



DAYCARE PROVIDER GUIDE

** This Daycare Provider Guide (this “Guide”) is not intended to be an exhaustive or comprehensive summary of all applicable requirements and considerations to take into account in establishing a daycare in Pennsylvania. By way of example only, Pennsylvania Department of Human Services (DHS) regulations governing daycares include a variety of additional guidelines and requirements not set forth or summarized in this Guide, including guidelines and requirements covering admissions procedures, daycare activities and programs, types and condition of play and other equipment, child health and nutrition, adult and staff health, transportation and recordkeeping. Providers are strongly encouraged to review in detail all such DHS regulations. In addition, the local municipality in which the daycare is established may and often do have certain requirements that are in addition to or are stricter than those requirements set forth in the DHS regulations. For example, the City of Philadelphia has a number of additional requirements that tend to make the establishment and operation of a daycare within the City of Philadelphia more complex. See “Resources for Daycare Operators” below for additional resources and information that should be consulted. As noted in this Guide, many of the actions and decisions required in connection with the establishment and operation of a daycare are not straightforward and involve complex considerations. Accordingly, it is highly encouraged that prospective daycare providers consult with legal counsel and tax/accounting advisors in order to fully understand the risks and considerations associated with certain actions and decisions.*



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Understanding the Categories of Child Daycare Providers

As a general matter, child care providers are identified under one of three categories: Family, Group, and Center. The number and characteristics of categories will sometimes vary, however, and are dependent on state and local regulations. The local authority in Pennsylvania, which provides the regulations for operating each category of child care facility, is the Pennsylvania Department of Human Services (DHS).

Family Child Care Providers

A family child care provider offers out-of-home child care services (which could include early learning opportunities) to four, five or six children (aged 15 or younger) who are not related to the operator for a fee. A family child care operates out of a residential home and must have a license called a Certificate of Compliance from DHS in order to operate. The residence out of which a family child care provider operates is usually in a third party home, although the child or children of the caregiver who lives at the residence may also attend. (55 Pa. Code, Chapter 3290)¹

Group Child Care Providers

A group child care home offers out-of-home child care services (which could include early learning opportunities) for a fee to seven to 12 children (aged 15 or younger) who are not related to the operator. A group child care provider operates out of a residential home and the operator home must have a Certificate of Compliance from DHS in order to operate. (55 Pa. Code, Chapter 3280)²

Child Care Center Providers

A child care center offers child care services (which could include early learning opportunities) for a fee to seven or more children who are not related to the operator in a facility outside of a residential home. An operator of a child care center must have a Certificate of Compliance from DHS in order to operate. (55 Pa. Code, Chapter 3270)³

¹ This regulation can be found on the internet at:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3290/chap3290toc.html&d=>.

² This regulation can be found on the internet at:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3280/chap3280toc.html&d=>.

³ This regulation can be found on the internet at:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3270/chap3270toc.html&d=>.

Summary Table

Type of Provider	Number of Children	Provided out of Residence?
Family Child Care Home	4-6	Yes
Group Child Care Home	7-12*	Yes
Child Care Center	7+	No

*See below table regarding possibility of having 15 children unrelated to the operator if the facility serves only older school-age children.

Staff-Child Ratios

Day care operators are required to observe certain regulatory ratio requirements regarding the number of staff members in relation to the number of infants and toddlers attending the daycare.

Family Child Care Homes⁴

Maximum Number of Children: The number of children in care may not exceed six children at any one time who are unrelated to the operator.

Ratio Requirements: The operator may provide care to no more than five related and unrelated infants and toddlers at any one time. No more than two related and unrelated infants may receive care at any one time. The following numbers of infants and toddlers are permitted in a family day care home:

- If no infants are in care, five toddlers are permitted.
- If one infant is in care, four toddlers are permitted.
- If two infants are in care, three toddlers are permitted.

Group Child Care Homes⁵

Maximum Number of Children: The number of children in care may not exceed 12 children at any one time who are unrelated to the operator, except in a facility serving older school-age children. In a facility serving only older school-age children, a certificate of compliance may be issued for up to 15 children unrelated to the operator.

⁴ See 55 Pa. Code §3290.51-52.

⁵ See 55 Pa. Code §3280.51-52.

Ratio Requirements: See the below chart setting forth ratio requirements where children are grouped in similar age levels:

	Staff	Children	Max Group Size	Number of Staff Required for Max Group Size
Infant (newborn to 1 year of age)	1	4	12	3
Young toddler (1 to 2 years of age)	1	5	12	3
Older toddler (2 to 3 years of age)	1	6	12	2
Preschool (3 years of age to the date the child enters kindergarten)	1	10	12	2
Young school-age (kindergarten to the date the child enters the 4th grade)	1	12	12	1
Older school-age (4th grade through 15 years of age)	1	15	15	1

When children are grouped in mixed age levels, the age of the youngest child in the group will determine the staff/child ratio and maximum group size in accordance with the above requirements.

A primary staff person must be present in a facility when six or fewer children are in care, unless the staff/child ratio specified above requires a second or third staff person.

At least two facility persons must accompany any number of children on an excursion away from a facility.

Child Care Centers⁶

Ratio Requirements: See the below chart setting forth ratio requirements where children are grouped in similar age levels:

	Staff	Children	Max Group Size	Number of Staff Required for Max Group Size*
Infant (newborn to 1 year of age)	1	4	8	2
Young toddler (1 to 2 years of age)	1	5	10	2
Older toddler (2 to 3 years of age)	1	6	12	2
Preschool (3 years of age to the date the child enters kindergarten)	1	10	20	2
Young school-age (kindergarten to the date the child enters the 4th grade)	1	12	24	2
Older school-age (4th grade through 15 years of age)	1	15	30	2

*At least two facility persons must be present in the facility when two or more children are in care. At a minimum, one of the facility persons must be a staff person.

When children are grouped in mixed age levels, the age of the youngest child in the group will determine the staff/child ratio and maximum group size in accordance with the above requirements.

The related or foster children of an operator and the children or foster children of a staff person are counted for the purpose of satisfying the staff/child ratio requirements.

At least two facility persons must be present when children are on an excursion away from the facility. At a minimum, one of the facility persons must be a staff person.

⁶ See 55 Pa. Code §3270.51-52.

While toddlers and preschoolers are napping, the following staff-child ratios apply:

- Young toddlers: 1 staff person to 10 children
- Older toddlers: 1 staff person to 12 children
- Preschool: 1 staff person to 20 children



Becoming a Licensed Daycare

Each Family Child Care Home, Group Child Care Home and Child Care Center must receive a Certificate of Compliance from DHS in order to operate (*see Step 4 below*). In order to receive a Certificate of Compliance, DHS must first conduct an inspection and determine compliance with the child care regulations. An operator will need to have completed Steps 1-3 below, among other steps described herein, prior to receiving a Certificate of Compliance.

Step 1: Choose a location.

- Check local zoning regulations: Whether starting a Family Child Care Home, Group Child Care Home or Child Care Center the zoning regulations must permit child care as an allowed use. *See "Zoning and Facility Requirements for Daycares" below.*
- Make sure the site is a safe place for children and families and that the space meets regulation requirements. These can include regulations for play space, water, heat, and emergency exits. *See "Zoning and Facility Requirements for Daycares" and "Inspections and Ongoing Compliance" below.*
- For Family Child Care Homes, it should be determined whether the homeowner's insurance policy covers the child care business. Insurance is required by regulation only for group and center daycares, although family care providers are encouraged to obtain insurance as well. Insurance may include liability, commercial, car, fire, molestation, etc. and is obtained through private companies.
- New child care facility providers are encouraged to contact the DHS Regional Child Development Office that regulates child care facilities in such provider's county. Each regional office is assigned responsibility for facilities located in specific counties in Pennsylvania.

Step 2: Decide on Business structure. Certain organizational and tax documents are required as part of the application process for the Certificate of Compliance, depending on how the daycare business is structured. Below are certain determinations that will have to be made.

- Whether to run the business as a sole proprietorship or to set up a limited liability company, corporation or other separate entity to run the business.
- If a corporation, whether the business will be a non-profit or for-profit.
- Whether to utilize a fictitious name for the business.

For more information, see "Structuring a Daycare Center Business" below.

Step 3: Obtain necessary clearances and complete required forms. Certain clearances and forms are required as part of the application process for the Certificate of Compliance, including:

- **Child Abuse History Clearance:** Operators must obtain a current clearance indicating that they do not have a history of child abuse (clearances obtained in Pennsylvania within the past 60 months are acceptable and considered current). There are two methods of obtaining a Child Abuse History Clearance:
 - Submit a request online through the Child Welfare Portal at <https://www.compass.state.pa.us/cwis/public/home>. Those who want to set up business accounts must first register for a Business Partner User account using the “Organization Account Access” link on the Child Welfare Portal.
 - Fill out and submit (together with the required fees) the physical form for obtaining Child Abuse Clearance (CY113) which can be found at: http://www.dhs.pa.gov/cs/groups/webcontent/documents/form/s_001762.pdf (English form) or http://www.dhs.pa.gov/cs/groups/webcontent/documents/form/p_012219.pdf (Spanish form).
 - For Family Child Care Homes, all adults (age 18 and above) who may be living in the home for more than 30 days in a calendar year must also obtain child abuse clearances. All employees must submit current clearances before starting employment or show proof of applying for clearances and sign a disclosure statement before starting employment on a provisional basis. Employees presenting clearances within the past 60 months need to affirm that nothing has changed since obtaining the clearances.
 - More information can be found on the DHS Website on the Certifications page at: <http://www.dhs.pa.gov/publications/findaform/childabusehistoryclearanceforms/index.htm>.
- **Criminal Record Check form from the Pennsylvania State Police:** Prospective operators of a daycare must obtain a current (less than one-year-old) Pennsylvania criminal record check from the Pennsylvania State Police. There are two methods of requesting a criminal record:
 - Request a criminal record online through the Pennsylvania Access to Criminal History (“PATCH”) portal found at: <https://epatch.state.pa.us/Home.jsp>
 - Fill out and submit (together with the required fees) the Criminal History Request Form (SP4-164), which can be downloaded at:

http://www.psp.pa.gov/Documents/Public%20Documents/criminal_history/Request%20for%20Criminal%20Record%20Check%20-%20SP%204-164%202017.doc.

- All employees should obtain Criminal Checks. For Family Child Care Homes, all adults (age 18 and above) who may be living in the applicable residence for more than 30 days in a calendar year must also obtain Criminal Record Checks.
- **FBI Criminal History Clearance:** DHS uses IDEMIA, also referred to as Identogo and Morpho Trust, for FBI criminal background checks, which require multiple steps:
 - Preregister either online at <https://www.identogo.com/> or by telephone at (844) 321-2101. See the table found at <http://www.dhs.pa.gov/publications/findaform/childabusehistoryclearanceforms/index.htm> for the applicable service code that will be required. For reference the applicable codes are listed below:
 - 1KG738: Child Care Services/Program Employee or Contractor
 - 1KG74S: Family Child Care Home provider
 - 1KG78K: Individual 18 years of age or older who lives in a Licensed Child Care Home for at least 30 days per calendar year
 - Once registered, there is a fingerprinting requirement. See <https://www.identogo.com/locations> for a list of locations. Note that scheduling an appointment may decrease wait times and a fee will be required to be paid for the fingerprinting at the time of service.
 - All employees are required to obtain this FBI Criminal History Clearances. For Family Child Care Homes, all adults (age 18 and above) who may be living in the applicable residence for more than 30 days in a calendar year must also obtain FBI Criminal History Clearances.
- **Verification from the Bureau of Equal Opportunity:** A Child Care Center and Group Home must complete the Civil Rights Compliance Questionnaire and create Equal Employment Opportunity and Nondiscrimination in Services policy statements.
 - This form can be found at:
http://www.dhs.pa.gov/cs/groups/webcontent/documents/form/c_147050.pdf. Attached to this form are sample copies of the policy statements to be used as guidance for development of the required policies.
 - Once the form is complete, the questionnaire, along with copies of the signed Equal Employment Opportunity and Nondiscrimination in Services policy

statements must be submitted to the Bureau of Equal Opportunity at the following address:

Chief, Contract Compliance
Commonwealth of Pennsylvania
DHS – BEO Central/Northern Regional Office
625 Forster Street
P.O. Box 2675
Room 225, Health & Welfare Building
Harrisburg, PA, 17105-2675

- A letter of verification should be received from the Bureau after completion.
- **Certificate of Occupancy:** A certificate of registration will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements in 34 Pa. Code § 403.23. If a Child Care Center and Group Home, an operator must have a building fire safety approval inspection completed to obtain a Certificate of Occupancy. A Certificate of Occupancy can be obtained through the local municipality where the daycare will be located or through the Pennsylvania Department of Labor and Industry.
- **Disclosure Statement:** Disclosure statement for the legal entity, representative for the legal entity and /or the responsible person as required by the Child Protective Services Law. Such Disclosure Statement can be found at:
http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/p_035442.pdf.
- **Complete Orientation.**
 - Prospective child care providers must complete DHS-mandated orientation within 12 months prior to commencing operation of the child care facility (see 55 Pa. Code §3270.11(b), §3280.11(b) and §3290.11(c)). Providers must complete an online orientation and contact their Regional Office of Child Development and Early Learning (OCDEL) Certification office to register for the face-to-face orientation. Upon completion they will receive a required certificate documenting the completion of orientation training sessions conducted by the staff at applicable DHS Regional Offices.
 - The orientation includes both an online and in-person portion and differ depending on whether the orientation relates to (i) Child Care Centers and Group Child Care Homes or (ii) Family Child Care Homes. Providers must first complete the online module “DHS Orientation: Opening a Child Care Center or Group Child Care Home” or “DHS Orientation: Opening a Family Child Care Home,” as applicable. More information on starting the online module can be

found at: <https://extension.psu.edu/programs/betterkidcare/on-demand/getting-started>. Upon completion of the online orientation, providers can register for “DHS Orientation Training for Prospective Child Care Providers,” an in-person group class led by a certification representative from the DHS Regional Child Development office for the provider’s region. Providers must attend the in-person session within one year of completing the online module for the certificate to be valid. The requirements for completing the online and in-person orientations are more fully set forth at <http://www.dhs.pa.gov/provider/training/orientationtrainingforchildcareproviders/>.

- All prospective child care operators must provide verification that they have completed training in 10 health and safety training topics as prescribed by the Federal Government in order to receive a certificate of compliance. There is an on-line module that can be accessed at <http://extension.psu.edu/youth/betterkidcare/early-care/ccdbg> where prospective providers can take 9 of the 10 topics. The 10th topic is Pediatric CPR and Pediatric First Aid. The prospective provider would have to contact the American Red Cross, the ELRC or another training organization to determine how to obtain the face to face training for the Pediatric CPR and First Aid. Information for the ELRC can be accessed at <http://www.pakeys.org>.
- **Completion of Reporter Training.** Prospective providers must obtain a signed certificate documenting completion of child abuse recognition and reporting training. The options for completing the online or in-person training are set forth at <http://www.keepkidssafe.pa.gov/resources/training/index.htm>.
- **Civil Rights Compliance Questionnaire.** A completed questionnaire must be returned the Bureau of Equal Opportunity (BEO) Regional Office as directed in the cover letter accompanying the questionnaire. *This is not required for Family Child Care Homes.
- **Verification of Safe Drinking Water.** If the facility is a customer of a water supplier, then a current water bill is acceptable proof. If the facility obtains its water source from a well, river, lake or pond and serves 25 or more persons a day, then a copy of the inspection report from the Department of Environmental Protection (DEP) is needed for verification. *This is not required for Family Child Care Homes.
- **Health Assessment.** Prospective providers and all staff must schedule an appointment with their respective doctors to have a physical examination and tuberculosis screening. The form to be completed can be found at: http://www.dhs.pa.gov/cs/groups/webcontent/documents/form/p_022214.pdf.

- Additional information relating to these certifications and clearances can be found at <http://www.dhs.pa.gov/publications/findaform/childabusehistoryclearanceforms/index.htm>.

Step 4: Apply for Certificate of Compliance

- The application for a Certificate of Compliance to become a licensed daycare can be found at the following link:
http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/p_035440.pdf.
- The necessary documents for completion of the application can be found at the following link and are discussed in more detail above:
http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_096246.pdf.
- All Family Child Care Homes must be inspected by the Department of Human Services prior to receiving a certificate of compliance. See *"Inspections and Ongoing Compliance"* below.
- For facilities located in the City of Philadelphia, the following additional documents need to be submitted with the Application for a Certificate of Compliance from DHS. These documents can be obtained from the City of Philadelphia Department of Licenses and Inspections.
 - For Child Care Centers and Group Child Care in a commercial building, (A) a Certificate of Occupancy and (B) a Food Prep License.
 - For Group Child Care Homes and Family Child Care Homes in a residence, (A) a License #3397 and (B) a Residential Day Care Inspection Checklist.

For additional information regarding the requirements to opening a child care facility in the City of Philadelphia, see <https://business.phila.gov/child-care-facility-license/>.

****CITY OF PHILADELPHIA REQUIREMENTS ARE GENERALLY STRICTER THAN THOSE PROMULGATED BY THE DHS AND COVERED GENERALLY IN THIS GUIDE.***

- In order to remain licensed and keep a Certificate of Compliance, annual unannounced inspections of Family Child Care Homes are conducted by "Certification Representatives" from the applicable OCDEL regional office. These inspections ensure that Family Child Care Homes meet regulatory standards for providing safe and healthy environments for children. See *"Inspections and Ongoing Compliance"* below for additional information.

Step 5: Determine Eligibility for Child Care Subsidy Program

- Every certified child care facility is eligible to participate in DHS's child care subsidy program and to be listed in the resource and referral system.
- Child care programs that enroll children receiving Child Care Works subsidy may be eligible for Keystone STARS subsidy add-on and additional Keystone STARS grants and awards. This subsidy add-on applies to centers at the STAR 2 level or higher, and increases with each STAR level. The add-on is automatically applied to the daily subsidized child care rate for the program by the Early Learning Resource Center (ELRC).
- The higher your STAR level, the greater your subsidy add-on. A STAR 4 program, for example, can earn an additional \$2,000 a year for each infant and toddler through the STARS subsidy add-on.
- See <https://www.pakeys.org/keystone-stars/keystone-stars-grants-awards/> for additional information and instructions for applying for the various types of grants and awards.



Structuring a Daycare Business

An important step in the process of starting a day care business is deciding how it will be structured. Deciding which legal business structure to choose will depend on the operator's personal goals and needs, along with tax implications. Consulting a local business attorney and accounting/tax advisor is highly encouraged in making these decisions. The summaries below are meant to serve as a guide and should not be the basis for making such decisions.

Types of Business Structures

1. Sole Proprietorship

- *Summary:* A sole proprietorship is the simplest form of organization for a new business and may be an appropriate option for day care providers who seek simplicity, sole control and responsibility over day-to-day activities, and 100% retention of profits. However, owners of sole proprietorships are personally liable for all debts and liabilities concerning the day care facility. Other disadvantages to operating as a sole proprietorship are limitations on the ability to raise capital or secure financing/loans if there is a need for outside funding and the termination of the business upon the death of the sole proprietor. No filing is required to be made with the PA Department of State in order to form a sole proprietorship, but there may be a required filing in order to operate under a fictitious name (see below).
- *Tax Implications:* Owners of sole proprietorships report all business income and losses on their personal tax returns.

2. Corporation

- *Summary:* Corporations are more complex than sole proprietorships and entail additional costs in connection with their formation. However, the utilization of a corporation also has significant advantages because the corporation is recognized as a separate legal entity from its individual owner(s). Most importantly, assuming a corporation is duly formed and complies with statutory requirements, the corporation, and not the individual owner(s) of the corporation, will bear the liability and responsibility for any debts and obligations of the business it operates. The liability of any individual owner will be limited to the amount of capital such owner contributed to the corporation. Corporations also provide an efficient avenue for raising capital in the event additional funds are required to operate a business. In the event of a death of an individual owner, a corporation continues to exist. A corporation is controlled by a board of individual directors. The paperwork and corporate formalities that must be maintained in connection with the operation of a corporation make this

option more burdensome on a child care provider. See below for filings with the Department of State required in connection with the formation of a corporation.

- *Tax Implications:* Corporations can be classified as either “S” Corporations or “C” Corporations. “S” Corporations are treated as pass-through entities for income tax purposes, with only the individual owners being taxed on revenues of the corporation. Unlike LLCs, owners pay self-employment taxes only on compensation for services performed for the business, but not on the profits received as a shareholder/owner. Also, there may be some hidden tax risks for an “S” Corporation that fails to distribute its profits properly. With “C” Corporations, revenues of the business are taxed at the corporation level and then the individual owners must pay taxes on any dividends or distributions of profits at the capital gains tax rate. The owners of a corporation continue to pay ordinary income taxes on amounts paid to them out of the corporation in the form of salaries and bonuses.

3. Partnerships (General or Limited)

- *Summary:* If a provider plans to partner with others in owning a daycare facility, such provider may want to consider forming a general partnership (“GP”) or a limited partnership (“LP”). A GP makes sense for those providers who want to share in the management of the partnership. While general partners share equally in the management of a GP, they also share responsibility for the debts and obligations of the GP and may be personally liable. Unlike a GP, an LP may have “passive” investors who enjoy the benefit of limited liability in exchange for not being involved in the day-to-day operation of the partnership business. In an LP, there must be at least one general partner that has unlimited liability and that operates the business, and one or more “passive” limited partners. The limited partners are only liable to the extent of their investment in the LP. See below for filings with the Department of State required in connection with the formation of a partnership.
- *Tax Implications:* In a partnership, each partner reports his or her share of the profits and losses of the business on his or her individual personal tax returns.

4. Limited Liability Partnership or Limited Liability Limited Partnership

- *Summary:* Limited liability partnerships (“LLPs”) and limited liability limited partnerships (“LLLPs”) are alternatives to a GP that provide general partners with limitations and additional protection on their personal liability as general partners. Generally these limitations and protections relate to obligations resulting from professional mistakes made by other partners or malpractice actions against other partners. Partners will continue to share responsibility for

liabilities resulting from all other activities of the partnership. LLPs and LLLPs are often professional partnerships, such as law firms and accounting firms. See below for filings with the Department of State required in connection with the formation of an LLP or LLLP.

- *Tax Implications:* The taxation of LLPs and LLLPs is generally akin to the taxation of partnerships described above.

5. **Limited Liability Company**

- *Summary:* A limited liability company (“LLC”) has features of both a corporation and a partnership. Like a corporation, the LLC is treated as a separate legal entity and provides liability protection for an individual owner of the LLC. The LLC is primarily liable for the debts and obligations of the company and the owner is only liable to the extent of their investment in the LLC. However, unless it elects otherwise, the LLC is treated as a pass-through entity for income tax purposes like a partnership.⁷ See below for filings with the Department of State required in connection with the formation of an LLC.
- *Tax Implications:* LLCs are generally taxed the same as partnerships, with the owners of the LLC responsible for paying taxes on their shares of the business income on their personal tax returns. Most child care providers may be required to pay self-employment taxes on their entire share of the LLC’s profits.

