

Chapter HSS 55

DAY CARE FOR CHILDREN

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Note: Sections HSS 55.01 to 55.44 as they existed on October, 1984 were repealed and new sections HSS 55.01 to 55.44 were created effective November 1, 1984.

PREFACE

Section 48.65, Stats., requires that persons operating day care centers for children be licensed. The legislative history of s. 48.65, Stats., clearly indicates that it not only includes family and group day care centers but also day camps which provide, for compensation, care and supervision for 4 or more children under 7 years of age for less than 24 hours a day. Therefore, the department has developed rules, some of which apply to all day care centers including day camps, while others recognize and make provision for certain unique differences in the environmental and the programmatic aspects of each type of care.

The statute also requires that the department establish rules which must be met in order to qualify for a license and which protect and promote the health, safety and welfare of the children in a day care center. Chapter HSS 55 represents the *minimum* level of acceptable care that a license may provide to children in a day care center in Wisconsin. These rules should not be confused with accreditation by professional organizations which is based upon conformity with ideal rather than minimal standards, or with certification of day care providers for purchase of services with public funds.

Clearly, the fact that a day care center is licensed in no way diminishes the responsibility of parents for vigilance in seeing that their children are receiving care which protects their physical well-being and encourages healthy intellectual and emotional development.

Whenever the rules in this chapter indicate that materials such as a request for a variance, an application for licensure or a complaint about a center are to be sent to or may be requested from the department, the specific departmental agency to contact is the department's regional office serving the geographic area of the state in which the day care center is located. If the regional office address is unknown to the day care center operator, a parent or other interested person, then he or she may get the address from the Office for Children, Youth and Families, Division of Community Services, P.O. Box 7851, Madison, WI 53707 (608-266-3036).

SUBCHAPTER I — GENERAL PROVISIONS

HSS 55.01 Scope. Sections HSS 55.01 through 55.10 apply to all day care centers for children.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

HSS 55.02 Authority and purpose. (1) **AUTHORITY.** Subchapters I, II, III and IV are promulgated under the authority of s. 48.67, Stats.

(2) **PURPOSE.** The purpose of this chapter is to protect and promote the health, safety and welfare of children in day care centers in Wisconsin.

(3) **CONSTRUCTION.** This chapter shall be liberally construed to effect the objectives in sub. (2).

(4) **EXCEPTION TO RULES.** The department may grant a variance to a requirement of this chapter when it is assured that the health, safety and welfare of the children served will not be jeopardized. A request for a variance shall be in writing, shall be sent to the department, and shall include justification for the requested action and an explanation of the alternative provisions planned to meet the intent of the rule.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

HSS 55.03 Applicability. This chapter applies 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 designation, but does not include:

(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.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

HSS 55.04 Definitions. In subchs. I, II, III and IV:

(1) "Assistant child care teacher" means a child care worker who works under the supervision of a child care teacher.

(2) "Base camp" means the permanent premises, public or private, on which the day camp is operated.

(3) "Camp director" means the individual on the campsite who is responsible for the administration of the camp, including program operations, business operations, food service, health service, and other supportive services.

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(c) When power tools and other tools are not in use, they shall be stored in an area not accessible to children.

(11) HORSEBACK RIDING. (a) This subsection shall apply whether the camp owns, rents, or leases horses.

(b) Children may ride horseback only under close supervision in a ring or other enclosed area.

(c) The riding tack shall be maintained in good repair to provide maximum safety for children. It shall be appropriate to the age, size, and ability of the rider.

(d) Horseback riding shall be specifically covered by the camp's liability insurance.

(12) DAY TRIPS. For day trips away from the base camp:

(a) Staff shall carry signed parental permission for the emergency medical care of all children on the day trip;

(b) The counselor-child ratio under s. HSS 55.42 (3) (b) shall be maintained, except that the number of adults accompanying children away from the base camp may be no fewer than 2;

(c) A planned source of emergency medical care in the area to be visited shall be known to staff; and

(d) A list of children participating in the day trip shall be maintained by a counselor accompanying the children.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

SUBCHAPTER V — Start-up Grants

HSS 55.50 Start-up grants to assure availability of child care. (1) GENERAL INFORMATION. (a) *Statement of intent.* This section regulates the expenditure of funds appropriated to provide start-up grants for newly operating centers, including grants for expansion of existing centers in Wisconsin.

