

DCF 250.06 Physical plant and equipment.**(1) BUILDING.**

(a) *Conformance with building codes.* Family child care centers located in a building that is not a one or 2-family dwelling shall conform to the applicable Wisconsin commercial building codes. A copy of a building inspection report evidencing compliance with the applicable building codes shall be submitted to the department prior to the department's issuance of a license.

Note: The building inspection report should be sent to the appropriate regional office listed in Appendix A.

The Building Inspection Report – Child Care Centers form may be used to document compliance with the applicable Wisconsin Commercial Building Codes.

ZONING: S. 66.34, Wis. Stats., defines a family child care home as a "dwelling licensed as a child care center by the department of health and family services under s. 48.65 where care is provided for not more than 8 children." The statute then states in pertinent part, "[n]o municipality may prevent a family child care home from being located in a zoned district in which a single-family home is a permitted use. No municipality may establish standards or requirements for family child care homes different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located." This law gives a municipality the power to prevent a family child care center that is not used as a residence from being located in a district zoned for residential use unless the licensee is granted a conditional use permit. Some municipalities may also require that any home-based business have a conditional use permit to operate. This is also permitted under the law. It is recommended that you contact your local municipality prior to applying for licensure.

Individual communities may determine what a one- or two-family dwelling is. In some municipalities, a one- or two-family dwelling is defined as a building that was built as a home regardless of whether someone lives in that building. In other communities, a one- or two-family dwelling is defined as a building currently used as a residence. It is recommended that a licensee check with and obtain documentation from the local municipality specifying how a one- or two-family dwelling is defined to determine whether or not the commercial building codes apply.

(b) Space and temperature.

1. A center shall have at least 35 square feet of usable floor space per child. Usable floor space for children does not include passageways, bathrooms, lockers, storage areas, the furnace room, the part of the kitchen occupied by stationary equipment, and space occupied by furniture that is not intended for children's use.

2. The inside temperature of the center may not be less than 67 degrees Fahrenheit.

A minimum temperature of 67 degrees Fahrenheit is determined by a thermostat reading. In rooms without thermostats, 67 degrees Fahrenheit is to be determined as follows:

- *Temperature is to be measured at 24 inches above the floor level.*
- *Infant and Toddler Rooms: Measure 6 inches above the floor.*
- *Room without windows: Temperature taken in center of a room.*
- *Room with windows: Temperature taken one foot away from windows and at the center of room and then averaged.*
- *Series of rooms with only one thermostat: The coldest room must comply with the 67 degrees Fahrenheit minimum.*

250.06(1)(b)3.

3. If the inside temperature at the center exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with safe fans, air conditioning, or other means.

Caution should be exercised regarding placement. Opening windows may be one of the means used if there is a sufficient breeze to circulate the air.

4. There shall be at least one toilet with plumbing and one sink with hot and cold running water available for use by children in care in the center. The hot water temperature may not exceed 120 degrees Fahrenheit.

A temperature between 100- and 105-degrees Fahrenheit is recommended. Scald-prevention devices are also recommended.

When the only bathroom sink is on a second floor, the use of the kitchen sink for handwashing is not recommended but is not prohibited.

(2) PROTECTIVE MEASURES.

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

High-energy/efficiency furnaces are cool to the touch and, unless there are other features of the furnace that pose a hazard, they do not need to be protected.

Tamper resistant electrical outlets do not need to be covered by guards. No exception is necessary.

(b) Firearms, ammunition, and bows and arrows with sharp tips located on the premises or in a vehicle used to transport children shall be kept in locked storage and may not be accessible to children.

Trigger locks alone do not constitute locked storage. Separate storage for ammunition and firearms is recommended. Examples of acceptable locked storage are locked gun cabinets, locks on gun cases, and locked rooms / closets. Attics and / or rafters may be approved by exception. Accessible is defined as able to reach.

(c) Potentially dangerous items and materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and any articles labeled hazardous to children, shall be in properly marked containers and stored in areas inaccessible to children.

Inaccessible is defined as unable to reach.

Any personal care items labeled "keep out of reach of children" should be placed out of the sight of children and out of their reach. This includes personal care items typically kept in the bath/shower area. Hand soap intended for use by children must be accessible to children for use with supervision.

Alcoholic beverages and any items labeled "poisonous" or "keep out of reach of children" and items in spray cans are considered harmful to children and may not be accessible to children.

Safety latches are an acceptable method to make items "inaccessible."

There may be times when a program wishes to use an item labeled "keep out of reach of children" for an organized art activity. These types of activities are permitted as long as the activity is closely supervised by a provider who is readily available to assist the children if necessary. The use of these materials for art projects should be based on the ages and developmental levels of children using the materials (e.g. it would not be appropriate for infants or toddlers to use shaving cream as a finger painting medium because they may put their hands in their mouths to "taste" the shaving cream).

250.06(2)(d)

(d) The center shall have at least one working telephone with a list of emergency telephone numbers, including telephone numbers for the local fire department, police department, law enforcement agency, poison control center and emergency medical service, posted in a location known to all providers.

If a center is located in a community with 911 service, the only phone numbers required to be posted are 911 and poison control. The Poison Control Center's 24-hour emergency phone number is 1-800-222-1222.

It is recommended that the street address for the center and the phone number for the local child protective services agency be listed near the phone as well.

A working telephone is defined as a phone that is capable of making and receiving phone calls. Cell phones and cordless phones may be used as the only phone in a center if the phone is fully charged and there are no dead spots in the center that would prohibit calls from being received or made. If a cell phone or cordless phone is used as the only working phone in a center, the emergency numbers need to be conspicuously posted in an area readily visible to the provider. All center staff must have access to the designated phone and knowledge of the passcode, if applicable. Cell phones or cordless phones must remain at the center when children are present. When all the children are on a field trip, the phone may be carried by the provider.

It is recommended that emergency numbers be saved in the cell phone.

(e) The center's indoor and outdoor child care space shall be free of hazards including any recalled products.

Note: Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at <https://datcp.wi.gov/Pages/Publications/KeepYourKidsSafeNewsletter.aspx> or by contacting the United States Consumer Products Safety Commission (US CPSC) at 1-800-638-2772.

See 250.03(13m) – DEFINITION – HAZARD. Licensing staff will not conduct a detailed review of equipment and materials to determine whether items in the center have been recalled. It is the licensee's responsibility to ensure that they are aware of any recalled products and to remove them from the areas occupied by children.

"Free of hazards" is a discretionary rule to cover a wide variety of hazardous conditions which may occur including, but not limited to, basement stairwells not protected by a fence or gate, lawn sprinkler valve boxes recessed several inches below ground with no cover, broken glass or cans, wood piles, holes, fences or enclosures with an opening that allows passage of an object that is larger than 4 inches in diameter, sharp edges or points near adjacent climbing equipment, etc.

Certain pull toys may have a cord or string the length of which may present a strangling hazard to a child. Strings on pull toys should not be longer than 12 inches so that cords cannot be wrapped around necks. Strings or cords on window blinds must be short to prevent choking, must not hang in loops, and must be made inaccessible to children when blinds are raised.

ASBESTOS: If there is suspicion of asbestos, providers should contact the Wisconsin Department of Health Services for asbestos treatment and abatement procedures. For more information, see <https://www.dhs.wisconsin.gov/asbestos/index.htm>.

MOLD: If there is a musty odor or you can see mold growth, steps should be taken to identify the source of moisture causing the mold. The local public health department or the Wisconsin Department of Health Services may be able to help find a consultant who specializes in building assessments to analyze the building and suggest remediation remedies. For more information, see <https://www.dhs.wisconsin.gov/mold/index.htm>.

250.06(2)(e) continued

POISONOUS PLANTS: See Appendix D Resource List, Common Plants – What’s Poisonous and What’s Not? Outdoor play spaces must be free of noxious plants.

See 250.06 (11) (b) 3. – OUTDOOR PLAY SPACE – CCA TREATED LUMBER; and DCF 250.06 (11) (b) 3m. – OUTDOOR PLAY SPACE – CREOSOTE AND PCP TREATED WOOD.

When there are bodies of water such as a water garden, fishpond, etc. on the premises, or the body of water is within the fenced-in play area, an exception must be requested. The request for exception will need to include a detailed plan for the protection of the children. Some of the items to be considered when writing or evaluating the exception request include:

- *The ages of the children as specified in the terms of the license*
- *The location of the water garden, fish pond, etc. in relation to the usual play area of the children*
- *The location of the exits from the building and the play area in relation to the water garden, fish pond, etc.*
- *Any other circumstances which may affect the safety of the children.*
- *The compliance history of the center with respect to supervision of the children and previous enforcement actions.*

The exception request must include the condition that the provider or other adult be outdoors with the children under sight and sound supervision at all times. The exception request must be reviewed by the regional licensing manager and shall be periodically reviewed by the licensing specialist and manager to ensure that the circumstances of the exception remain essentially the same. Exceptions may be granted on a case by case basis as determined by the regional licensing manager.

Failure to comply with the conditions of the exception could result in withdrawal of the exception and/or initiation of other enforcement actions such as forfeiture or revocation of the license.

See DCF 250.06 (12) (a) – ON-PREMISE SWIMMING POOL – USE AND ENCLOSURE; and DCF 250.06 (2) (i) – HOT TUB – COVERED OR FENCED.

(f) A motor vehicle shall be immediately available at the center at all times in case of an emergency if an ambulance or first response unit cannot arrive within 10 minutes of a phone call.

(g) Differences in elevation of more than 18 inches, either indoors or outdoors, including open sides of stairways, elevated platforms, walks, balconies, and mezzanines used by children shall be protected by railings at least 36 inches high and designed to prevent the passage of an object with a diameter larger than 4 inches through any openings in the railing bars.

Although the Wisconsin Uniform Dwelling Code in SPS 321.04 (3) requires guardrails whenever a difference in elevation (indoors or outdoors) exceeds 24 inches in height, the department requires railings with differences in elevation of more than 18 inches. Railings and guardrails that are present in a facility, regardless of whether they are required, must meet the requirements specified in the rule.

If it is a commercially manufactured piece that meets American Society for Testing Materials (ASTM) standards, as proven by documentation regarding height requirement, we would accept without exception. If it does not meet the ASTM standards, then you must meet rule requirements.

250.06(2)(h)

(h) Smoking is prohibited anywhere on the premises of a center or in a vehicle used to transport children when children are in care.

Use of electronic cigarettes or other smoking devices is prohibited on the premises when children are present.

Note: Section DCF 250.03 (26) defines “premises” as a building and the tract of land on which the building is located.

(i) 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.

(j) If a hot tub is located in a room or area that is 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.

A lock that cannot be opened by children will be considered inaccessible to children.

(k) The premises shall have no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children. Lead-based paint or other toxic finishing material may not be used on any surface on the premises.

The rule does not require that the whole room or total outside wall be refinished. The area of flaking or deteriorating paint should be refinished in a manner that protects the children in care.

Administrative Rule DHS 163 applies to child care centers when renovation or repair is made to any surface where 6 sq. ft. or more of interior paint or 20 sq. ft. of exterior paint is disturbed in a building that was built prior to 1978. Any renovation or repair that involves windows in a building built prior to 1978 must also be conducted in accordance with DHS 163.

See Appendix D, Resources List, Guidance for Child Care Providers Regarding Lead-Based Paint Hazards in Child Care settings.

LEAD PAINT: Homes which were built prior to 1980 may contain lead-based paint. The licensee should check with the local city or county health department for the proper procedure to eliminate lead.

When painted surfaces (built-ins, walls, ceilings, floors, stairs) are torn out or old paint is sanded, it is strongly recommended that abatement practices be initiated. When painted surfaces are peeling or deteriorating, samples of paint chips may be analyzed by the Laboratory of Hygiene in Madison or another certified laboratory.

For more information on asbestos or lead regulations, training, certification, work practices, inspections, or other related questions, please contact the Division of Public Health, Bureau of Environmental & Occupational Health, Asbestos And Lead Unit, phone: (608) 261-6876, fax: (608) 266-9711, email: dhasbestoslead@dhs.wisconsin.gov, website: <https://www.dhs.wisconsin.gov/asbestos/overview.htm>.

(L)1. A family child care center in a one-family or two-family residence shall have a carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit, in accordance with the requirements of s. 101.647, Stats.

2. A family child care center in a building with at least 3 residential units shall have one or more functional carbon monoxide detectors installed in accordance with the requirements of s. 101.149, Stats.

250.06(2)(m)

(m) The premises shall be well-drained, free from litter and vermin, in good repair, and maintained in a sanitary condition.

"Well-drained" means no standing water; considerations may be given to the time of year and current weather conditions.

Vermin is defined as any of various insects, bugs, or disease carrying animals such as mice, rats, weasels, flies, or roaches. This list is illustrative and should not be considered all-inclusive.

An integrated pest management program is recommended to reduce unnecessary exposure to pesticides. See <https://datcp.wi.gov> for more information.

The exterior of the building should be free of openings around cables and utilities, under doors, or broken windows. The garbage storage area should be free of litter, rubbish piles, burrow holes, and animal droppings and should be rodent proof. Covered containers are recommended.

"In good repair" means that there are no situations such as, but not limited to, broken windows, holes in walls, doors, door latches, steps and railings; torn linoleum or missing tiles; leaking roofs; or flooding or leaking basements.

(n) 1. a. Each licensee shall test or have a test conducted for radon gas levels in the lowest level of the center that is used by children in care for at least 7 hours per week. The test shall be conducted for a minimum of 48 hours with the center's windows closed.

Many family child care centers are located in residential buildings. A "residential building" means a building that meets the definition of a "dwelling" in s. 101.71(2), Wis. Stats. Radon testing with a home test kit can range from \$10 to \$30 per test. When using a certified measurement professional, the price can range from \$125 to \$150 for a residential building. Follow the instructions included with a home test kit. If you operate a family child care out of a commercial building, see commentary under DCF 251.06(2)(p).

When testing a building for radon, the state of Wisconsin recommends using a certified measurement or mitigation professional who holds a certification from the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB). Certified contractors are more likely to understand best practices for radon measurement. If you choose to hire a certified radon professional to conduct the radon test in your center, it is recommended to follow all recommendations made by the certified radon professional. A list of certified radon measurement and mitigation contractors can be found on the Department of Health Services' website here: <https://www.dhs.wisconsin.gov/radon/radon-proficiency.htm>.

The best time to test is during the fall or winter months when the home or building is closed, and windows are not kept open. Radon levels will be the highest during these cold months. However, radon tests can be conducted any time of year if the windows and doors remain shut for 12 hours before and the entire duration of the test (minimum of 48 hours). Radon levels can go up and down due to weather patterns and home use like running HVAC, opening windows, and turning on fans. Avoid testing for radon during snow, rain, or windstorms as this can impact the test results and cause short term spikes/elevations in radon levels. It is recommended to test over a weekend so that the test is not disturbed.

Radon tests should be conducted in all dwellings and all nonresidential rooms that are occupied, or intended to be occupied, that have floors or walls in contact with the ground or are the lowest level of the building over a crawl space, utility tunnel, parking garage or other non-habitable space that is in contact with ground.

250.06(2)(n)1.a. continued

For residential homes, test in the lowest level that serves, or could serve as, a living area, sleeping quarters, office, playroom or otherwise be occupied for residential use at some time in the future. The test should be placed at least 20 inches above the floor in a location where it will not be disturbed (away from drafts, high heat, high humidity, and exterior walls). Unless for investigative purposes, do not test for radon in hallways, closets, bathrooms, or shower areas unless they are open to other rooms that are occupied for other purposes.

Radon measures higher in basements, cellars, and living spaces in contact with the ground. Providers may use the lowest level of their home with their family but not with enrolled children during licensed hours. In this case, providers can choose to test in a lower level that is not used by children in care for at least 7 hours per week.

If you care for children in a residential or commercial building that already has a radon mitigation system or a continuous radon detection monitor, it will still be required to continue testing the building for radon every 2 years, or after any renovations are made on the home or building. This ensures that the mitigation system and/or radon detection monitor is properly installed and working. The only way to know if the building has high levels of radon is to test.

b. In a center licensed prior to the effective date of this subd. 1. [March 1, 2023], a test for radon gas levels shall be conducted no later than 6 months after the effective date of this subd. 1. [September 1, 2023].

Individuals who began the pre-licensing process prior to March 1, 2023 will be included in this requirement.

c. In a center licensed on or after the effective date of this subd. 1. [March 1, 2023], a test for radon gas levels shall be conducted within 6 months prior to providing care for children.

2. The licensee shall submit a copy of the radon test results under subds. 1. and 5. To the department within 5 days after receipt.

3. The lowest level of a center that is used by children in care for at least 7 hours per week may not have radon gas levels that exceed 4 picocuries per liter of air, except as provided in subd. 4. b.

4. If the levels of radon gasses exceed 4 picocuries per liter of air in the lowest level of the center, the licensee shall do all of the following:

For the purposes of licensing, the overall average of the radon test is the measurement used to determine the threshold for mitigation.

a. Notify the parents of children in care.

b. Have a radon mitigation system installed, test for radon gas levels following the procedures specified in subd. 1. a. and submit radon test results that meet the standard in subd. 3. to the department within 12 months after the date of the test under subd. 1.

When mitigating a building for radon, the state of Wisconsin recommends using a certified measurement or mitigation professional who holds a certification from the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB). Certified contractors are more likely to understand best practices for radon mitigation. In the state of Wisconsin there are no laws requiring radon mitigation companies to be certified. This can result in uncertified and inexperienced contractors throughout the state offering low priced radon systems that are installed incorrectly, leaving the consumer at risk of paying for a poorly installed system that doesn't effectively remove radon. Using a certified contractor will reduce the risk of having a radon mitigation system installed incorrectly. A list of certified radon measurement and mitigation contractors can be found on the Department of Health Services' website here: <https://www.dhs.wisconsin.gov/radon/radon-proficiency.htm>.

250.06(2)(n)4.b. continued

Child care centers will not be required to close if radon test results exceed 4 picocuries per liter of air. Licensees will be required to follow all other requirements specified in subd. 4.

Radon Information Centers are located across the state and are available to providers as a resource. Find your local Radon Information Center here:

<https://dhs.wisconsin.gov/radon/infocenters.htm>.

5. The licensee shall test radon gas levels in the center every 2 years after the test under subd. 1 or, if a radon mitigation system was installed, every 2 years after the test under subd. 4. b. The test shall be conducted following the procedures specified in subd. 1. a.

Note: For more information, contact the state radon office or local radon information center at <https://www.dhs.wisconsin.gov/radon/infocenters.htm>.

(3) EMERGENCY PLANS AND DRILLS.

(a) Each center shall have a written plan for taking appropriate action in the event of an emergency, including a fire, a tornado, a flood; extreme heat or cold; a loss of building services, including no heat, water, electricity, or telephone; human-caused events such as threats to the building or its occupants; allergic reactions; lost or missing children; vehicle accidents; or other circumstances requiring immediate attention. The plan shall include specific procedures that address all of the following:

1. Evacuation, relocation, shelter-in-place, and lock-down.
2. Ensuring that the needs of children under age 2 and children with disabilities are met.
3. Communication with parents.
4. Connecting children with their parents if the center is required to evacuate the building.

The center emergency plan should address all the emergencies identified above that might occur at the center (e.g., if the center is not located in an area that is subject to floods, the emergency plan does not need to address floods). The plan should include staff member duties and responsibilities; exiting on all levels used by children in care; and identifying items that are recommended to be with the provider, such as an attendance list, emergency cards, flashlight, battery operated radio, or cell phone. The recommended exit time during a fire drill is 2 minutes maximum. The tornado shelter area should be accessible and free of hazards during tornado season.

Use of a one-exit basement as an emergency shelter during tornadoes and similar emergencies is allowed. Use of a one-exit level is prohibited for any other purpose.

Licensing specialists may ask a center to conduct a fire and/or drill during a licensing visit.

Children are not required to exit the building completely during a fire drill in winter or inclement weather; however, they should be directed to proceed to the nearest exit and staff should review with the children how an actual fire would affect the program (e.g. children shall not take the time to put on their coats before evacuating a building).

See DCF 250.10 – ADDITIONAL REQUIREMENTS FOR NIGHT CARE.

(b) The center shall practice the fire evacuation plan monthly, and the tornado plan monthly from April through October, with the children and shall document when the plans were practiced.

Note: The licensee may use either the department's form, Fire Safety and Emergency Response Documentation – Family Child Care Centers, or the licensee's own form to document when the fire and tornado emergency plans were practiced. Information on how to obtain the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(4) FIRE PROTECTION.

(a) 1. A center shall have a smoke detector installed according to the manufacturer's instructions and maintained in operating condition at the head of every open stairway, on each level of the center, and in all areas used for nap or rest periods.

Note: The smoke detector at the head of an open stairway may also serve as the smoke detector for that level.

Chapter SPS 320 of the Uniform Dwelling Code defines a stairway as one or more risers and the necessary treads, which forms a continuous passage from one elevation to another. More information can be found here:

https://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/.

Standard placement of a smoke detector is within 6 feet of the head of a stairway per the Wisconsin department of safety and professional services.

2. A center shall have an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below ground level.

3. All smoke detectors shall be tested monthly, and a record shall be kept of the time, date, and results of the test. A smoke detector shall be immediately repaired or replaced if any unit or part of a unit is found to be inoperative.

Note: The licensee may use either the department's form, DCF-F-CFS0460 Safety and Emergency Response Documentation – Family Child Care Centers, or the licensee's own form to record the results of smoke detector test. The department's form is available at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

4. The battery in a single-station battery-operated smoke detector shall be replaced at least once each year.

For questions regarding the appropriate placement of smoke detectors, contact your local fire department.

Providers may record annual battery replacements on the department form, Safety and Emergency Response Documentation, or on an equivalent form of the provider's creation. The form can be found here: <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

If the smoke detector has a 10-year internal battery, providers should record the date of which the smoke detector was installed.

An attached garage does not require a smoke detector unless it is identified as usable child care center space. If an attic is used only for storage, a smoke detector is not required.

If a second floor or other level of a house is rented to another occupant, statutes require each residence to have a smoke detector. See s. 101.645, Wis. Stats. If the center and the other occupant of the building have different addresses, DCF 250 does not apply to the 2nd address.

A door serving as a smoke barrier is not required between the basement and first floor. See DCF 250.06 (4) (e) – SMOKE DETECTION SYSTEM – CARE PROVIDED ABOVE OR BELOW GROUND LEVEL.

AREAS USED FOR NAP OR REST: If bedroom doors are kept open, neither a battery-operated nor an interconnected smoke detector is required in the sleeping room. However, one is required in the immediate area. If bedroom doors are closed, one battery-operated smoke detector or the interconnected smoke detector must be in the room used for sleeping even if there is an interconnected system outside the room.

250.06(4)(a)4. continued

BEEPING OR CHIRPING ALARMS: If a smoke detector beeps or sounds another type of signal indicating a potential malfunction, the detector must be replaced or repaired and is not considered in operating condition at that time.

(b) An operable fire extinguisher with a minimum rating of 2A-10BC shall be provided for the kitchen and cooking area and inspected annually, and a provider shall know how to use it. Inspection tags are not required, but documentation of the inspection must be kept on file at the center.

Note: Licensees or a commercial fire extinguisher inspector may inspect fire extinguishers.

The provider may perform the annual inspection of the extinguisher by reading the gauge. It is recommended that the extinguisher be rotated slowly before checking the gauge.

Professional inspection of the extinguisher is recommended. It is recommended that fire extinguishers be recharged or replaced every 5 years. It is recommended that the fire extinguisher be easily accessible in or near the kitchen.

Compliance with annual inspection requirements may be demonstrated by recording the inspection date on the tag of the extinguisher or on the Safety and Emergency Response Documentation – Family Child Care Centers form. See Appendix F, Instructions for Obtaining Department Forms.

A larger extinguisher may be used without an exception.

(c) Unvented gas, oil or kerosene space heaters are prohibited.

If there are concerns regarding the installation of vented gas, oil, or kerosene space heaters, providers may be asked to obtain written documentation that it was properly installed.

Electric space heaters should have an automatic shut off.

Flammable materials should be kept away from space heaters.

See DCF 250.06 (2) (a) – ELECTRICAL OR HOT SURFACE PROTECTION.

(d) A woodburning stove may be used only if it meets standards specified under s. SPS 323.045.

If there are concerns regarding the installation of stoves, providers may be asked to obtain written documentation that it was properly installed. External woodburning furnaces do not need written approval. Treated or painted wood should not be burned because of the chemical fumes. Treated wood is green, yellow, or brown.

Stoves located in areas of the center accessible to children that are hot to the touch when used should be guarded as specified in DCF 250.06 (2) (a) – ELECTRICAL OR HOT SURFACE PROTECTION.

(e) The center shall be equipped with an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

In this section, an interconnected smoke detection system means a system where smoke detectors located on each level of the building are connected so that all connected detectors sound an alarm when one detector is activated. The system does not necessarily need to be connected to the electrical system of the house or apartment (e.g., radio-controlled or battery-operated). An interconnected smoke detector is not required in the attic portion of a house. Additional battery-operated, stand-alone detectors may be used in addition to an interconnected system.

MEASUREMENTS TO DETERMINE WHETHER A LEVEL IS MORE THAN 6 FEET ABOVE OR BELOW THE GROUND LEVEL:

WINDOW EXITING (below ground level):

If the window exits into a window well, the first measurement taken is from the floor of the child care space to the bottom of the exit window. The next measurement is on the outside of the building from the floor of the window well to the ground outside the window well. If these measurements combined are more than 6 feet, an interconnected smoke detection system is required.

If the window exits directly to the ground (without a window well), the measurement is from the floor of the child care space to the bottom of the exit window. If the measurement is more than 6 feet between the floor of the child care space and the ground outside the window, an interconnected smoke detection system is required.

STAIR EXITING (above or below ground level): *In cases where stairs are used for exiting you measure the riser height of one stair and multiply by the number of steps to get the total height (e.g., each riser is 6" X 13 steps = 78". 78" divided by 12" = 6 ½ feet which is more than 6 feet and therefore an interconnected smoke detector would be required.)*

If any of these measurements total less than 6 feet, the center may care for any number of children under two years per staff-to-child ratios without interconnected smoke detectors.

An exception is not required if a provider's own child under age 2 sleeps in their own bed on the second floor of the child care center and the center is not equipped with interconnected smoke detectors. The licensee should have a plan if an emergency evacuation is necessary.

See DCF 250.06 (7) (a) 7. a. – CARE PROVIDED IN BASEMENT – PRIMARY EXIT; DCF 250.06 (7) (a) 7. b. – CARE PROVIDED IN BASEMENT – SECONDARY EXIT; DCF 250.055 (2) (d) – CARE PROVIDED ABOVE OR BELOW GROUND LEVEL; and DCF 250.06 (1) (a) – COMMERCIAL BUILDING CODE.

(6) WATER.

(a) A safe supply of drinking water shall be available to children and staff at all times from a drinking fountain of the angle jet type or by use of a disposable or reusable cup or water bottle. Common use of drinkware is prohibited.

If a building is closed and unused for an extended period (i.e., one week or longer), the Environmental Protection Agency (EPA) recommends flushing the building's plumbing before reopening. Flushing involves opening taps and letting the water run to remove stagnant water from the interior pipes. More information can be found at <https://www.epa.gov/>.

Some municipalities may have differing recommendations based on the period the building was closed. It is recommended that you contact your local municipality to check recommendations.

It is recommended that any drinking or cooking water outlets are flushed for at least 30 seconds before use. Water fountains with a refrigeration cooler are recommended to be flushed for at least 15 minutes.

Flushing water systems can increase the amount of debris found in faucet aerators. It is recommended to remove and clean aerators after flushing water systems.

(b) If a center gets its water from a private well, the center shall comply with all of the following:

1. a. The center shall have water samples from the well tested for total coliform and Escherichia coli (E. coli) bacteria annually using a laboratory certified by the department of agriculture, trade and consumer protection as specified in ch. ATCP 77. The laboratory report shall be available to the department upon request.

250.06(6)(b)1.b.

b. If the water test results indicate the presence of total coliform or E. coli bacteria, the water system shall be appropriately disinfected or treated and retested until it is determined to be free of bacteria. An alternative source of water shall be used for drinking and preparing food or infant formula until the well is free from bacteria.

Note 1: A list of laboratories certified to test for bacteria can be found on the Department of Natural Resources website: www.dnr.wi.gov.

Note 2: Alternative sources of drinking water can include bottled water and water from a public water system that meets drinking water standards.

2. a. The center shall have water samples from the well tested for nitrate annually using a laboratory certified under ch. NR 149. The laboratory report shall be available to the department upon request.

b. If water test results indicate nitrate levels are above 10 mg/L, an alternative source of water shall be used for drinking and preparing food or infant formula until nitrate levels are below 10 mg/L.

Note 1: A list of laboratories certified to test for nitrate can be found on DNR's website: www.dnr.wi.gov.

Note 2: Alternative sources of drinking water include bottled water, water that has been treated with a device certified by the department of safety and professional services to remove nitrate, and water from a public water system that meets drinking water standards.

3. a. The center shall have the well tested for lead every 5 years using a laboratory certified by the department of natural resources under ch. NR 149. The laboratory report shall be available to the department upon request.

b. If water test results indicate lead levels are above 15 micrograms per liter ($\mu\text{g/L}$), an alternative source of water shall be used for drinking and preparing food or infant formula until action is taken to reduce lead levels below 15 $\mu\text{g/L}$ as confirmed by an additional water test.

Note 1: A list of laboratories certified to test for lead can be found on DNR's website: www.dnr.wi.gov.

Note 2: Alternative sources for drinking water include, but are not limited to, bottled water, and water from a source known to be low in lead, such as a public water system that meets drinking water standards.

(7) EXITS, DOORS AND WINDOWS.**(a) Exits.**

1. All exits shall be clear of obstructions.

Exits, including window wells that are accepted as exits, may not be blocked, inside or outside, with snow or other obstructions.

Plastic sheeting that covers a window on the inside of the building is acceptable; however, plastic sheeting that covers a window from the outside is not permitted.

2. Each floor or level occupied by children shall have at least 2 exits.

3. Exits shall be located as far apart as practical.

4. The width of every exit door shall be at least 2 feet 6 inches.

5. The primary exit shall be a door or stairway providing unobstructed travel to the outside of the building at street or ground level.

6. The secondary exit shall be one of the following:

a. A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.

b. A door or stairway leading to a platform or roof with railings complying with sub. (2) (g), which has an area of at least 25 square feet, is at least 4 feet long, and is not more than 15 feet above ground level.

250.06(7)(a)6.c.

c. Except in an upstairs duplex, a window that is not more than 46 inches above the floor, capable of being opened from the inside without the use of a tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height.

In a center where care is provided on multiple levels, an outside platform is not required for a second-floor window identified as a secondary exit.

A nominal window opening is the size of the exiting area when the window is open.

The window must be capable of being opened from the inside by an adult. This includes storms and screens. If the storm or screen cannot be opened from the inside, the storm or screen may not be installed on the window serving as a second exit.

An exception may be granted to the exact dimensions of the window if the manufacturer identifies the window as being acceptable as an egress window and it provides a window area equal to or larger than that specified in the rule and still permits the children in care to exit. The provider should develop a plan for exiting from the secondary exit after consulting with the local fire department, and it is recommended this be addressed in the center policies.

d. A center located in the upstairs unit of a duplex shall have 2 exits leading directly to the ground floor or to a platform as described in subd. 6. a. and b.

7. If care is provided in a basement, all of the following apply:

a. The primary exit shall be a door or stairway that provides unobstructed travel to the outside of the building at street or ground level.

b. The secondary exit shall be either a door or stairway leading to the ground level or a window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height. The window shall open directly to the ground or to a window well with an area of at least 6 square feet that is not more than 46 inches below the ground.

In the case of a basement, if a window is being used as the second exit, the window must meet the requirements of DCF 250.06 (7) (a) 7. b. – BASEMENT – SECONDARY EXIT. The bottom of the window may not be more than 46 inches from the floor of the basement or there must be a permanently fixed platform. If a window well depth is greater than 46 inches, there must be a fixed platform, ladder or steps to assist the children in exiting the window well.

(b) *Doors and windows.*

1. Every closet door latch shall be capable of being opened by children from inside the closet.

2. Every toilet room door lock shall be designed to permit the locked door be opened from the outside in an emergency, and the opening device shall be readily accessible to a provider.

3. Windows that are capable of being opened and located in areas of the center that are accessible to children shall have screens.

If a window is locked or sealed shut and is not capable of being opened, it does not need a screen.

(9) FOOD PREPARATION AND SERVICE.

(a) Equipment and utensils for preparing, serving and storing food shall be clean and equipped for the safe handling of food. Eating surfaces shall be washed before use.

250.06(9)(a) continued

Eating surface includes tables and high chairs. It is recommended to use a two-step process of washing and sanitizing. Products including a cleaner and sanitizer could be used two times—the first to clean the surface and the second to sanitize the surface.

Children may not be at the table when staff are sanitizing.

See Appendix D Resources List, Cleaning, Sanitizing and Disinfecting in Child Care Centers. Only approved sanitizers may be used for eating surfaces and food preparation surfaces.

(b) Reusable eating and drinking utensils shall be thoroughly cleaned with detergent and hot water and rinsed after use. Single use articles such as food containers designed to be used only once and discarded including plastic silverware, paper or styrofoam cups and plates may not be reused.

A single-use plastic container may not be used to store food if it originally contained nonfood products. A single-use plastic container used by the processor to package food may be reused for food storage if the container is smooth, easily cleanable and durable. "Cool Whip" containers and deli containers are acceptable. Single-use food storage bags are acceptable. Bags with a zip-type closure are recommended.

(c) Food shall be clean, wholesome, free from spoilage and from adulteration and misbranding, and safe for human consumption. Meat, poultry, fish, molluscan shellfish, eggs, and dairy products shall be from an inspected source.

Meat and poultry must be processed in a facility inspected by the USDA or the state.

Home-frozen foods are acceptable.

Home-canned foods may not be used for children in care except for high-acid foods including apples, apricots, berries, cherries, grapefruit, peaches, pineapple, rhubarb, and tomatoes.

Fresh produce from a farmer or the provider's garden is acceptable. Home-raised eggs are acceptable by exception with written parental notification and, if participating in the CACFP, food program permission.

Food served from a single-use container may not be saved for later consumption.

See Appendix D, Resources List, Safe Food Storage.

(d) Food shall be covered and stored at temperatures that protect against spoilage. Refrigerators shall be maintained at 40 degrees Fahrenheit or lower and freezers shall be maintained at 0 degrees Fahrenheit or lower.

Thermometers are recommended for each cold storage compartment to ensure that the appropriate temperature is maintained.

Prepared food should not be allowed to sit out on counters for more than 2 hours. Frozen foods shall be thawed in the refrigerator, under cold running water, or on the defrost setting in a microwave oven. No frozen, potentially hazardous food may be defrosted by leaving it at room temperature. Food should be maintained at temperatures below 40° F. or above 140° F. "Potentially-hazardous food" includes all milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk or milk products, and any other food or food product likely to spoil quickly if not kept at the proper temperature.

See Appendix D, Resources List, Safe Food Storage.

250.06(9)(e)

(e) Extra food that was prepared but not served shall be dated, refrigerated promptly, and used within 36 hours, or frozen immediately for use within 6 months.

(f) Food shall be provided based on the amount of time children are in care, as specified in Table 250.06.

TABLE 250.06	
Meals and Snacks to be Served to Children	
Time 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
10 or more hours	2 meals and 2 or 3 snacks

(g) Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

The 3-hour time determination is from the beginning of a snack or meal to the beginning of the next snack or meal.

(h) At a minimum, children shall be provided food for each meal and snack that meets the U.S. department of agriculture child and adult care food program minimum meal requirements.

According to changes to the minimum meal requirements specified by the USDA, milk served to children over age 2 must be 1% or fat-free (skim) milk. Beverages that are full-strength fruit or vegetable juice, or juices labeled "100% juice," may be served to meet USDA Child and Adult Care Food Program (CACFP) requirements for a fruit or vegetable component. Other beverages, such as water, may be served in addition to the required components.

When a program that operates for fewer than 2-1/2 hours chooses to serve a snack or has a snack provided by parents for all children, the snack must meet the USDA food program requirements.

If meals are served pre-plated, all the required food items and amounts of food are served to the child at the same time. For example, a 4-year-old child must receive at the minimal on their plate for a noon meal the following: 1 ½ ounce meat/meat alternate; a total of ½ cup of at least 2 different fruit/vegetable items (e.g., ¼ cup peaches and ¼ cup mashed potatoes); ½ slice bread; and ¾ cup milk. The milk must be served with the meal and may not be withheld.

If meals are served family style, all the required food items amounts must be made available. For example, there are ten 4-year-old children present which requires a total of 2 ½ cups each of two types of fruit/vegetable. The menu has broccoli so at a minimal there should be 2 ½ cups cooked broccoli available. Since the children may not consume the entire 2 ½ cups, the center may bring 2 cups to the dining area and keep the remaining ½ cup cooked broccoli in the kitchen in case the children want it. Milk must be served with the meal and may not be withheld.

Note: The USDA meal program requirements are found on the U.S. Department of Agriculture website, <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

(i) Additional portions of vegetables, fruits, bread, and milk shall be available.

The amounts indicated on the CACFP minimum meal requirements are used for determining amounts of food that must be prepared and are not considered "helpings." It is recommended that small portions of all food items be served and that seconds be available.

250.06(j)

(j) Accurate records of meals and snacks served to children shall be available for review by parents and the licensing representative. Written records of meals and snacks served to children shall be retained for 3 months.

Documentation could be attained through food program records, written menus, or a calendar listing meals and snacks served. Menus are not required to be posted. For providers participating in the CACFP, the USDA master plan is acceptable as long as it reflects meals actually served. The record must contain the meal number and the center must have a list of the meal numbers available for review by parents and the licensing staff. If the provider changes items on the plan, those changes must be documented on the meal record. If children bring their own lunch, no documentation is required.

(k) When food for a child is provided by a child's parent, the licensee shall give the parent information about the requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

For information regarding CACFP minimum meal requirements for infants, see: https://fns-prod.azureedge.net/sites/default/files/cacfp/CACFP_infantmealpattern.pdf.

For information regarding meal requirements for children, see: https://fns-prod.azureedge.net/sites/default/files/cacfp/CACFP_childmealpattern.pdf.

(L) A child enrolled in school who is in attendance at the center when a meal or snack is served shall be offered the meal or snack.

(m) A special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written authorization of a child's physician and upon the request of the parent.

Examples of special diets based on a medical condition are food delivered by feeding tubes, diabetic, gluten free, lactose intolerance, etc. Pediasure or Ensure may be used as part of a special diet.

(n) A special diet based on a food allergy may be served upon the written request of the parent.

(11) OUTDOOR SPACE.

(a) *Requirement for outdoor play space.* A center shall have outdoor play space if any child is receiving care for more than 3 hours a day.

Three hours means three consecutive hours. When a program is exempt from meeting the requirement for outdoor space by virtue of three or fewer hours of operation, but chooses to provide an outdoor play period, rules on outdoor space apply.

(b) *Required features of outdoor play space.* Except when an exemption is requested and approved by the department under par. (c), a center shall comply with all of the following requirements for outdoor play space:

If more than one family child care center is using an outdoor play space, the center needs to have a scheduled outdoor play time separate from the other group of children. Staff-to-child ratios must be maintained.

1. The outdoor play space shall be on the premises of the center.

2. There shall be at least 75 square feet of outdoor play space for each child using the space at a given time. A center with a licensed capacity of 8 children is required to have a minimum of 600 square feet.

250.06(11)(b)3.

3. Structures such as playground equipment, railings, decks, and porches accessible to children and built with CCA-treated lumber shall be sealed with an oil-based sealant or stain at least every 2 years.

If your wood structure was built before 2004 and is not made of cedar or redwood, it was most likely constructed with CCA-treated lumber. If you are unsure if the wood structure has CCA-treated lumber, it is recommended that the structure is sealed with an oil-based sealant or stain.

It is recommended that providers document in their personal records when the structure was sealed.

See Appendix D, Resources List, What You Should Know About CCA-Pressure Treated Wood for Decks, Playgrounds, and Picnic Tables.

3m. Wood treated with creosote or pentachlorophenol (PCP), including railroad ties, may not be used in areas accessible to children.

Wood treated with the oil-based products creosote and pentachlorophenol (PCP) can also be toxic. These chemicals are typically found in railroad ties and utility poles. Structures made with these materials cannot be adequately sealed and will be considered a hazard. Children should not be permitted to come in contact with wood treated with either of these products.

4. A permanent enclosure not less than 4 feet high shall be provided to protect the safety of children in care. Fencing, plants, or landscaping may be used to create a permanent enclosure. The permanent enclosure may not have any open areas that are greater than 4 inches.

The 4-foot minimum height requirement must be maintained. A fence or other permanent enclosure that has settled over time and is no longer a minimum of 4-feet in height must be repaired to meet the 4-foot requirement, as measured from inside the enclosure. Materials added to the ground on the inside of the fence may affect the 4-foot minimum height requirement by decreasing the height of the fence. The Department recommends a fence higher than 4-feet in height due to settlement that occurs with Wisconsin weather.

5. Concrete and asphalt are prohibited under climbing equipment, swings and slides.

Asphalt and concrete are unsuitable for use under and around playground equipment UNLESS required as a base for a shock-absorbing unitary material that meets ASTM requirements and manufacturer recommendations.

The Consumer Product Safety Commission has a publication titled, "Outdoor Home Playground Safety Handbook" available on their website: www.cpsc.gov. Energy-absorbing ground cover beneath slides, climbing equipment, and swings is recommended to the depth of at least 6 inches and within a fall zone of at least 4 feet.

(c) Exemption for off-premises play space.

If on-premises play space is available, an exemption to use off-premises play space will not be approved. An exemption for the use of off-premises play space will not be granted based solely on a restriction by a community (a covenant) for installing a fence. The licensee has other options beyond installing a fence to enclose outdoor play space such as the use of landscaping and plants.

See DCF 250.06 (11) (b) 4. – OUTDOOR PLAYSPACE – ENCLOSURE.

1. In this paragraph, "main thoroughfare" means a heavily traveled street or road used by vehicles as a principal route of travel.

250.06(11)(c)2.

2. 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 subd. 3. for the center's outdoor play space.

3. A request for an exemption under subd. 2. shall be in writing and shall be accompanied by a plan for outdoor play space that does all the following:

- a. Identifies and describes the location to be used, the travel distance from the center to that location and the means of transporting the children to that location.
- b. Provides for adequate supervision of the children as specified in Table 250.055.
- c. Provides for daily vigorous exercise in the out-of-doors for the children.
- d. Describes the arrangements to meet the toileting and diapering needs of the children.
- e. Affirms the center's compliance with the requirements included in subds. 4. to 7.

Note: Send the request for an exemption, including the plan for the use of that space, to the licensing representative at the appropriate regional office of the Department's Division of Early Care and Education. See Appendix A for addresses of the regional offices.

4. The off-premises outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced swimming pools, heavily wooded areas and nearby highways and main thoroughfares.

5. There shall be at least 75 square feet of play space for each child using the space at a given time.

6. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.

7. When the off-premises outdoor play space is reached by walking, the center shall transport children under 3 years of age in wheeled vehicles, such as strollers or wagons, with a seating capacity equal to the number of children under 3 years of age to be transported.

8. A center's plan for use of an off-premises outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements under par. (b), the department shall either approve the plan and grant the exemption or not approve the plan and deny the request for exemption. The department shall notify the center in writing of its decision and if it does not grant an exemption, shall state its reasons for not granting the exemption.

9. If any circumstance described in an approved plan for use of off-premises outdoor play space changes or if any condition for plan approval is not met, the department may withdraw its approval of the plan and cancel the exemption. A center with an approved plan shall immediately report to the department's licensing representative any significant change in any circumstance described in the plan.

(12) SWIMMING AREAS.

(a) Swimming pools on the premises of the center may not be used by children in care. Swimming pools on the premises shall be enclosed by a 4-foot fence with a self-closing, self-latching door. In addition, all of the following restrictions apply:

Swimming pools on the premises may be used by the provider's own children over the age of 7 years during the hours of operation. The licensee must continue to maintain compliance with supervision and pool rules listed in this section when their own children are in the pool.

"Self-closing" means that the door is weighted so that it will close and latch on its own without assistance.

A self-closing, self-latching door is not required if the pool enclosure meets subd. 4.

1. If access to the pool is through a gate, the gate shall be closed and locked during the center's hours of operation.

250.06(12)(a)2.

2. If access to the pool is through a door, the door shall be closed, visibly locked and equipped with an alarm at the door that signals when someone has entered the pool area. The door may not be used as an exit.

3. Locks shall be located so that the locks cannot be opened by the children.

4. The free-standing wall of an aboveground pool may not serve as an enclosure unless it is at least 4 feet in height and not climbable. If a ladder is present, the ladder shall be removed or raised up so that it is inaccessible to children.

5. The area around the pool enclosure shall be free of toys or equipment that would allow a child to climb or otherwise gain access to the pool.

(b) A wading pool on the premises may be used if the water is changed daily and the pool is disinfected daily. Supervision requirements and staff-to-child ratios under s. DCF 250.05 (3) and (4) shall be met.

See DCF 250.03(38) – DEFINITION – WADING POOL.

The provider must be able to demonstrate that the pool can be easily dumped, appropriately cleaned, and disinfected daily.

The American Academy of Pediatrics, the American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education, in the collaborative book Caring for Our Children: National Health and Safety Performance Standards, Guidelines for Early Care and Education Programs, state that the use of wading pools for children is not recommended. Standing water, in addition to posing a risk of drowning, is a breeding ground for bacteria and disease-carrying insects. Instead, sprinklers, hoses, or water tables may be used as an alternative for water play.

(c) A pool, wading pool, water attraction, or beach that is not located on center premises may be used by children if all of the following conditions are met:

ATCP 76.04(53) "Water attraction" means a public facility with design and operational features that provide patron recreational activity other than conventional swimming and involves partial or total immersion of the body. Types of water attractions include activity pools, interactive play attractions, leisure rivers, plunge pools, vortex pools, vanishing edge pools, waterslides, run-out slides, drop slides, pool slides, wave pools, zero-depth entry pools, and any public pool with play features except wading pools.

"Water attraction" does not include splash pads.

1. The construction and operation of the pool meet the requirements of chs. SPS 390 and ATCP 76 for public swimming pools and the beach complies with any applicable local ordinance.

2. Certified lifesaving personnel are on duty.

Lifeguards are required when children are in the water. Lifeguards may not be counted in the staff-to-child ratio.

3. While children are in the water of a pool, wading pool, water attraction, or beach, the following staff-to-child ratios for providers who can swim shall be met:

See Appendix F, Instructions for Obtaining Department Forms for information on how to obtain a swimming staff-to-child ratio worksheet.

Swimming staff-to-child ratios do not apply to organized swim lessons, but regular staff-to-child ratios should be maintained in or near the pool area.

a. For children under 2 years of age: 1:1.

b. For children 2 and 3 years of age: 1:3.

250.06(12)(c)3.c.

c. For children 4 and 5 years of age: 1:6.

d. For children 6 years of age and older: 1:8.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on to 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 upon request. Requests may be made to the licensing representative or regional office in Appendix A.

The department's form DCF-F-2465 Staff-to-Child Ratio While Swimming Worksheet is available on the department's website, <http://www.dcf.wisconsin.gov>.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

Swimming ability may be determined by the parents or the center.

The American Red Cross recommends assessing the following skills to determine swimming ability:

- *Enter the water that is over the individual's head, then return to the surface.*
- *Float or tread water for at least 1 minute.*
- *Turn over and turn around in the water.*
- *Swim at least 25 yards.*
- *Exit the water.*

More water safety tips and resources can be found on the American Red Cross' website here: <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety.html>.

6. If some of the children are in the water and others are not, there shall be at least 2 providers supervising the children. One provider shall supervise the children who are in the water, and the other provider shall supervise the children who are not in the water.

It is recommended that centers develop and implement a written policy to specify procedures for supervision of children while using public locker rooms and bathrooms.