

(4) **STAFFING AND GROUPING.** (a) The maximum number of children in a group may not exceed the number specified in Table 46.05-D.

(b) The ratio of child care workers to children may not be less than the minimum number of child care workers to children specified in Table 46.05-D.

**TABLE 46.05-D**  
**MAXIMUM GROUP SIZE AND MINIMUM NUMBER**  
**OF CHILD CARE WORKERS IN GROUP DAY CARE**  
**CENTERS**

Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 2 Years	1:4	8
2 years to 2½ Years	1:6	12
2½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	24
5 Years to 6 Years	1:17	32
6 Years and Over	1:18	32

(c) When 8 or fewer children are present in a center, there shall be a second adult available within 5 minutes for emergencies. The center shall maintain a signed and dated statement from that person, including address and telephone number, certifying that the person is available and agrees to serve if needed.

(d) Maximum group size does not apply to field trips, outdoor play areas, pools and areas of the center reserved exclusively for eating, but staff-to-child ratios shall be maintained in those settings.

(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 children.
2. Adult-to-child ratios shall be maintained in the center during naptime.
3. Maximum group size requirements do not apply to napping groups.

(f) When there is a mixed-age group, the staff-to-child ratio shall be adjusted on a prorata basis, according to age.

(g) When infants and toddlers are part of a mixed-age group, the size of the group may not exceed 8.

(h) When the group of children is a mixed age group of children 2 years and older, the group size shall be determined by the number of children that can be cared for by 2 child care workers as determined by the staff-to-child prorata requirement under par. (f).

(i) In a center with 9 or more children present, there shall be at least 2 adults available in the center at all times. At least one of the adults shall be a child care worker directly involved in the supervision and care of the children.

(j) When 9 or more children are on a field trip there shall be at least 2 adults accompanying the children and the staff-to-child ratios in Table 46.05-D shall be maintained. At least one of the adults shall be a child care teacher.

(k) Support staff, such as clerical, housekeeping and food service staff, may only be considered in determining the staff-to-child ratios:

1. During those hours when they give full attention to the care and supervision of children.
2. If they meet the qualifications for a child care worker.

Note: A worksheet for prorating staff-to-child ratios for mixed-age groups is in Appendix B. Copies are available from the Forms Center, Division of Children and Family Services, P. O. Box 7851, Madison, Wisconsin 53707-7851.

(L) Child care workers shall be free of non-classroom duties when they are counted in meeting the staff-to-child ratios.

(m) Children of staff who attend the center and who are on the premises for supervision and care shall be included in determining group size and staff-to-child ratios.

History: Cr. Register, January, 1997, No. 493, eff. 8-1-97; reprinted to correct error in Table, Register, February, 1997, No. 494; reprinted to correct error in Table, Register, March, 1997, No. 495.

#### HFS 46.06 Physical plant and furnishings.

(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 ch. ILHR 60 for use as a group day care center by an inspector employed by the Wisconsin department of commerce or by an inspector employed by a municipality certified by the Wisconsin department of commerce.

Note: Local authorities should be consulted to obtain any required zoning clearances or building permits.

(b) The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of the changes.

(c) Space designated for use by children may only be used by children and staff and may not be used for other purposes while the center is open.

(d) The inside temperature may not be less than 67°F.

(e) If the inside temperature exceeds 80°F, the licensee shall provide for air circulation with fans or by other means.

(2) **PROTECTIVE MEASURES.** (a) The indoor and outdoor premises shall be free of hazards.

(b) Steam radiators, fireplaces, wood burning stoves, electric fans, electric outlets, electrical heating units and hot surfaces, such as pipes, shall be protected by screens or guards so that children cannot touch them.

(c) Firearms, ammunition and other potentially dangerous items may not be kept on the premises.

(d) Materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and other articles hazardous or poisonous to children shall be in properly marked containers and stored in areas inaccessible to children.

(e) A motor vehicle shall be immediately available at the center at all times in case of an emergency if a public or private rescue or emergency vehicle cannot arrive at the center within 10 minutes of a phone call.

(f) The center shall have a working telephone or access to a working telephone on the premises during hours of operation, with a list of emergency telephone numbers, including telephone numbers for the local rescue squad, fire department, police department or other law enforcement agency, poison control center and emergency medical service posted near each telephone. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

(g) Stairs, walks, ramps and porches shall be maintained in a safe condition and free from the accumulation of water, ice or snow.

(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 children are present.

(i) Alcoholic beverages and 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.

(j) Children may not be allowed in an area where power tools are in use.

