

CR 85-68

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

**RECEIVED**

JUL 31 1985

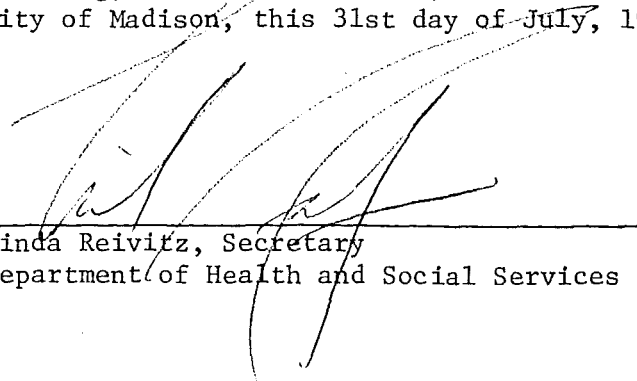
4:05 pm  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed amendments to rules relating to day care centers for children were duly approved and adopted by this Department on July 31, 1985.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 31st day of July, 1985.



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SEAL:

Linda Reivitz, Secretary  
Department of Health and Social Services

9-1-85

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING RULES

To amend HSS 55.03, relating to day care centers for children.

Analysis Prepared by the Department of Health and Social Services

This rule change exempts child care provided by a facility as a service for parents employed on the premises from being regulated as day care under ch. HSS 55, Wis. Adm. Code, when the care received by a child is for no more than 3 hours a day. The absence of such an exemption in recently revised rules for day care centers has meant the loss of child care availability at some work sites, causing hardship for the facility that depends on part-time workers and for parents who depend on part-time work in that facility.

Under s. HSS 55.03, child care provided on the premises of a department store, shopping center, YMCA, bowling alley, fitness center or other facility for parents who are shopping or are involved in recreation or other non-work activities in the same facility, is not required to be licensed as a day care center. However, that rule does not now provide the same exemption from licensure and therefore from the many requirements of ch. HSS 55 for child care provided as a service for a parent employed part-time in the facility, for instance, as the teacher of a class. Yet it is often the same child care that would be provided to the part-time employee and the shopper and the same child care that would be provided to the teacher and the member and, even if it is not, the same reasons for the exemption exist in both cases -- the child care is short-term, the parent is on the premises, and child care is made available as a service to attract parents by a facility that greatly values the parents' presence in the facility.

Pursuant to authority vested in the Department of Health and Social Services by s. 48.67, Stats., the Department of Health and Social Services hereby amends rules interpreting s. 48.65, Stats., as follows:

SECTION 1. HSS 55.03 is amended as follows:

HSS 55.03 APPLICABILITY. This ~~chapter applies~~ subchapter and subchs. II, III and IV apply to all ~~licensed~~ day care centers, whether the facility in which the child care and supervision is provided is known as a day care center, family day care, day camp, camp, day nursery, nursery school, preschool, head start or ~~other~~ by another designation, but ~~does they do not include~~ apply to:

(1) Group lessons to develop a talent or skill, such as dance or music, social group meetings and activities, group athletic activities and religious education classes where a child attends for 2 hours or less a day or 5 hours or less a week;

(2) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities;

(3) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible school and holiday child care programs; and

(4) Care and supervision in emergency situations; and

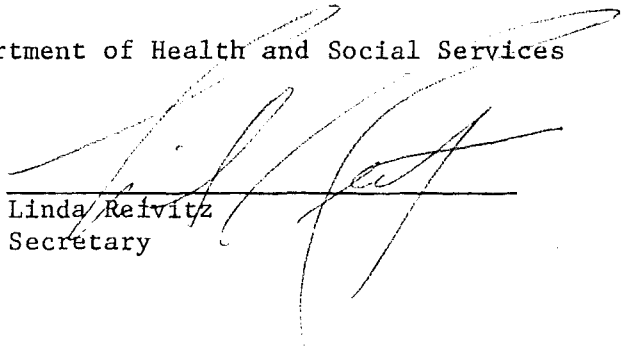
(5) Care and supervision while the parent is employed on the premises if the parent's child receives care and supervision for no more than 3 hours a day.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.026(1), Stats.

Department of Health and Social Services

Dated: July 31, 1985

By:

  
Linda Reivitz  
Secretary

Seal:



State of Wisconsin

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl  
Governor

Linda Reivitz  
Secretary

July 31, 1985

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

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JUL 31 1985

Revisor of Statutes  
Bureau

Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 55.03, administrative rules relating to day care centers for children.

These rules are also being submitted to the Secretary of State as required by s. 227.023, Stats.

The proposed amendment of s. HSS 55.03 will not have a significant economic impact on a significant number of small businesses as defined in s. 227.016(1)(a), Stats.

Sincerely,

Linda Reivitz  
SECRETARY

Enclosure