(b) *To whom the rules apply.* The rules in this section apply to all persons, groups and day care centers making application for start-up grants.

(c) *Exceptions to rules.* The department may make an exception to any of the rules for approving start-up grants when it is assured that granting the exception is beneficial to the health, safety and welfare of children.

(d) *Definitions.* The definitions in s. HSS 55.05 (4) apply. In addition:

1. "Child care" means day care for children and includes group care, family care and in-home care.

2. "Division" means the division of community services of the department.

3. "Family care" means the care of a child in a family home other than the child's own home by a responsible person other than the child's parents for a period of time less than 24 hours.

4. "In-home care" means care in the child's own home by someone other than the child's parents on a routine planned basis for a period less than 24 hours.

5. "Newly operating center" means a day care center which has been in operation for a period of less than one year or an existing center making grant application for expansion purposes.

6. "Satellite system" means family day care homes, in-home care providers or a combination of both which are centrally organized, coordinated, and administered as a unit in themselves or as an extension of another center or as part of the educational or training program of an accredited school of social work or school of early childhood education.

7. "Start-up grants" means money payments or a planned series of money payments to an approved applicant to be used for development or expansion of needed child care services. The grants are not loans.

(2) APPLICATION FOR START-UP GRANTS. (a) Application shall be made on a form provided by the department.

(b) Application shall be open to:

1. Individuals or groups planning to establish voluntary non-profit or proprietary child care services;

2. Individuals or groups submitting proposals for:

a. A new center;

b. Expansion of an existing center or group of centers;

c. An innovative program for special needs of the children; or

d. Satellite systems of family care, in-home care or a combination of both.

3. Newly operating centers which are experiencing financial difficulties.

(c) The individual, group or center making application shall:

1. Document the need for the specific service to be provided in the area proposed in the plan; and

2. Submit written assurance to the department that the service to be provided will meet the requirements for licensing of the day care centers for children under this chapter.

(d) Application from newly operating centers experiencing financial difficulties shall also include:

1. Documentation of expenditures and income for the total period of operation giving special details of financial problem area;

2. Documentation of need for the service including the target group of parents and children;

3. A detailed operating budget for any period of operation as requested by the department.

Note: A copy of the application form can be obtained by writing: Bureau of Human Resources, Division of Community Services, One West Wilson, P.O. Box 7851, Madison, WI 53707.

(3) USE OF START-UP GRANTS. (a) Grants may be used to:

1. Finance a specific purchase or budget item related to operating costs, including but not limited to:

- a. Structural changes to meet licensing and building codes;
- b. Necessary equipment to begin or improve operations; and
- c. Salary of a staff person or persons for a period not to exceed 12 months;

2. Finance a percentage of the total operating budget for a 12-month period or less; or

3. Substitute for continuation of an in-kind contribution made for a limited period of time which would need to be met by the budget before the program is in full operation, including but not limited to:

- a. In-kind donation of free rent by a church, agency or building owner for a limited period of time; and
- b. Voluntary services of staff.

(b) Start-up grants may not be used for a service which could be funded from other community, state or federal sources. This does not, however, preclude the collaborative use of those funds with start-up and improvement grant funds to meet the beginning of a needed service.

(4) TIME LIMIT. No subsidy from a start-up grant may extend beyond a 12-month period.

(5) START-UP GRANTS FOR SATELLITE SYSTEMS OF DAY CARE. (a) Applications proposing to develop a satellite system of family care, in-home care, or a combination of both shall be accepted only from:

1. An existing center;
2. A licensed agency providing services to parents and children who may need child care;
3. A county department of social services;
4. An accredited college or university offering training in social work or early childhood education; or
5. A corporate community coordinating group concerned primarily with child care.

(b) The satellite system shall have centralized administration which shall include:

1. Recruitment, evaluation and training of the families which will be part of the system;
2. Ongoing training to upgrade the system itself and the quality of the care given;
3. A person who coordinates and supervises the care families in the system and gives or makes available consultation to them on a planned, ongoing basis;

4. An evaluation and approval of each child served and a central file of pertinent data on each child and family; and

5. Centralized bookkeeping.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

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