6. **Nonprofit Corporations**

- *Summary:* Nonprofits are corporations formed to carry out a charitable, educational, religious, literary or scientific purpose and qualify for Section 501(c)(3) tax-exempt status under the Internal Revenue Code. Unlike typical corporations, a nonprofit corporation cannot distribute its profits. The control and operation of a nonprofits are akin to corporations generally, with a board of directors responsible for the general control of the nonprofit and a requirement to maintain books and records and other corporate formalities. While nonprofits generally provide liability protection for shareholders like other corporation, directors of a nonprofit can be held personally liable if they mismanage the

⁷ While similar to an “S” corporation in that the entity remains primarily liable for the debts and obligations of the business while treated as a pass-through entity for income tax purposes, there are a number of differences between an LLC and an “S” corporation, including restrictions on the number of shareholders in an “S” corporation, that differentiate these two alternatives from one another.

nonprofit or use it for personal gain.⁸ See below for filings with the Department of State required in connection with the formation of an LLC.

- *Tax Implications:* Nonprofit status may make a corporation eligible for certain benefits, such as state sales, property, and income tax exemptions. Although most federal tax-exempt organizations are nonprofit organizations, organizing as a nonprofit corporation at the state level does not automatically grant the corporation exemption from federal income tax. To qualify for Section 501(c)(3) tax-exempt status, the organization must meet the requirement set forth under the Internal Revenue Code and an application must be filed with the IRS. All profits of a nonprofit corporation belong to the nonprofit. Accordingly, such profits cannot be distributed to any owners, directors, or officers. Most, but not all, nonprofits do not pay income taxes on profits put back into the business. Employees being paid by a nonprofit must pay income tax on their salaries. Additionally, donations made to a child care organization qualifying as a nonprofit may be tax deductible for the person making the donation.

***As mentioned above, the foregoing is intended to be a summary of the various types of business organizations available in Pennsylvania. It is highly encouraged that anyone evaluating the advantages and disadvantages of these business structuring options consult with legal counsel and tax/accounting advisors in order to fully understand the benefits and risks associated with such options. For a helpful guide containing additional detail regarding the various business structures, see:**

<https://www.dos.pa.gov/BusinessCharities/Business/Documents/FEB2018%2021460%20Guide%20to%20Business%20Registration.pdf>.

Next Steps: How to Form a Chosen Legal Business Structure

STEP 1: Confirm a Business Name. After choosing a name for the daycare business, the operator should verify whether it is available by going to the Pennsylvania Department of State's business name registration database:

<https://www.corporations.pa.gov/search/corpsearch>. A business may not have a name that is the same as the name of another business which is already registered on the records of the Department of State.

- **Fictitious Names:** Any time that a business name does not readily identify the individual owner(s) of the business, it should be registered as a fictitious name by filing a Fictitious Name Registration with the PA Department of State Corporation Bureau.

⁸ Directors of corporations generally (whether for profit or not-for-profit) may be exposed to personal liability to the extent they breach their fiduciary duties. Directors and officers liability insurance is available to provide coverage against such risks and can be sought through a third party insurance broker.

Note that fictitious names may not contain a corporate designator such as “corporation” or “limited,” unless the owner is a corporation. The use of the word “company” or “co.” in a fictitious name by a sole proprietorship is permissible.

- **Other Requirements:** Note following requirements depending on the type of business entity formed:
 - The name of a domestic business corporation must contain the word “corporation,” “company,” “incorporated,” “association” or “limited” or an abbreviation of any of these terms and may not contain the term “limited liability company” or an abbreviation of that term.
 - The name of a limited liability partnership must contain: (1) the term “company,” “limited” or “limited liability partnership” or an abbreviation of one of those terms.
 - The name of a limited liability company must contain the term “company,” “limited” or “limited liability company” or an abbreviation of one of those terms.

STEP 2: Apply for a Federal Employer Identification Number (FEIN). State agencies require that a daycare business obtain an employer identification number for tax reporting purposes if they (a) have employees, have a Keogh plan, (c) operate the business as a corporation or partnership or (d) file an employment tax return to report employer withholding taxes, unemployment compensation contributions, etc. To apply for the 9-digit EIN, a Form SS-4 should be filed with the IRS at the IRS Office nearest to the provider or online at www.irs.gov. For more information on the EIN, see the instructions on the IRS’s website or contact the IRS at 1-800-TAX-1040.

STEP 3: Register your Business Structure. After receiving an FEIN, the provider can register the daycare business with the Pennsylvania Department of State in order to operate the business in Pennsylvania. Below is a summary of the required steps for registering each particular type of business entity. Additional information can be found on the Pennsylvania Department of State Corporation Bureau website at:

<https://www.dos.pa.gov/BusinessCharities/Business/Pages/default.aspx>.

- **Sole Proprietorship** – While no form is required to form a business as a sole proprietorship, contact we recommending contacting the Pennsylvania Department of State Corporation Bureau at 717-787-1057.
- **For Profit Corporation** – To form a for profit corporation, the business owner must file Articles of Incorporation and a Docketing Statement with the Pennsylvania Department of State Corporation Bureau. A standard form of Articles of Incorporation and instructions for filing the form (and Docketing Statement) are available at the Corporation Bureau’s website:
<http://www.dos.pa.gov/BusinessCharities/Business/RegistrationForms/Documents/Upd>

[ated%202017%20Registration%20Forms/Domestic%20Business%20Corporation/15-1306%20Art%20of%20Incorp%20For%20Profit.pdf](https://www.dos.pa.gov/BusinessCharities/Business/RegistrationForms/Documents/Updated%202017%20Registration%20Forms/Domestic%20Business%20Corporation/15-1306%20Art%20of%20Incorp%20For%20Profit.pdf).

- **Limited Partnership (LP)** – To form a limited partnership, the business owner must file a Certificate of Limited Partnership with the Pennsylvania Department of State Corporation Bureau. A standard form of Certificate of Limited Partnership and instructions for filing are available at the Corporation Bureau’s website:
<http://www.dos.pa.gov/BusinessCharities/Business/RegistrationForms/Documents/Updated%202017%20Registration%20Forms/Domestic%20Limited%20Partnership/15-8621%20Cert%20of%20Ltd%20Part.pdf>
- **Limited Liability Partnership (LLP)** – To form a limited liability partnership, the business owner must file a Statement of Registration with the Pennsylvania Department of State Corporation Bureau. A standard form of Statement of Registration and instructions for filing are available at the Corporation Bureau’s website:
<https://www.dos.pa.gov/BusinessCharities/Business/RegistrationForms/Documents/Updated%202017%20Registration%20Forms/Domestic%20Limited%20Liability%20Partnership%20Limited%20Liability%20Limited%20Partnership/15-8201A%20Stmnt%20of%20Reg-Dom%20LLP.pdf>
- **Limited Liability Company (LLC)** – To form a limited liability company, the business owner must file a Certificate of Organization with the Pennsylvania Department of State Corporation Bureau. A standard form of Certificate of Organization and instructions for filing are available at the Corporation Bureau’s website:
<https://www.dos.pa.gov/BusinessCharities/Business/RegistrationForms/Documents/Updated%202017%20Registration%20Forms/Domestic%20Limited%20Liability%20Company/15-8821%20Cert%20of%20Org-Dom%20LLC.pdf>
- **Nonprofit Corporation** – To form a nonprofit corporation, the business owner must file Articles of Incorporation and a Docketing Statement with the Pennsylvania Department of State Corporation Bureau. A standard form of Articles of Incorporation and instructions for filing the form (and Docketing Statement) are available at the Corporation Bureau’s website:
https://www.dos.pa.gov/BusinessCharities/Business/RegistrationForms/Documents/Updated%202017%20Registration%20Forms/Domestic%20Nonprofit%20Corporation/15-5306_7102%20Art%20of%20Inc-Dom%20Nonprofit.pdf.

***AS NOTED ABOVE, ADDITIONAL ADVICE SHOULD BE SOUGHT FROM LEGAL COUNSEL AND ACCOUNTING/TAX ADVISORS WHEN ESTABLISHING AND FORMING A NEW BUSINESS ENTITY.**



Employee Matters in a Daycare

When a provider is considering his or her qualifications to operate a daycare as well as the qualifications of any additional staff retained to assist in the operation of the daycare, the provider should be careful to comply with certain minimum requirements. Set forth below is a summary of the qualifications necessary for operators and their staff.

Age and Training Requirements⁹

Operators of a daycare must be at least 18 years of age or older and have a high school diploma or a general educational development certificate. Proof of such credentials must be submitted to the appropriate regional office of the Department at the time of registration/renewal.

All staff persons must be 18 years of age or older, subject to certain exceptions for those age 16 years or older meeting certain qualifications.¹⁰ Volunteer 16 years of age or older may provide services at a daycare as long as they are directly supervised at all times by a staff person.

All staff must obtain a biennial minimum of 12 clock hours of child care training on certain topics (i.e. child or staff health, child development, early childhood education and special education, supervision, discipline and guidance of children, nutrition, child care program development, professional development) conducted in one of the following settings:

- By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation and acceptable to the Department of Education;
- By an entity that is licensed or certified professionally competent in the training topic;
- In conferences or workshops; or

⁹ See 55 Pa. Code § 3290.31.

¹⁰ An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

- The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Post-secondary accreditation and acceptable to the Department of Education.
- The curriculum includes acceptable training topics (i.e. child or staff health, child development, early childhood education and special education, supervision, discipline and guidance of children, nutrition, child care program development, professional development).
- The curriculum includes a minimum total of 600 clock hours, with a minimum of 400 clock hours of classroom training and a minimum of 200 clock hours of supervised training in a child day care facility.
- A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum, and such certification is kept on file.

- With audio-visual materials recognized by child care professionals.

Completion of training must be documented by the signature and title of a representative of the training entity and must indicate the date training was completed. Such documentation must be kept on file by the daycare operator.

Note that child care professional credentials are equivalent to the following staff qualifications:

- A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.
- A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.

Mandatory competence training with respect to the below matters may be required depending on the local regulations in the jurisdiction where the daycare operates. Operators should confirm whether such competence training is required.

- *First-aid training:* Competence is completion of training by a professional in the field of first-aid. First-aid training must be renewed on or before expiration of certification or every 3 years, as applicable.
- *Lifeguard training:* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.
- *Water safety instruction:* Competence is completion of basic instruction in water safety from a certified lifeguard.

Staff Clearances

As noted above in “Becoming a Licensed Daycare,” certain individuals will need to obtain required clearances in connection with the provision of daycare services. Such clearances include:

- Report of criminal history from the Pennsylvania State Police;
- Child Abuse History Clearance from the DHS; and
- FBI Criminal History Clearance.

Below is a list of the individuals within the child care space who are required to obtain the above clearances:

- An employee of child care services.
- A self-employed provider of child care services in a family child care home.

- An individual 14 years of age or older who is applying for or holding a paid position as an employee with a program, activity or service as a person responsible for the child's welfare or having direct contact with children.¹¹
- Any individual seeking to provide childcare services under contract with a child care facility or program.
- An individual who applies to the DHS for a certificate of compliance or a registration certificate to provide child day care in a residence shall include criminal history record and child abuse record information required under section 6344(b) for every individual 18 years of age or older who resides in the home for at least 30 days in a calendar year.
- Adult Volunteers with a child care service, a school or a program, activity or service responsible for the child's welfare or having direct volunteer contact with children.

For additional information, see "*Becoming a Licensed Daycare*" above as well as the Pennsylvania Family Support Alliance's webpage on Changes in the Child Protective Services Law at <https://www.pa-fsa.org/Mandated-Reporters/Resources-for-Mandated-Reporters/Changes-in-the-Child-Protective-Services-Law-CPSL>.

***Note that per DHS regulations a daycare operator may not allow an individual to enter the facility if the operator knows that the individual has been convicted or is awaiting trial on charges involving a crime of child abuse, child neglect, physical violence or moral corruptness. See also "*Inspections and Ongoing Compliance—Negative Sanctions and Drug-Related Offenses.*"**

Health Assessments

Each staff member at a facility who provides direct care and either comes into contact with children or prepares food must have a health assessment on file at the facility.

Any health assessment must be conducted and a report written and signed by a physician, physician's assistant or CRNP and must include the following:

- A physical examination;
- Tuberculosis screening meeting certain requirements;
- Examination for communicable diseases;
- Information on medical problems which might threaten the health of the children or prohibit a staff person from providing adequate care to children; and
- The physician's or CRNP's assessment of the person's suitability to provide child care.

¹¹ If the program, activity or service is an internship, externship, work-study, co-op or similar program, only an adult applying for or holding a paid position with an employer that participates in the internship, externship, work-study, co-op or similar program with a school and whom the employer and the school identify as the child's supervisor and the person responsible for the child's welfare while the child participates in the program with the employer must obtain the clearances.

A health assessment is valid for 24 months following the date of signature, unless the person contracts a communicable disease or develops a medical problem.

Staff Manuals

Providers should consider preparing a comprehensive manual containing applicable written policies that set forth rules and requirements for employees, including policies on hiring, pay, benefits, performance, discipline and firing. The manual may also include a summary of the requirements specific to the child care industry, such as child abuse clearances and those set forth with respect to staff requirements above. It is encouraged that employees sign an acknowledgment within such manual which evidences that they have read and understood each of the policies. In addition to being a best practice, some policies may be required by federal and state employment law. An example is a requirement under the Family Medical Leave Act to give employees written information about their rights under the act.



Zoning and Facility Requirements for Daycares

Zoning Requirements

Prior to applying for a Certificate of Occupancy, all providers must ensure the site of the daycare is zoned for business use or, if not, confirm the operation of a daycare is a permitted use on the property. If a zoning permit is required in order to run the daycare, there are generally two avenues a provider must take to obtain a zoning permit: over-the-counter permits or variances/special exceptions via appeal. Zoning classifications and permitted uses within each type of zone can vary by jurisdiction. Providers should check the local zoning requirements in their respective municipality to determine whether the operation of daycare is permitted and what the procedures are for having the operation of a daycare approved.

For proposed daycares within the City of Philadelphia, a property's zoning classification can be looked up by reviewing the zoning file at the Municipal Services Building at 1401 John F. Kennedy Blvd., or by searching the City's zoning maps at www.phila.gov/citymaps and zoning files at <http://www.phila.gov/zoningarchive/>. The below is a general summary of how daycares are recognized within each type of local zoning in the City of Philadelphia.

- *Residential Districts:* Daycares for up to six children (only four children in Councilmanic Districts Six and Ten) are permitted in **most** single family dwellings as an accessory use to residential use for less than 24 consecutive hours.
- *CMX-1 Commercial Districts:* Daycares for 12 or fewer children (except in Districts Six and Ten). Daycares for more than 12 children by special exception.
- *CMX-2, CMX-2.5, CMX-3, CMX-4, CMX-5, CA-1, and CA-2 and other Commercial Districts:* Child Care Centers are generally permitted in these districts as a commercial use.
- *Industrial:* Accessory uses, but no provision for day care.
- Daycares will be permitted by right in **most** educational facilities, hospitals, libraries, religious assemblies, or recreational centers.
- If the daycare is housed in a religious assembly, zoning **should** no longer require that the church be the owner of the daycare (still awaiting confirmation on this).

Below is a summary of the two general alternative avenues a provider may take in order to obtain a zoning permit:

1. Over-the-Counter Permits – Over-the-counter permits are permits given by matter of right. Family Child Care providers, Group Child Care providers in a CMX-1 building, and Child Care Centers in a CMX-2 and above are typically granted permits by right.

2. Refusal and Appeal Process – For providers who are unable to obtain over-the-counter permits, they will receive a refusal and can appeal to the Zoning Board of Adjustments (ZBA), attend a hearing, and seek either a “special exception” or “variance” in order to receive a permit. Such appeals will either be granted, denied or granted with provisos.

Those seeking a special exception bear the burden of proving before the ZBA that the proposed use will not detrimentally impact the neighborhood beyond what is normally expected from the proposed use pursuant to certain criteria. Examples of detrimental impacts to a neighborhood can include: congestion of public streets; overcrowding of land; impairing light and air; burdening public facilities (water, sewer, school, park, etc.); impairing the use of adjacent properties; having a use inconsistent with the comprehensive plan of the city; or endangering the public health or safety.

An applicant seeking a use variance will need to establish to the ZBA that: "(1) the physical features of the property are such that it cannot be used for a permitted purpose; or (2) the property can be conformed for a permitted use only at a prohibitive expense; or (3) the property has no value for any purpose permitted by the zoning ordinance." An applicant need not show that the relevant property “is valueless without the variance or that the property cannot be used for any permitted purpose.” (See *Marshall v. City of Philadelphia*, 2014 Pa. LEXIS 1785 (Pa. 2014)).

An individual may appear before the ZBA in person or be represented by an attorney authorized to practice in Pennsylvania. A corporation, including nonprofit corporations and LLCs, must be represented by an attorney authorized to practice in Pennsylvania. A partnership may appear before the ZBA by one of its partners with written authorization from the general or managing partner or by an attorney authorized to practice in Pennsylvania.

Providers need extensive advice on preparing for hearings. Zoning law requirements and their application to a provider’s individual set of circumstances are often not always clear and can be confusing. As such, providers having difficulty understanding local zoning requirements should work with an attorney who is experienced in zoning and land use in order to navigate through the system.

Facility and Space Requirements

DHS Regulations set forth numerous requirements and prohibitions with respect to the physical facility and space requirements. Below is a non-exclusive highlighting certain requirements and prohibitions. There are a number of distinctions in such requirements depending on whether a provider is operating a Family Child Care Home, a Group Child Care Home or a Child Care Center. Providers are encouraged to become acquainted with the applicable regulations in their entirety.¹²

¹² Family Child Care Homes: 55 Pa. Code, Chapter 3290.

- *Space requirements:* Group Child Care Homes and Child Care Centers are subject to the following requirements with respect to their indoor child care spaces.
 - Facilities must have **at least 40 square feet per child**. Kitchens, hallways, offices and bathrooms are not included when determining square footage.
 - A facility must provide outdoor or indoor play space to be used for active recreation including running, jumping, climbing, etc.
 - Indoor child care space may not be used simultaneously as play space.
 - Outdoor or indoor **play space must measure at least 65 square feet per child**, except that the minimum outdoor or indoor play space required per infant is **40 square feet** and the minimum outdoor or indoor play space required per young or older toddler is **50 square feet**.
 - Child care space or play space (whether indoor or outdoor) may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.
- *Exits/Mean of egress:* Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit must be unobstructed. Protective gates are permitted if they open easily and are not disapproved by building codes or local ordinances.
- *Fire codes:*
 - Family Child Care Homes must maintain working smoke detectors on each floor and in the basement, have a portable fire extinguisher rated for Class B fires in the kitchen and other sooking areas and meet exiting requirements for “R-3 occupancy” buildings under 55 Pa. Code Chapter 3290.
 - Group Child Care Homes must maintain an interconnected smoke detector system, have a portable fire extinguisher rated for Class B fires in the kitchen and other sooking areas and meet exiting requirements for “R-3 occupancy” buildings under 55 Pa. Code Chapter 3280.
 - Child Care Centers must meet all Uniform Construction Code standards for facilities falling within the classifications under Chapter 3 of the “International Building Code of 2015.”
 - See 34 Pa. Code § 403.23.

Group Child Care Homes: 55 Pa. Code, Chapter 3280.
 Child Care Centers: 55 Pa. Code, Chapter 3270.

- *Fire drills:* DHS regulations contain certain requirements with respect to fire drills which differ depending on whether a provider is operating a Family Child Care Home, a Group Child Care Home or a Child Care Center.
- *Unsafe areas:* If unsafe areas or conditions are in or near an outdoor play space, fencing or natural barriers are required to restrict children from those unsafe areas or conditions.
- *Surface requirements:* Floors, walls, ceilings and other surfaces, including the facility's outdoor play space surfaces, must be kept clean, in good repair and free from visible hazards.
- *Outside walkways:* Outside walkways must be free from ice, snow, leaves, equipment and other hazards.
- *Paint:* Peeled or damaged paint or damaged plaster is not permitted on indoor or outdoor surfaces in the child care space or facility. When indoor or outdoor surfaces are repaired or when new indoor or outdoor surfaces are painted, the paint may not contain more than .06% lead. Children may not be present during removal of paint from the indoor or outdoor surfaces of a facility.
- *Electrical covers:* Protective receptacle covers must be placed in electrical outlets accessible to children 5 years of age or younger.
- *Toxics:* Cleaning materials and other toxic materials shall be stored in an original labeled container or in a container that specifies the content. Toxics shall be kept in a locked area or in an area inaccessible to children, and shall be stored away from food, food preparation areas and child care spaces.
- *Trash:* Trash must be removed from the facility at least once per day and from the premises at least once per week.
- *Smoking:* Cigarettes, pipes or cigars may not be smoked in a child care space, a play space or a food preparation area when children are in care or when food is being prepared.
- *Indoor temperature:* Indoor temperature must be at least 65° F. Mechanical air circulation must be operating if the indoor temperature exceeds 82° F in a child care space.
- *Heating units:* Space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions. Fireplaces, fireplace inserts or woodburning and coalburning stoves, if allowed by local ordinance, must be securely screened or equipped with protective guards while in use.

- *Ventilation:* Natural or mechanical ventilation must be provided in child care spaces. Windows or doors used for ventilation shall be screened when open.
- *Telephones:* A facility shall have an operable telephone. If the telephone number is unpublished, the facility must make the number available to the parent, the release persons of the children in care, an agency that oversees or funds the facility and the appropriate regional office of the DHS. Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center must be posted by each telephone in the facility.
- *First Aid:* First aid must be kept in a facility in a location inaccessible to children.
- *Firearms:* If the facility is located in a building or a space which is not a residence, weapons, firearms and ammunition are prohibited. If the facility is located in a residence, parents must be notified of such, and weapons and firearms must be contained in a locked cabinet with ammunition contained in a locked area separate from weapons and firearms.
- *Toilet areas:* A facility must have at least one indoor flushing toilet (not including training chairs) and one sink with running water. Child Care Centers are subject to the following ratios of toilets and sinks to children:

Similar Age Levels	Number of Toilet-Trained Children	Number of Toilets
Young or older toddler and preschool	15	1
School-age	20	1

Similar Age Levels	Number of Children	Number of Sinks
Young or older toddler and preschool	25	1
School-age	30	1

A more complete set of requirements may be found (i) in the relevant DHS regulations cited above or (ii) as part of the self-assessment checklists made available by the Pennsylvania Office of Child Development and Early Development and included herein under the chapter “*Inspections and Ongoing Compliance.*”

Additional Considerations When Leasing or Purchasing Daycare Center Property

When seeking to lease or purchase a property to operate as a daycare facility, in addition to ensuring compliance with local zoning requirements and applicable facility and space requirements as discussed above, be sure to take the following considerations into account:

- Check with the local municipality to determine whether the building is subject to any current or outstanding violations.

In the City of Philadelphia, providers can request a violation report from the Department of Licenses and Inspections to determine whether there are any current violations. Such information can be looked up online at <https://www.phila.gov/services/permits-violations-licenses/rent-or-sell-property/search-for-property-history-and-business-license-information/>.

- Have an inspector and/or licensed contractor complete a full inspection and evaluation of the property to determine the overall condition of the property and to estimate the costs to renovate the property.
- When negotiating the lease or purchase and sale agreement, based on the preliminary evaluation conducted by the provider, a provider should consider whether to insist on a contingency in the relevant agreement that will allow the provider to terminate if they are unable to properly zone or license the property within a reasonable amount of time.
- Providers should be sure to secure adequate funds necessary for all work required in connection with the opening of a facility (and not just the sticker price tied to lease or mortgage payments). Providers should take into account all relevant expenses, including the cost of renovations needed to meet code requirements and expenses to be incurred in connection with services needed by an attorney, architect and other professionals assisting them with the licensing process.
- Providers may have to hire a realtor, contractor, architect and/or attorney to assist with locating, purchasing, renovating and properly licensing and zoning a commercial property for daycare use.



Inspections and Ongoing Compliance

Inspections Generally and DHS/OCDEL Requirements and Tools

Daycare facilities are subject to inspections in connection with the initial licensing process and as part of license renewals. Facilities are also subject to announced or unannounced inspection upon receipt of a complaint regarding the facility or on a random basis.

The DHS and OCDEL recently created a new tool—the Certification Inspection Instrument (CII)—in order to maintain consistency and standardization when enforcing applicable regulations. Additional information, together with links to numerous tools for daycare providers to utilize in order to assist in the compliance with applicable regulations, can be found on The Pennsylvania Key website at <https://www.pakeys.org/getting-started/ocdel-programs/certification/certification-inspection-instrument/>.

***OCDEL has also made available self-assessment checklists for providers to assist in the compliance with OCDEL certification regulations. The checklist for each type of daycare provider are enclosed at the end of this Guide as Exhibit A (*Family Child Care Homes*), Exhibit B (*Group Child Care Homes*) and Exhibit C (*Child Care Centers*).**

Negative Sanctions and Drug-Related Offenses

The DHS regulations set forth several potential reasons for which a certificate of compliance may be taken away. The following is a summary of such reasons and providers are encouraged to familiarize themselves with the applicable regulations.

The sale, usage, and delivery of illegal drugs at a child care facility is strictly prohibited under the Department of Public Welfare’s zero tolerance policy and are grounds for the removal of a certificate of compliance. Additionally, no individual who has been convicted of or who is awaiting trial on criminal charges described in the regulation may be present in the facility.

In addition to the foregoing, the DHS may deny, refuse to renew, or revoke a certificate of compliance for any of the following:

- Failure to comply with the DHS regulations governing such type of daycare provider;
- Noncompliance with DHS program licensure or approval regulations;
- Failure to submit an acceptable plan to correct noncompliance items or comply with such plan;
- Mistreatment or abuse of clients being cared for in the facility or receiving service from the agency;
- Gross incompetence, negligence or misconduct in operating the facility or agency;
- Fraud or deceit in obtaining or attempting to obtain a certificate of compliance;
- Lending, borrowing or using the certificate of compliance of another facility or agency, or knowingly aiding or abetting the improper granting of a certificate of compliance;

- If a legal entity, owner, operator or staff person:
 - Has been convicted of a felony;
 - Has been convicted of a crime involving child abuse, child neglect, moral turpitude or physical violence;
 - Has serious mental illness which might create a risk to the clients, which shall be determined and documented by a licensed physician or a licensed psychologist;
 - Has evidenced drug or alcohol addiction within the past year, which shall be determined and documented by a licensed physician; or
 - Has been named as a perpetrator in an indicated or founded report of child abuse in accordance with the Child Protective Services Law (11 P. S. §§2201 – 2224).

Other City of Philadelphia Requirements

In addition to inspections authorized at the state level, providers operating a daycare in the City of Philadelphia must schedule annual inspections with the City Health and Fire Departments.

The health inspection will entail obtaining a food safety certificate by taking a food safety class annually as well as a food preparation and serving license. Providers will also receive annual health inspections in order to review certain practices such as safe food handling, medications, sanitation, pets, water temperature, safety hazards, electrical socket covers, etc.

The fire inspection will entail an annual one-hour fire safety training and will also include an inspection of smoke detectors, fire alarms, fire extinguishers, accessibility of exits, etc.

*Note that fire safety requirements will vary on the type of daycare and the number of children in the daycare; for example, if a Center has over 5 children under 2 ½ years, they may be required to have sprinklers installed. Accordingly, attention should be given to the applicable requirements when establishing the daycare and when monitoring compliance.



Resources for Daycare Operators

DHS Regulations:

Family Child Care Homes

(55 Pa. Code, Chapter 3290)

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3290/chap3290toc.html&d=>

Group Child Care Homes

(55 Pa. Code, Chapter 3280)

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3280/chap3280toc.html&d=>

Child Care Centers

(55 Pa. Code, Chapter 3270)

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3270/chap3270toc.html&d=>

PA Department of Human Services – Early Learning Providers

<https://www.dhs.pa.gov/providers/Providers/Pages/Early-Learning.aspx>

PA Department of Human Services – Early Learning Provider Requirements

<https://www.dhs.pa.gov/providers/Child-Care/Pages/Early-Learning-Provider-Requirements.aspx>

PA Department of Human Services – Child Abuse History Clearances

<https://www.dhs.pa.gov/providers/Providers/Pages/Child-Abuse-History-Clearances.aspx>

PA Department of Human Services – Orientation Training for Child Care Providers

<https://www.dhs.pa.gov/providers/Providers/Pages/Orientation-Training-for-Child-Care-Providers.aspx>

Penn State University – Better Kid Care – Early Learning Professionals – Required Health and Safety Training

<https://extension.psu.edu/programs/betterkidcare/early-care/ccdbg>

PA Department of Human Services – Keystone STARS Quality Initiative

<https://www.dhs.pa.gov/providers/Child-Care/Pages/Keystone-STARS-Quality-Initiative.aspx>

The Pennsylvania Key – Keystone Stars

<https://www.pakeys.org/keystone-stars/>

The Pennsylvania Key – Child Care Works Subsidy Program

<https://www.pakeys.org/getting-started/ocdel-programs/child-care-works/>

The Pennsylvania Key – Certification Inspection Instrument

<https://www.pakeys.org/getting-started/ocdel-programs/certification/certification-inspection-instrument/>

PA Department of State –Bureau of Corporations and Charitable Organizations – A Guide to Business Registration in Pennsylvania (Rev. 2018):
<https://www.dos.pa.gov/BusinessCharities/Business/Documents/FEB2018%201460%20Guide%20to%20Business%20Registration.pdf>

City of Philadelphia – Zoning Maps:
www.phila.gov/citymaps

City of Philadelphia – Zoning Archive:
<http://www.phila.gov/zoningarchive/>

Pennsylvania Family Support Alliance – Changes in the Child Protective Services Law:
<https://www.pa-fsa.org/Mandated-Reporters/Resources-for-Mandated-Reporters/Changes-in-the-Child-Protective-Services-Law-CPSL>

City of Philadelphia – Child Care Facility Licenses:
<https://business.phila.gov/child-care-facility-license/>

City of Philadelphia – Group and Commercial Child Care Centers:
<https://business.phila.gov/business/child-care-services/child-care-facility/>



Exhibit A

Self-Assessment Checklist – Family Child Care Homes

(See attached)



Family Child Day Care Homes Self-Assessment Checklist to Support Certification Compliance

Name of Program: _____

Person Conducting Assessment: _____

Date/Time of Assessment: _____ Room: _____

Date of Follow-up with Staff: _____

§ 3290.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce the risks to children in family child day care homes. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of registration.

§ 3290.3. Applicability.

- (a) This chapter applies to facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to four, five or six children who are not related to the operator and who are 15 years of age or younger. This chapter applies to private or public, profit or nonprofit facilities.
- (b) This chapter does not apply to the following:
 - (1) Care provided by relatives.
 - (2) Care furnished in places of worship during religious services.
- (c) In addition to the requirements in this chapter, the family child day care home shall be in compliance with applicable provisions of Article X(c) of the act (62 P. S. § § 1070—1080).

§ 3290.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ACIP — The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act — The Public Welfare Code (62 P. S. § § 101—1411).

Age level — The grouping category appropriate for the child's age.

(i) *Infant* — A child from birth to 1 year of age.

(ii) *Young toddler* — A child from 1 to 2 years of age.

(iii) *Older toddler* — A child from 2 to 3 years of age.

(iv) *Preschool child* — A child from 3 years of age to the date the child enters kindergarten in a public or private school system.

(v) *Young school-age child* — A child who attends kindergarten to the date the child enters the 4th grade of a public or private school system.

(vi) *Older school-age child* — A child who attends the 4th grade of a public or private school system through 15 years of age.

Applicant — A legal entity who makes a written request to operate a registered family child day care home.

Appeal — A written, signed and dated statement requesting reconsideration or modification of a Departmental decision that negatively affects the certificate of registration of the facility. An appeal is made by the facility operator or by the facility's legal entity.

CPS — Child Protective Services.

CPSL — *Child Protective Services Law*—Title 23 of the *Pennsylvania Consolidated Statutes* Chapter 63 (relating to the Child Protective Services Law).

CRNP — Certified Registered Nurse Practitioner.

Casual contact — The ordinary, routine and age-appropriate association of children, parents and facility persons in the course of daily assembly in a facility.

Certification of registration — A document issued by the Department to a legal entity permitting the legal entity to operate a specific type of facility at a specific location for a specific period of time not to exceed 2 years from the date of issue, according to applicable Departmental regulations. A certificate of registration approves the operation of a facility subject to Article X(c) of the act (62 P. S. § § 1070—1080).

Child — A person 15 years of age or younger.

Child abuse — Serious physical or mental injury which is not explained by the available medical history as being accidental; sexual abuse or sexual exploitation; or serious physical neglect of a child if the injury, abuse or neglect of a child has been caused by the acts or omissions of the child's parent, by a person responsible for the child's welfare, by an individual residing in the same home as the child or by a paramour of a child's parent. A child will not be deemed to be physically or mentally abused for the sole reason that the child is in good faith being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof or is not provided specified medical treatment in the practice of religious beliefs or solely on the grounds of environmental factors which are beyond the control of the person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

Child care experience — Care for a child in lieu of care by the parent or guardian for part of a 24-hour day. The term includes care of foster children in a court-supervised arrangement. The term does not include care of related children who reside with an individual. The term does not include supervised onsite training in the case of a student who is fulfilling the requirements of a secondary or postsecondary child care training or educational curriculum.

Child with special needs — A child who has one or more of the following:

- (i) A disability or developmental delay identified on an IEP, an IFSP or a service agreement.
- (ii) A written behavioral plan that has been determined by a licensed physician, licensed psychologist or certified behavior analyst.

(iii) A chronic health condition diagnosed by a licensed physician, physician's assistant or CRNP that requires health and related services of a type or amount beyond that required by children generally.

Communicable disease — An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly by the infected agent to a susceptible host. Communicable diseases are specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases).

Denial — The written refusal of the Department to issue a certificate of registration to a new applicant.

Department — The Department of Human Services of the Commonwealth.

Facility — A family child day care home.

Facility person — A staff person, a substitute staff person or a volunteer.

Family child day care home — A home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

IEP — Individualized education program as defined in 22 Pa. Code §§ 14.101 and 14.131—14.133 (relating to definitions; and IEP).

IFSP — Individualized family service plan as defined in §§ 4226.5 and 4226.71—4226.77 (relating to definitions; and IFSPs).

Inspection — A review of facility operation to determine compliance with applicable laws or regulations, conducted by an agent of the Department.

Inspection summary — A document prepared by an agent of the Department describing each regulatory noncompliance item confirmed as a result of a facility inspection.

Legal entity — A person, corporation or partnership that is legally responsible for the administration of the facility.

Night care — Care for a child between the hours of 7 p.m. and 7 a.m.

Nonrenewal — The written refusal of the Department to issue a certificate of registration to a legal entity previously granted a certificate of registration at the same location.

Operator — The term is synonymous with the term “caregiver” in section 1070 of the act (62 P. S. § 1070).

Parent — The biological or adoptive mother or father or the legal guardian of the child.

Potentially hazardous food — A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Random sample — The total of the registered family child day care homes annually selected for inspection by the Department.

Regional office of child day care — One of four Departmental offices responsible for certified child day care facilities located in counties assigned to the regional office. A certificate of registration is issued by a regional office to the legal entity responsible for the operation of a family child day care home.

Registration law — The act of December 5, 1980 (P. L. 1112, No. 193) (62 P. S. § § 1070—1080).

Relative — A child, stepchild, grandchild or foster child.

Revocation — The Department’s written retraction of a certificate of registration which occurs prior to expiration of the facility’s certificate of registration.

Service agreement — A service agreement as defined in 22 Pa. Code § § 15.2 and 15.7 (relating to definitions; and service agreement).

Space — An indoor or outdoor area used for child care.

Staff person — A person included in the regulatory ratio who is responsible for child care activities.

Supervise — To be present in the child care facility with the children or with the facility person under supervision. Supervision is critical oversight in which the supervisor can see, hear, direct and assess the activity of the supervisee.

Volunteer — A person 16 years of age or older who is not included in the regulatory ratio. A volunteer assists in implementing daily program activities.

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BUILDING CODES			
	Met	Plan of Action	Date for Correction
A certificate of registration will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements in 34 Pa. Code § 403.23 (relating to child day care facilities).			
§ 3290.15. Service to a child with special needs.	Met	Plan of Action	Date for Correction
(a) The operator shall make reasonable accommodation to include a child with special needs in accordance with applicable Federal and State laws.			
(b) The operator shall permit an adult individual who provides specialized services to a child with special needs to provide those services on the facility premises as specified in the child's IEP, IFSP or written behavioral plan.			
(c) The operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.			
§ 3290.16. Child abuse reporting.	Met	Plan of Action	Date for Correction
(a) An operator or facility person who has reason to believe that a child enrolled in the facility has been abused is required to report suspected child abuse to ChildLine as mandated by the CPSL.			
(b) A staff person may be designated by the operator as the person responsible to notify ChildLine of suspected child abuse. The operator or designated staff person with this responsibility shall immediately notify ChildLine at 1 (800) 932-0313.			
(c) Within 48 hours, a written report regarding the suspected child abuse shall be submitted by the operator or designated staff person to the CPS unit which has responsibility for investigating the report.			
§ 3290.17. Reporting injury, death or fire.	Met	Plan of Action	Date for Correction
(a) The operator or the operator's designee shall immediately notify a child's parent and shall notify the appropriate regional office of the Department within 24 hours if one or more of the following occurs:			

(1) Inpatient hospitalization or emergency room treatment of a child receiving care at the facility.			
(2) A death of a child receiving care at the facility.			
(3) A facility fire that requires the services of a fire department.			
(b) The operator shall mail or deliver a written report to the appropriate regional office of the Department within 72 hours after the occurrence of an event listed in subsection (a).			
(c) The report shall include the following information:			
(1) The name, address and telephone number of the facility.			
(2) The name, address and birth date of the child.			
(3) The name and address of the child's parent or guardian.			
(4) A description of the incident, including the date, time and location of the incident and the equipment involved.			
(5) The name and telephone number of local authorities notified.			
(6) The nature of the treatment.			
(7) The name and address of the place treatment was received.			
(8) The required follow-up.			
(d) The staff person who prepared the report shall sign and date it.			
(e) Copies of reports shall be kept in a file at the facility.			
§ 3290.17a. Reporting injury, death or fire—statement of policy.	Met	Plan of Action	Date for Correction
The facility operator shall make reports to a child's parent and to the Department in accordance with § 3290.17 (relating to reporting injury, death or fire) if one or more of the following occurs:			
(1) A child receiving care in the facility is lost or missing from the facility.			
(2) A child in the care of the facility is left behind on a facility excursion.			
(3) A child receiving care in the facility is left unattended in the facility when the facility is closed.			
§ 3290.18. General health and safety.	Met	Plan of Action	Date for Correction
Conditions at the facility may not pose a threat to the health or safety of the children.			
§ 3290.19. Communication with parents.	Met	Plan of Action	Date for Correction
The operator shall establish oral or written communication in the			

language or mode of communication which is understandable to the parent.			
§ 3290.20. Parent access and participation.	Met	Plan of Action	Date for Correction
A parent of a child in care shall be permitted free access, without prior notice, throughout the child care space whenever children are in care, unless a court of competent jurisdiction has limited the parental right of access to the child and a copy of the order is on file at the facility. Opportunities shall be provided for parents to participate in the facility's program.			
§ 3290.21. Departmental access.	Met	Plan of Action	Date for Correction
(a) A staff person shall provide to agents of the Department immediate access to the facility and, upon request, to the children and the files and records.			
(b) An inspection will be conducted during normal business hours except when there is reasonable cause to believe that inspections at other times are necessary to detect violations of applicable laws and regulations.			
(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.			
§ 3290.22. Availability of certificate of registration and applicable regulations.	Met	Plan of Action	Date for Correction
(a) The facility's current certificate of registration and a copy of the applicable regulations under which the facility is certified shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional day care office posted at the same location.			
(b) The operator shall provide the parent of each child enrolled in the facility with a copy of this chapter.			
(c) The operator shall post a copy of each inspection summary issued by the Department next to the facility's certificate of registration in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each noncompliance item noted on the inspection summary has been corrected.			

§ 3290.23. Compliance with nondiscrimination requirements.	Met	Plan of Action	Date for Correction
(a) An operator shall comply with the statutes listed in subsection (b). An operator or staff person may not discriminate on the basis of age, race, sex, religious creed, ethnic origin, handicap, National origin or economic status and shall observe applicable Federal and State statutes and regulations.			
(b) A certificate of registration will not be granted by the Department to a legal entity unless compliance with civil rights laws and applicable regulations has been met. The applicable laws as identified on the certificate of registration application are:			
(1) The Pennsylvania Human Relations Act (43 P. S. § § 951—962.2).			
(2) The Age Discrimination Act of 1975 (42 U.S.C.A. § § 6101—6107).			
(3) Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. § § 2000d—2000d-4a).			
(4) Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. § § 2000e—2000e-5).			
(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794).			
(6) The Americans with Disabilities Act of 1990 (42 U.S.C.A. § § 12101—12514).			
(c) The appropriate forms to establish compliance shall be included with the application for certificate of registration.			
§ 3290.24. Emergency plan.	Met	Plan of Action	Date for Correction
(a) The facility shall have an emergency plan that provides for:			
(1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises.			
(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3290.94(f) and (g) (relating to fire drills).			
(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.			
(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents			

can safely be reunited with their children.			
(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.			
(c) Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.			
(d) The emergency plan shall be posted in the facility at a conspicuous location.			
(e) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.			
(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the county emergency management agency.			

FACILITY PERSONS

§ 3290.31. Age and training.	Met	Plan of Action	Date for Correction
(a) The operator shall have the following qualifications:			
(1) Be 18 years of age or older.			
(2) Have a high school diploma or a general educational development certificate and submit proof to the appropriate regional office of the Department at the time of registration renewal.			
(b) Staff persons shall be 18 years of age or older.			
(c) A volunteer shall be 16 years of age or older. A volunteer shall be directly supervised at all times by a staff person.			
(d) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:			
(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the			

Council on Post-secondary accreditation and acceptable to the Department of Education.			
(2) The curriculum includes acceptable training topics referenced in subsection (f)(2).			
(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:			
(i) A minimum of 400 clock hours of classroom training.			
(ii) A minimum of 200 clock hours of supervised training in a child day care facility.			
(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.			
(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.			
(e) Child care professional credentials are equivalent to the following staff qualifications:			
(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.			
(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.			
(f) A staff person shall obtain a biennial minimum of 12 clock hours of child care training.			
(1) Acceptable training is conducted in one or more of the following settings:			
(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation and acceptable to the Department of Education.			
(ii) By an entity that is licensed or certified professionally competent in the training topic.			
(iii) In conferences or workshops.			
(iv) With audio-visual materials recognized by child care			

professionals.			
(2) Acceptable training topics include the following:			
(i) Child or staff health.			
(ii) Child development, early childhood education and special education.			
(iii) Supervision, discipline and guidance of children.			
(iv) Nutrition for children.			
(v) Child care program development.			
(vi) Child care staff person or volunteer professional development.			
(3) Other training topics may be submitted for the Department's review and approval.			
(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff. The following constitutes competence in training areas as follows:			
(i) <i>First-aid training</i> . Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before expiration of certification or every 3 years, as applicable.			
(ii) <i>Lifeguard training</i> . Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.			
(iii) <i>Water safety instruction</i> . Competence is completion of basic instruction in water safety from a certified lifeguard.			
g) Completion of training shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility person's file.			
§ 3290.32. Suitability of persons in the facility.	Met	Plan of Action	Date for Correction
(a) The operator shall comply with the CPSL and Chapter 3490 (relating to protective services).			
(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child day care office.			
(c) The operator may not allow an individual to enter the facility if the operator knows that the individual has been convicted or is awaiting trial on charges involving a crime of child abuse, child neglect, physical violence or moral corruptness.			
(d) One or more persons competent in first-aid techniques shall be at			

the facility when day care children are in care.

STAFF-CHILD RATIO

§ 3290.51. Maximum number of children.	Met	Plan of Action	Date for Correction
The number of children in care may not exceed six children at any one time who are unrelated to the operator.			
§ 3290.52. Ratio requirements.	Met	Plan of Action	Date for Correction
The operator may provide care to no more than five related and unrelated infants and toddlers at any one time. No more than two related and unrelated infants may receive care at any one time. The following numbers of infants and toddlers are permitted in a family day care home:			
(1) If no infants are in care, five toddlers are permitted.			
(2) If one infant is in care, four toddlers are permitted.			
(3) If two infants are in care, three toddlers are permitted.			

PHYSICAL SITE

§ 3290.61. Unsafe areas in outdoor space.	Met	Plan of Action	Date for Correction
If unsafe areas or conditions are in or near an outdoor play space, fencing or natural barriers are required to restrict children from those unsafe areas or conditions.			
§ 3290.62. Outside walkways.	Met	Plan of Action	Date for Correction
Outside walkways shall be free from ice, snow, leaves, equipment and other hazards.			
§ 3290.63. Protective electrical covers.	Met	Plan of Action	Date for Correction
Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.			
§ 3290.64. Toxics.	Met	Plan of Action	Date for Correction
(a) Cleaning materials and other toxic materials shall be stored in an original labeled container or in a container that specifies the content. Toxics shall be kept in a locked area or in an area inaccessible to			

children. Toxics shall be stored away from food, food preparation areas and child care spaces.			
(b) Cleaning materials and other toxic materials shall be used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.			
(c) Toxic plants are not permitted in a child care space.			
(d) Arts and crafts materials shall be nontoxic.			
§ 3290.65. Sanitation.	Met	Plan of Action	Date for Correction
(a) Trash shall be removed from the facility at least once per day.			
(b) Trash shall be removed from the facility premises at least once per week.			
(c) Evidence of infestation of insects or rodents may not be in the facility.			
(d) Trash that has been contaminated by human secretions or excrement shall be contained in closed, plastic-lined receptacles.			
§ 3290.66. Smoking.	Met	Plan of Action	Date for Correction
(a) Cigarettes, pipes or cigars may not be smoked in indoor or outdoor child care space or food preparation areas when children are in care in the space or when food is being prepared.			
(b) Ashes and cigarette or cigar butts are prohibited in indoor or outdoor child care space or food preparation areas.			
(c) At the time of a child's enrollment, the operator shall inform the parent of the smoking policy at the facility.			
§ 3290.67. Water.	Met	Plan of Action	Date for Correction
(a) A safe and adequate supply of drinking water shall be made available to children of all ages throughout the day.			
(b) Drinking water shall be provided to children who are out-of-doors for a period exceeding 1 hour.			
§ 3290.68. Indoor temperature.	Met	Plan of Action	Date for Correction
(a) The indoor temperature must be at least 65° F.			
(b) If the indoor temperature exceeds 82° F in a child care space, a means of mechanical air circulation must be operating.			
§ 3290.69. Hot water pipes and other sources of heat.	Met	Plan of Action	Date for Correction

Hot water pipes and other sources of heat exceeding 110° F that are accessible to children shall be equipped with protective guards or shall be insulated to prevent direct contact.			
§ 3290.70. Ventilation.	Met	Plan of Action	Date for Correction
(a) Natural or mechanical ventilation shall be provided in child care spaces.			
(b) Windows or doors used for ventilation shall be screened when open.			
(c) Screens shall be in good repair.			
(d) Windows or doors above the ground floor that open directly to the outdoors & are accessible to children shall be constructed, modified or adapted to limit the openings to 6 or fewer inches.			
§ 3290.71. Telephone.	Met	Plan of Action	Date for Correction
A facility shall have an operable phone. A facility that has an unpublished phone number shall make the number available to the parent, the release persons of the children in care, an agency that oversees or funds the facility & the appropriate regional office of the Depart. The parent shall be notified that the number is unpublished.			
§ 3290.72. Emergency telephone numbers.	Met	Plan of Action	Date for Correction
Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center shall be posted by each telephone in the facility.			
§ 3290.73. First-aid kit.	Met	Plan of Action	Date for Correction
(a) A facility must have a first-aid kit.			
(b) A first-aid kit shall be kept in a place inaccessible to children.			
(c) A first-aid kit must contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and disposable, nonporous gloves.			
(d) One first-aid kit must accompany children and facility person on excursions from the facility. The first aid kit taken on an excursion must contain a bottle of water in addition to the items specified in subsection (c).			
§ 3290.74. Building surface requirements.	Met	Plan of Action	Date for Correction

(a) Floors, walls, ceilings and other surfaces, including the facility's outdoor play area, shall be kept clean, in good repair and free from visible hazards.			
(b) Hallways and stairways used by children shall be well-lighted.			
§ 3290.75. Paint.	Met	Plan of Action	Date for Correction
(a) Peeled or damaged paint or damaged plaster is not permitted on indoor or outdoor surfaces in the child care space.			
(b) When indoor or outdoor surfaces are repaired or when new indoor or outdoor surfaces are painted, the paint may not contain more than .06% lead.			
(c) Children may not be present during removal of paint from the indoor or outdoor surfaces of a facility.			
(d) Abrasive removal methods which include dry sanding, electrical sanding, sandblasting, open flame burning or a removal process that permits the release of lead particulate material into the environment are prohibited.			
(e) Child care may resume when the removal process is completed and when accompanying debris is removed.			
§ 3290.76. Firearms.	Met	Plan of Action	Date for Correction
(a) Weapons and firearms shall be contained in locked cabinet.			
(b) Ammunition shall be contained in a locked area separate from weapons and firearms.			
(c) The operator shall notify the parent when weapons, firearms or ammunition are present at the facility.			
§ 3290.77. Glass.	Met	Plan of Action	Date for Correction
A visual strip or other visual identification shall be placed on glass located in a traffic area or a child care space.			
§ 3290.78. Toilet area.	Met	Plan of Action	Date for Correction
(a) The facility shall have at least one indoor flushing toilet and one sink. Running water shall be available at the sink.			
(b) Training chairs may be used, if emptied and sanitized after each use. A sanitizing solution of ¼ cup bleach to 1 gallon of water may be used. A sanitizing solution shall be treated as a toxic. See § 3290.64 (relating to toxics).			

(c) Toilets and training chairs shall be located in rooms separate from rooms used for cooking or eating.			
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FIRESAFETY			
§ 3290.91. Exits.	Met	Plan of Action	Date for Correction
(a) Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.			
(b) Protective gates and devices that can be opened easily are permitted, if they open easily and are not disapproved by building codes or local ordinance.			
(c) If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.			
§ 3290.92. Space heaters.	Met	Plan of Action	Date for Correction
(a) Fixed and portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions.			
(b) Fixed and portable space heaters shall be insulated or equipped with protective guards to prevent contact.			
(c) The manufacturer's instructions for use shall be kept in an accessible area in the facility.			
§ 3290.93. Fireplaces and wood-burning and coal-burning stoves.	Met	Plan of Action	Date for Correction
Fireplaces, fireplace inserts and wood-burning or coal-burning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.			
§ 3290.94. Fire drills.	Met	Plan of Action	Date for Correction
(a) Fire evacuation plans shall be developed and posted.			
(b) Evacuation plans shall provide for removal of persons from the facility in a single trip.			
(c) Fire evacuation drills shall be conducted at least four times a year.			

EQUIPMENT

§ 3290.101. Type of play equipment.	Met	Plan of Action	Date for Correction
(a) Play equipment and materials appropriate to the developmental needs, individual interests and ages of the children shall be provided in sufficient amount and variety to preclude long waits for use.			
(b) Play equipment and materials shall include items from each of the following six categories:			
(1) Materials for dramatic role playing.			
(2) Toys and materials for cognitive development.			
(3) Toys and materials for visual development.			
(4) Toys and materials for auditory development.			
(5) Toys to handle and manipulate and art materials for tactile development.			
(6) Toys and equipment for large muscle development.			
(c) Play equipment shall facilitate the child's emotional, cognitive, communicative, perceptual-motor, physical and social development.			
§ 3290.102. Condition of play equipment.	Met	Plan of Action	Date for Correction
(a) Toys, play equipment and other indoor and outdoor equipment used by the children must be clean, in good repair and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.			
(b) Toys soiled by secretion/excretion shall be cleaned with soap & water, rinsed and sanitized before being used by a child.			
(c) Outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the United States Consumer Product Safety Commission. The equipment must be anchored firmly and be in good repair.			
(d) Slides over 4 ft high must have guards along both sides of ladder.			
(e) Pea gravel and other materials with a diameter of less than 1 inch may not be used in spaces where infants or toddlers receive care.			
(f) Children's toys and equipment, including furniture and rest equipment, described as hazardous by the United States Consumer Product Safety Commission may not be used by children at the facility.			

§ 3290.102b. Playground protective surface covering—statement of policy.	Met	Plan of Action	Date for Correction
The requirement for playground protective surface covering in § 3290(c) (relating to condition of play equipment) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's <i>Outdoor Home Playground Safety Handbook</i> , Publication 324. This publication is available on the Internet at http://www.cpsc.gov/cpscpub/pubs/324.pdf or by calling the Consumer Public Safety Commission at (800) 638-2772.			
§ 3290.103. Small toys and objects.	Met	Plan of Action	Date for Correction
Toys and objects with a diameter of less than 1 inch, objects with removable parts that have a diameter of less than 1 inch, plastic bags and □tyrofoam objects may not be accessible to children who are still placing objects in their mouths.			
§ 3290.104. High chairs.	Met	Plan of Action	Date for Correction
High chairs shall have a wide base and a T-shaped safety strap.			
§ 3290.105. Rest equipment.	Met	Plan of Action	Date for Correction
(a) Individual, clean, age-appropriate rest equipment shall be provided for preschool, toddler and infant children as agreed between the parent and the operator. The rest equipment must be labeled with the child's name and used only by the named child while enrolled in the program.			
(b) Bed linens may not be used alone as age-appropriate rest equipment.			
(c) Stacked cribs may not be used.			
(d) Crib and playpen slats may be no more than 2 3/8 inches apart.			
(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the parent and the operator.			
(f) At least 2 feet of space is required on three sides of a bed, cot, crib or other rest equipment while the equipment is in use.			
(g) Linens, blankets and rest equipment shall be cleaned monthly, at a minimum. The operator shall arrange a cleaning schedule with the parent.			

(h) Soiled bedding shall be cleaned before it is reused.			
(i) The upper level of double-deck beds may not be used for children 8 years of age or younger.			
(j) Toys, bumper pads or pillows may not be present in a crib while an infant is sleeping in the crib.			
§ 3290.106. Refrigerator.	Met	Plan of Action	Date for Correction
The facility shall have an operable, clean refrigerator used to store potentially hazardous food. The refrigerator shall be capable of maintaining food at 45° F or below. An operating thermometer shall be placed in the refrigerator.			
§ 3290.107. Utensils.	Met	Plan of Action	Date for Correction
(a) Eating and drinking utensils shall be free from cracks and chips.			
(b) Disposable cups, plates and eating utensils may be used if discarded after each use.			
(c) Styrofoam cups and plates may not be used.			

PROGRAM

§ 3290.111. Daily activities.	Met	Plan of Action	Date for Correction
(a) A written plan of daily activities, including a time for free play shall be established.			
(b) The written plan shall be posted in a traffic area used by parents.			
(c) Daily activities shall promote the development of skills, social competence and self-esteem. Daily experiences shall recognize the child as an individual and give some choice of activities that respect personal privacy, life-style and cultural background.			
§ 3290.112. Infant and toddler stimulation.	Met	Plan of Action	Date for Correction
Infants and toddlers shall be provided stimulation by being held, rocked, talked to, played with and carried.			
§ 3290.113. Supervision of children.	Met	Plan of Action	Date for Correction
(a) Children on the facility premises and on facility excursions off the premises shall be supervised by a staff person at all times. Outdoor play space used by the facility is considered part of the facility			

premises. The requirement for supervision on and off the facility premises includes compliance with the staff:child ratio requirements in § § 3290.51 and 3290.52 (relating to maximum number of children; and ratio requirement).			
(b) A facility person may not use any form of physical punishment including spanking a child.			
(c) A facility person may not single out a child for ridicule, threaten harm to the child or the child's family and may not specifically aim to degrade the child or the child's family.			
(d) A facility person may not use harsh, demeaning or abusive language in the presence of children.			
(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.			
§ 3290.114. Outdoor activity.	Met	Plan of Action	Date for Correction
Weather permitting, children shall be taken out of doors daily.			
§ 3290.115. Water activity.	Met	Plan of Action	Date for Correction
(a) <i>Swimming or wading.</i>			
(1) An in-ground swimming pool accessible to children must be fenced with a locked gate.			
(2) An aboveground swimming pool which is not in use must be made inaccessible to children in accordance with the swimming pool barrier guidelines of the United States Consumer Product Safety Commission.			
(3) An indoor swimming pool which is not in use must be made inaccessible to children.			
(4) A staff person shall be physically present with a child who is wading or swimming.			