(3) **EMERGENCIES.** Each center shall have a written plan for responding to a fire, tornado, a tornado warning or other emergency. A center shall do all of the following:

- (a) Post the plan and practice implementing it monthly.
- (b) Make sure that all staff members know what their duties are if there is a fire or tornado or a tornado warning.
- (c) Keep a written record of dates and times of the monthly practice.
- (4) **FIRE PROTECTION.** (a) Each fire extinguisher on the premises of a center shall be operable at all times, inspected once a year by a qualified person and bear a label indicating its present condition and date of the last inspection.
- (b) All staff members shall be instructed in and knowledgeable about the use of the fire extinguishers.
- (c) Each floor used by children shall have at least 2 exits.
- (d) Exits and exit passageways shall have a minimum clear width of 3 feet and be unobstructed by furniture or other objects.
- (e) An extension cord may not be used permanently with an appliance.
- (f) No more than 2 electrical appliances may be plugged into any one wall outlet.
- (g) The door to the basement and furnace room shall be closed.
- (h) Areas under stairs may not be used for storage.
- (i) All exit lights shall be lit at all times.
- (j) Fire alarms and smoke detectors shall be maintained in good working order and shall be tested weekly and a record shall be kept of the test results.
- (k) Unvented gas, oil or kerosene space heaters are prohibited.

(5) **SANITATION.** (a) The premises shall be free from litter, clean and in good repair.

- (b) 1. There shall be no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children.
- 2. No lead-based paint or other toxic finishing material may be used.

(c) Garbage containers in the building shall be rigid, covered, watertight and emptied daily or more often as needed. Compactors need not be emptied daily. Garbage and refuse stored out of doors shall be kept in leak-proof containers equipped with tight-fitting covers and shall be disposed of as necessary to prevent decomposition or overflow.

(d) Furnishings, toys, cots and other equipment shall be washed or cleaned when they become soiled. Eating surfaces shall be washed and sanitized before and after each use.

(e) 1. Toilet rooms and fixtures shall be in a sanitary condition at all times.

2. Potty chair receptacles shall be emptied and rinsed and the potty chair and receptacle shall be disinfected immediately after each use with a chlorine bleach solution of one tablespoon to one quart of water, made fresh daily.

(f) Windows and doors that are used for ventilation shall be screened.

(g) The premises shall be maintained to prevent the entrance or harborage of vermin.

(6) **WATER.** (a) A safe supply of drinking water shall be available to children at all times from a drinking fountain of the angle jet type or by use of disposable cups. Common use of drinking cups is prohibited.

(b) If the center gets its water from a private well, the following shall apply:

- 1. Water samples from the well shall be tested annually for lead and bacteria by a laboratory certified under ch. HSS 165 and found bacteriologically safe. The laboratory report shall be available to the department upon request.

2. A center serving children under 6 months of age shall have the water tested 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.

(7) **INDOOR SPACE.** (a) The space used by children shall be no less than 35 square feet of usable floor space for each child, exclusive of passageways, kitchens, bathrooms, coat storage areas, offices, storage areas, isolation quarters, staff room, furnace room, parts of rooms occupied by stationary equipment, and areas not at all times available to children, including areas used exclusively for large muscle activity, napping or eating.

(b) There shall be additional storage space for cots, bedding, supplies and equipment not in use.

(8) **FURNISHINGS.** (a) Furnishings shall be durable and safe, with no sharp, rough, loose or pointed edges.

(b) Tables and seating shall be scaled to the proper height and size for the children's comfort and reach.

(c) 1. Except as provided in subd. 2, in a center where meals are served, seating shall be at least equal to the licensed capacity of the center, excluding infants, so that the children can be served at the same time, and there shall be space at a table for each child.

2. In a center where meals are served in a central lunchroom, seating and tablespace shall be at least equal to the number of children to be served in a shift.

(d) Shelves shall be provided for equipment and supplies in rooms used by children. Equipment and supplies shall be arranged in an orderly fashion so that children may select, use and replace items.

(e) There shall be sufficient storage space for clothing and personal belongings to accommodate the clothing and personal belongings of as many children as are in the licensed capacity of the center. For children 2 years of age and older, the space for outer garment storage shall be at child level.

(f) A safe, washable cot, bed, two-inch thick mat or sleeping bag shall be provided for each child 12 months old or older who naps or sleeps.

(g) A safe, washable crib or playpen shall be provided for use of each child less than 12 months old who naps or sleeps. A crib or playpen shall be washed and disinfected between changes in occupancy.

(9) **KITCHENS.** (a) *Equipment and utensils.* 1. When meals are prepared or heated on the premises, the kitchen shall be equipped with a microwave or stove with an oven, a refrigerator, a sink and utensils that are necessary to prepare and serve meals. The sink shall be used exclusively for food preparation and dishwashing.

2. All equipment and utensils shall have smooth, hard surfaces, be easily cleanable, in good repair, durable, non-toxic and free of cracks, seams, chips and roughened areas, and shall be maintained in a clean and sanitary condition.

3. Food preparation tables shall be durable, and surfaces shall be smooth, non-absorbent and easily cleanable.

4. After cleaning, utensils shall be stored in a clean, dry place and protected from contamination.

5. Single-service utensils shall be non-toxic, stored in a clean, dry place, kept covered, and may not be reused.

6. Infant bottles and nipples may not be reused without first being cleaned and sanitized.

(b) *Dishwashing procedures.* 1. All kitchen utensils and food contact surfaces used for preparation, storage or serving of food shall be thoroughly cleaned and sanitized after each use.

2. All utensils and dishes shall be scraped, sorted and pre-washed under running water.

3. For manual washing of dishes and utensils, a 3-step procedure shall be used: