

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE  
[55 PA. CODE CHS. 3270 and 3280]

### Overpopulation of Indoor Child Care Space

#### *Scope*

This statement of policy applies to:

- (1) Child day care center operators.
- (2) Group day care home operators.

#### *Purpose*

The purpose of this statement of policy is to rescind Children, Youth and Families (CYF) Bulletin #3001-94-01 and issue a statement of policy extending the Department of Public Welfare's (Department) policy regarding the use of indoor child care space to all child day care centers and group day care homes.

#### *Discussion*

On July 30, 1994, the Department issued CYF Bulletin #3001-94-01 to establish §§ 3270.61a and 3280.61a (relating to overpopulation of indoor child care space—statement of policy) regarding the use of indoor child care space and to establish the Department's policy regarding citations for noncompliance with §§ 3270.61(c) and 3280.61(c) (relating to measurement and use of indoor child care space). CYF Bulletin #3001-94-01 applied to a child day care center located in any premises and a group day care home not located in a residence.

Based on a review of field operations, the Department has determined to extend the policy issued in CYF Bulletin #3001-94-01 to include a group day care home located in a residence. A group day care home located in a residence faces the same constraints as a group day care home not located in a residence with regard to the use of indoor child care space during program time and lunch time. At these times, the Department finds it may be appropriate for program purposes to include the entire group of children simultaneously in an activity.

#### *Comments*

Refer comments and questions regarding this statement of policy to Jennifer Lau, Bureau of Child Day Care Services, Department of Public Welfare, (717) 787-8691.

#### *Effective Date*

This statement of policy became effective June 1, 2000.

*(Editor's Note: The regulations of the Department, 55 Pa. Code Chapters 3270 and 3280, are amended by amending §§ 3270.61a and 3280.61a to read as set forth in Annex A.)*

**Fiscal Note:** 14-BUL-061. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 55. PUBLIC WELFARE

#### PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

#### Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

#### ARTICLE I. LICENSING/APPROVAL

#### CHAPTER 3270. CHILD DAY CARE CENTERS

#### PHYSICAL SITE

#### § 3270.61a. Overpopulation of indoor child care space—statement of policy.

(a) This policy regarding enforcement of the requirements of §§ 3270.61(c) and 3280.61(c) (relating to measurement and use of indoor child care space) is the Department's effort to afford flexibility regarding the use of indoor child care space in a child day care center and a group day care home located in any premises. The Department will not cite a facility for noncompliance with §§ 3270.61(c) and 3280.61(c) if an indoor child care space is overpopulated during program time if the following conditions are met:

(1) The overpopulation for purposes of program activity is limited to two time periods daily not exceeding 1/2 hour in each period.

(2) The time of overpopulation is designated on the facility's schedule of daily activities.

(3) The space is not occupied by children of the infant or young toddler age levels during the time permitted for overpopulation.

(4) The number of children present in the overpopulated space is not more than twice the measured capacity of the space.

(b) When a facility serves meals in a space designated and measured as indoor child care space, the Department will not cite the facility for noncompliance with §§ 3270.61(c) and 3280.61(c) when the space is overpopulated during lunch time if the following guidelines are observed:

(1) The overpopulation for lunch time is limited to times when children are eating and for a maximum of 1 hour daily.

(2) The time of overpopulation for the purpose of serving lunch is designated on the facility's schedule of daily activities.

(3) The number of children present in the space does not exceed twice the measured capacity of the space.

(c) The Department's previous procedure and direction for licensing staff dictates that a facility with a space dedicated exclusively to serving meals and snacks is not measured for a capacity of children, but is inspected for other requirements that impact on the health and safety of children. The policy presented in this section does not alter the Department's previous procedure and direction.

#### CHAPTER 3280. GROUP DAY CARE HOMES

#### PHYSICAL SITE

#### § 3280.61a. Overpopulation of indoor child care space—statement of policy.

(a) This policy regarding enforcement of the requirements of §§ 3270.61(c) and 3280.61(c) (relating to mea-

surement and use of indoor child care space) is the Department's effort to afford flexibility regarding the use of indoor child care space in a child day care center and a group day care home located in any premises. The Department will not cite a facility for noncompliance with §§ 3270.61(c) and 3280.61(c) if an indoor child care space is overpopulated during program time if the following conditions are met:

(1) The overpopulation for purposes of program activity is limited to two time periods daily not exceeding 1/2 hour in each period.

(2) The time of overpopulation is designated on the facility's schedule of daily activities.

(3) The space is not occupied by children of the infant or young toddler age levels during the time permitted for overpopulation.

(4) The number of children present in the overpopulated space is not more than twice the measured capacity of the space.

(b) When a facility serves meals in a space designated and measured as indoor child care space, the Department will not cite the facility for noncompliance with

§§ 3270.61(c) and 3280.61(c) when the space is overpopulated during lunch time if the following guidelines are observed:

(1) The overpopulation for lunch time is limited to times when children are eating and for a maximum of 1 hour daily.

(2) The time of overpopulation for the purpose of serving lunch is designated on the facility's schedule of daily activities.

(3) The number of children present in the space does not exceed twice the measured capacity of the space.

(c) The Department's previous procedure and direction for licensing staff dictates that a facility with a space dedicated exclusively to serving meals and snacks is not measured for a capacity of children, but is inspected for other requirements that impact on the health and safety of children. The policy presented in this section does not alter the Department's previous procedure and direction.

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