development Ctr. 4919 W. Good Hope Rd. Milwaukee, WI	No position stated.	Observed.
147. Doris Russ	No position stated.	Observed.



Russ' Child Care 4256 N. 36 <sup>th</sup> St. Milwaukee, WI <a href="mailto:Eldor@excpc.com">Eldor@excpc.com</a>		
148. Jennifer Rorex 1714 N 38 <sup>th</sup> St. Milwaukee, WI 53208	No position stated.	Observed.
149. Charlotte Randolph 1712 N. 36 <sup>th</sup> St. Milwaukee, WI 53208	No position stated.	Observed.
150. Demetria Perkins DYPerkins Academy of Excellence <a href="mailto:Demetria@cedar.net">Demetria@cedar.net</a>	No position stated.	Observed.
151. Delona R. Arms 1926 West Hampton Ave. Milwaukee, WI 53209	No position stated.	Observed.
152. Linda Cleaves 3425 N. 44 <sup>th</sup> St. Milwaukee, WI 53216	No position stated.	Observed.
153. Ruby Walls 6200 W. Silverbrook Lane Milwaukee, WI 53223	No position stated.	Observed.
154. Isabelle Reyes 2114 S. 7 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.
155. Peggy Hardy 3201 N. 40 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.
156. Gunm Middleton YMCA of Metro Milwaukee 161 W. Wisconsin Ave Suite 4000 Milwaukee, WI 53203 <a href="mailto:Gmiddleton@ymcamhe.org">Gmiddleton@ymcamhe.org</a>	No position stated.	Observed.
157. Arlene Hardy 3201 N. 40 <sup>th</sup> St. Milwaukee, WI 53216	No position stated.	Observed.
158. Gloria Lemmer Bright Days 2240 Golf Rd. Peewaukee, WI 53072	No position stated.	Observed.
159. Mary Smith 1245 N. 24 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.

160. Carrie Palmer 3270 N. 30 <sup>th</sup> St. Milwaukee, WI <a href="mailto:Jayia1@msn.com">Jayia1@msn.com</a>	No position stated.	Observed.
161. Lillie B. Jew Sista Child Two Day Care 3607 N. 53 <sup>rd</sup> St. Milwaukee, WI	No position stated.	Observed.
162. Dorothy S. Collier Starteji Academy 2548 N. 39 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.
163. Laura Kohlmann Columbia – St. Mary's (Seton) Children's School 8647 N. Port Washington Rd. Fox Point, WI 53217 <a href="mailto:csrivrpt@columbia-stmarys.org">csrivrpt@columbia-stmarys.org</a>	No position stated.	Observed.
164. Marie L. Bub N77 W16076 Countryside Menomonee Falls, WI 53055	No position stated.	Observed.
165. Clara M. White A Hand to Hold 346 Maple Ave. Waukesha, WI 53186 <a href="mailto:ahth@access4less.com">ahth@access4less.com</a>	No position stated.	Observed.
166. Chue Her 5220 N. 58 <sup>th</sup> St. Milwaukee, WI 53218	No position stated.	Observed.
167. Cecelia Evans 6481 N. 106 <sup>th</sup> St. Milwaukee, WI 53224	No position stated.	Observed.
168. Sia V. Her 5220 N. 58 <sup>th</sup> St. Milwaukee, WI 53218	No position stated.	Observed.
169. Willie Hopgood 5038 N. 39 <sup>th</sup> St. Milwaukee, WI	No position stated.	Observed.
170. Kathy Strobel 1701 Vogt Dr <a href="mailto:mch@nconnect.net">mch@nconnect.net</a>	No position stated.	Observed.
171. Sharon Riley 5038 N. 39 <sup>th</sup> St. Milwaukee, WI 53209 <a href="mailto:sriley8@sbcglobal.net">sriley8@sbcglobal.net</a>	No position stated.	Observed.

172. Brandy Thernal 4261 N. 58 <sup>th</sup> St. Milwaukee, WI 53216	No position stated.	Observed.
173. Mai Xee V Lor Lor Family Child Care 218 N. 36 <sup>th</sup> St. Milwaukee, WI 53208	No position stated.	Observed.
174. Mai Xiong 223 N. 36 <sup>th</sup> St. Milwaukee, WI 53208	No position stated.	Observed.
175. Mai Lor Her Mai Lor Family Day Care 1530 N. 30 <sup>th</sup> St. Milwaukee, WI 53208	No position stated.	Observed.
176. Kao Yee Vang 2923 W. Galena St. Milwaukee, WI 53208	No position stated.	Observed.
177. Liz Kueffer S56 W23565 Maplewood Terr. <a href="mailto:lkueffer@wi.rr.com">lkueffer@wi.rr.com</a>	No position stated.	Observed.
178. Donna Grelecki Columbia-St. Mary's Children's School 13133 N. Port Washington Rd <a href="mailto:dgreleck@columbia-stmarys.org">dgreleck@columbia-stmarys.org</a>	No position stated.	Observed.
179. Aimee M. Amini 316 Manchester Dr. Waukesha, WI 53188 <a href="mailto:aimeeamini@netscape.net">aimeeamini@netscape.net</a>	No position stated.	Observed.
180. Anne Terry Bright Days Learning Center 2240 Golf Road Pewaukee, WI 53072 <a href="mailto:anne.terry@med.ge.com">anne.terry@med.ge.com</a>	No position stated.	Observed.
181. Louise Hansen 1910 Marliz Dr	No position stated.	Observed.
182. Rita Frank 2170 Murphy Woods Rd. Beloit, WI 53511	No position stated.	Observed.
183. Luanne Platt The Registry 5307 Dennis Dr. McFarland, WI <a href="mailto:lplatt@charter.net">lplatt@charter.net</a>	No position stated.	Observed.
184. Rebecca Bores	No position stated.	Observed.

7711 E. Wind Lake Rd Wind Lake, WI 53185		
185. Deb Nygaard 6220 Exchange St. McFarland, WI 53558 <a href="mailto:stealth@globaldialog.com">stealth@globaldialog.com</a>	No position stated.	Observed.
186. Bevelyn Johnson AJA Enterprise LLC P.O. Box 090289 Milwaukee, WI 53209 <a href="mailto:Bevjohnson2003@yahoo.com">Bevjohnson2003@yahoo.com</a>	No position stated.	Observed.
187. Toni Kutner Wisconsin Child Care Improvement Project 971 S. 56 <sup>th</sup> St. West Allis, WI 53214 <a href="mailto:Tkutner@prodigy.net">Tkutner@prodigy.net</a>	No position stated.	Observed.
188. Shirley M. Sercombe Vernon Child Development Center S71 W23280 National Ave. Big Bend, WI 53103 <a href="mailto:Administration@wi.rr.com">Administration@wi.rr.com</a>	No position stated.	Observed.
189. Mary Ann Spencer 1958 W. Keefe Ave. Milwaukee, WI	No position stated.	Observed.
190. Lori K. Oldenberg Lots of Tots FDC 11403 Mc Millin Rd. Whitewater, WI 53190	Opposes parts of the rules.	Written comments.
191. Helga Guterl Sister House Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
192. Betty Crystal Sister House Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
193. Judy S. Guterl 505 N. East Ave. Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
194. Cathy Birner Sister House Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
195. Angela Bain Sister House Waukesha, WI 53186	Opposes parts of the rules.	Written comments.

196. Chris Miles Sister House Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
197. Zoe Lecher Sister House Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
198. Gail Klappen Child Counselor 505 N. East Ave. Waukesha, WI 53186	Opposes parts of the rules.	Written comments.
199. Lisa Kratcha <a href="mailto:lkratcha@chorus.net">lkratcha@chorus.net</a>	Opposes parts of the rules.	Written comments.

**Public Comments and Department Responses**

<p><b>Comment Sequence Number and Rule Reference (as found in the initial proposed rule order)</b></p>	<p><b>Comment (numbers are associated with person listed on the list of hearing attendees and commenters)</b></p>	<p><b>Department Response</b></p>
<p>1. General</p>	<p>Supports revisions as proposed. (19, 20, 50, 89 112, 114, 122, 127, 130)</p>	<p>No response required.</p>
<p>2. General</p>	<p>Generally oppose the revisions as proposed. (21, 22, 23, 24, 25, 51, 52, 54, 99, 103)</p>	<p>The Department disagrees and believes that the proposed revisions to the chapters will help protect the health, safety and welfare of children attending child care programs.</p>
<p>3. General</p>	<p>Requests that the Department consider a new category of care that would allow 10 –12 children to receive care in a "large group home" or "large family child care center. (95, 121, 122)</p>	<p>This suggestion is outside the scope of the changes to the rule the Department is proposing.</p> <p>In 2001, the Department proposed developing a new category of care, tentatively called "Large Family Child Care Center." This category of care would have allowed a center to be licensed to care for between 9 and 12 children. The initial assumption regarding the need for a new category was that it would expand the capacity of licensed family child care providers to care for a few more children without having to meet the more stringent requirements of a group child care center. After further discussion and research, the Department has now concluded that establishing this category of care for Large Family Child Care Centers would not be feasible for most family child care centers because of the Wisconsin Department of Commerce Commercial Building Codes and existing statutory language related to zoning.</p> <p>The Department of Commerce Commercial Building Codes currently exempt child care programs located in 1 or 2-family residences and licensed to care for no more than 8 children from the requirements related to the Commercial Building Codes. This exemption does not apply to programs licensed for 9 or more children, so centers that might fall into the Large Family Child Care Center code would need to meet the Wisconsin Commercial Building Codes. Most of the interest in this new category of care comes from the licensed family child care centers located in a provider's home. These programs would need to do</p>