(5) Swimming and wading ratios shall be maintained as follows:																					
<table><tr><td></td><td>Staff</td><td>Children</td></tr><tr><td>Infant</td><td>1</td><td>1</td></tr><tr><td>Young or older toddler</td><td>1</td><td>2</td></tr><tr><td>Preschool</td><td>1</td><td>5</td></tr><tr><td>Young school-age</td><td>1</td><td>6</td></tr><tr><td>Older school-age</td><td>1</td><td>6</td></tr></table>		Staff	Children	Infant	1	1	Young or older toddler	1	2	Preschool	1	5	Young school-age	1	6	Older school-age	1	6			
	Staff	Children																			
Infant	1	1																			
Young or older toddler	1	2																			
Preschool	1	5																			
Young school-age	1	6																			
Older school-age	1	6																			
(6) When children are swimming, supervision shall include at least one person who has completed lifeguard training as described in § 3290.31(c)(4)(ii) (relating to age and training).																					
(7) The person certified in lifeguard training may not be included in the staff:child ratio.																					
(8) A facility person who is counted in the staff:child ratio shall annually complete water safety instruction.																					
(9) A sanitizing solution shall be added to water in a wading pool. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water. A sanitizing solution shall be handled as a toxic. See § 3290.64 (relating to toxics).																					
(10) A wading pool shall be emptied daily.																					
(b) <i>Water play table</i> . A water play table or a container used for water play that contains unfiltered water shall be emptied daily.																					
§ 3290.116. Release of children.	Met	Plan of Action	Date for Correction																		
(a) A child shall be released from care only to the child’s parent or to an individual designated in writing by the enrolling parent. A child shall be released to either parent unless a court order on file at the facility states otherwise.																					
(b) In an emergency, a child may be released to an individual upon the oral designation of the parent, providing the identity of the person can be verified by the operator or a staff person.																					
(c) If a child is released upon the oral designation of the parent, the following information shall be logged in the child’s record:																					
(1) The name of the parent making the request.																					
(2) The date and time of the request.																					

(3) The name of the individual to whom the child is to be released.			
(4) The name of the staff person taking the call.			
(5) The name of the staff person releasing the child.			
§ 3290.117. Pets.	Met	Plan of Action	Date for Correction
(a) A pet or animal present at the facility, indoors or outdoors, shall be in good health and known to be friendly to children.			
(b) Contact with pets by the children is permitted only when a staff person is physically present.			
(c) A veterinarian's certificate of current rabies immunization is required for a cat or dog at the facility. The certificate shall be on file when the cat or dog is present.			
§ 3290.118. Infant sleep position.	Met	Plan of Action	Date for Correction
Infants shall be placed in the sleeping position recommended by the American Academy of Pediatrics unless there is a medical reason an infant should not sleep in this position. The medical reason shall be documented in a statement signed by a physician, physician's assistant or CRNP and placed in the child's record at the facility.			

PROCEDURES FOR ADMISSION

§ 3290.121. Application.	Met	Plan of Action	Date for Correction
(a) The operator shall review with the parent, at the time of application, the facility's general daily schedule, hours in which care is provided, fees, responsibilities for meals, clothing, health policies, supervision policies, night care policies, dismissal policies, transportation and pick-up arrangements.			
(b) At the time of enrollment, a parent shall receive in writing the information described in subsection (a).			
§ 3290.122. Admission interview.	Met	Plan of Action	Date for Correction
A child shall be interviewed or observed by the operator and when possible shall have the opportunity to visit the facility prior to being admitted for care. The child shall be told as much about the service being planned as the child can understand. If the parent indicates that the child has a special need, the operator shall discuss the condition			

with the parent, refer to § 3290.4 (relating to definitions), and comply with § 3290.15, 3290.124 and 3290.131 (relating to service to a child with special needs; emergency contact information; and health information).			
§ 3290.123. Agreement.	Met	Plan of Action	Date for Correction
(a) An agreement signed by the operator and the parent must specify the following:			
(1) The amount of fee to be charged per day or per week.			
(2) The date on which the fee is to be paid.			
(3) The services to be provided to the family and child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in § 3290.124(e) (relating to emergency contact information).			
(4) The child's arrival and departure times.			
(5) The individuals designated by the parent to whom the child may be released as specified in § 3290.116 (relating to release of children).			
(6) The date of the child's admission.			
(7) The services which are to be considered as extra.			
(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.			
§ 3290.124. Emergency contact information.	Met	Plan of Action	Date for Correction
(a) Emergency contact information shall be present in a child care facility for each enrolled child. Emergency contact information must reference who shall be contacted in an emergency.			
(b) Emergency contact information must include the following:			
(1) The name and birth date of the child.			
(2) The name, address and telephone number of the child's source of medical care.			
(3) The home and work addresses and home and work telephone numbers of the enrolling parent.			
(4) A written consent signed by a parent for emergency medical care.			
(5) Information on the child's special needs, as specified by the			

child's parent, physician, physician's assistant or CRNP, which is needed in an emergency situation.			
(6) Health insurance coverage and policy number for the child under a family policy or Medical Assistance (MA) benefits, if applicable.			
(7) The name, address and telephone number of the individual designated by the parent to whom the child may be released.			
(c) When children leave the facility on walking and riding excursions, emergency contact information specific to each child on the excursion shall accompany a staff person on the excursion.			
(d) A written plan shall be conspicuously posted which identifies the means of transporting a child to emergency care and the facility staffing provisions in the event of an emergency. The plan must accompany a staff person who leaves the facility on an excursion with children.			
(e) Emergency contact information shall be updated in writing by the parent once in a 6-month period or as soon as there is a change in the information.			

CHILD HEALTH

§ 3290.131. Health information.	Met	Plan of Action	Date for Correction
(a) The operator shall require the parent of an enrolled child to provide an initial health report no later than 60 days following the first day of attendance at the facility.			
(1) The initial health report for an infant must be dated no more than 3 months prior to the first day of attendance at the facility.			
(2) The initial health report for a young toddler must be dated no more than 6 months prior to the first day of attendance at the facility.			
(3) The initial health report for an older toddler or preschool child must be dated no more than 1 year prior to the first day of attendance at the facility.			
(4) The initial health report for a school-age child must be dated in accordance with the requirements for medical examinations for school attendance in 28 Pa. Code § 23.2 (relating to medical examinations).			
(b) The operator shall require the parent to provide an updated health report in accordance with the following schedules:			

(1) At least every 6 months for an infant or young toddler.			
(2) At least every 12 months for an older toddler or preschool child.			
(c) A health report must be written and signed by a physician, physician's assistant or a CRNP. The signature must include the individual's professional title.			
(d) The health report must include the following information:			
(1) A review of the child's health history.			
(2) A list of the child's allergies.			
(3) A list of the child's current medication and the reason for the medication.			
(4) An assessment of an acute or chronic health problem or special needs and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning.			
(5) A review of the child's immunized status according to recommendations of the ACIP.			
(6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency.			
(7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease.			
(8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section.			
(e) The facility may not accept or retain an infant 2 months of age or older, a toddler or a preschool child at the facility for more than 60 days following the first day of attendance at the facility unless the parent provides written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of the dates (month, day and year) the child was administered immunizations in accordance with the recommendations of the ACIP.			
(1) The facility shall require the parent to provide updated written verification from a physician, CRNP, the Department of Health or a local health department of ongoing vaccines administered to an infant, toddler or preschool child in accordance with the schedule recommended by the ACIP.			
(2) Exemption from immunization must be documented as follows:			
(i) Exemption from immunization for religious belief or strong			

personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record.			
(ii) Exemption from immunization for reasons of medical need must be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record.			
(3) The facility shall implement dismissal policies in accordance with the Department of Health regulation in 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings).			
(4) The facility shall comply with the annual immunization reporting requirements in accordance with the Department of Health regulation in 28 Pa. Code § 27.77.			
§ 3290.132. Emergency medical care.	Met	Plan of Action	Date for Correction
(a) If emergency medical care is needed for a child, the parent shall be contacted as soon as practical in the best interest of the child. If the parent cannot be reached, the operator shall record in writing the reason emergency care was required and the attempts made to inform the parent.			
(b) A staff person shall accompany the child to a source of emergency care and shall remain with the child until the parent or a person designated by the parent assumes responsibility for the child's care.			
(c) An operator shall document the manner in which emergency treatment was sought and obtained. File documentation shall include information referenced at § 3290.17(d) (relating to reporting injury, death or fire).			
§ 3290.133. Child medication and special diets.	Met	Plan of Action	Date for Correction
The operator shall make reasonable accommodation in accordance with applicable Federal and State laws to facilitate administration of medication or a special diet that is prescribed by a physician, physician's assistant or CRNP as treatment related to the child's special needs. Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not			

treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:			
(1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.			
(2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medicine. Instructions for administration contained on a prescription label are acceptable.			
(3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.			
(4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.			
(5) Medication shall be stored in accordance with the manufacturer's, health professional's or pharmacist's instructions on the original label.			
(6) A parent shall provide written consent for administration.			
(7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information:			
(i) The name of the medication.			
(ii) The name of the child receiving the medication.			
(iii) A requirement for refrigeration.			
(iv) The amount of medication administered.			
(v) The date of administration.			
(vi) The time of administration.			
(vii) The initials of the staff person who administered the medication.			
(viii) Special notes related to problems of administration.			
(8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.			
§ 3290.134. Child hygiene.	Met	Plan of Action	Date for Correction
(a) A staff person shall ensure that a child's hands are washed before meals, snacks, after toileting and after being diapered.			
(b) Cloth towels and washcloths shall be labeled with the child's name, used by only the named child and laundered weekly. The			

operator shall arrange a laundry schedule with the parent.			
(c) Paper towels may be used as towels and washcloths. Paper towels shall be discarded after each use.			
(d) If brushing teeth is a program activity, a child shall have a labeled toothbrush.			
(e) Toothbrushes shall be stored with the bristles up and exposed to circulating air.			
(f) Paper cups discarded after one use, or water fountains shall be used for between-meal drinking by children who are not bottle-fed.			
§ 3290.135. Diapering requirements.	Met	Plan of Action	Date for Correction
(a) When children are diapered, the facility shall use disposable diapers, a diaper service or arrange with the parent to provide a daily diaper supply.			
(1) If non-disposable diapers are provided by a parent, a soiled diaper shall be placed in an individual, securely-tied plastic bag and returned to the parent at the end of the day.			
(2) If non-disposable diapers from a diaper service are provided by a facility, a soiled diaper shall be placed in the container provided by the service or in a securely-tied plastic bag.			
(3) If disposable diapers are provided by a facility or a parent, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.			
(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.			
(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.			
(c) The diapering area may not be used for food preparation or food service.			
(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.			
(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.			
§ 3290.136. Reporting diseases.			

(a) If an operator allows admission of an ill child, the operator shall receive instructions from the parent for care of the child to assure that the child's needs for rest, attention and administration of medication are met.			
(b) The operator shall inform parents of enrolled children when there is a suspected outbreak of a communicable disease or an outbreak of an unusual illness that represents a public health emergency in the opinion of the Department of Health.			
(c) If a child becomes ill at the facility, the operator shall notify the child's parent as soon as possible.			
(d) A facility person who knows of a communicable disease for which 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases) requires reporting, or who knows of a group expression of an illness which may be of public concern, whether or not it is known to be of a communicable nature, shall report it promptly to the appropriate division of the Department of Health, as specified in 28 Pa. Code Chapter 27, or to a local department of health.			
§ 3290.137. Children with symptoms of disease.	Met	Plan of Action	Date for Correction
An operator who observes an enrolled child with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and may threaten the health of children in care shall exclude the child from attendance until receiving notification from a physician or CRNP that the child is no longer considered a threat to the health of others. The notification shall be retained in the child's file. Diseases and conditions which require exclusion are specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.			
§ 3290.138. Discrimination based on illness.	Met	Plan of Action	Date for Correction
Before, during and after the admission process, an operator or facility person may not discriminate against serving a child who has an illness which is not transmitted by casual contact.			

ADULT HEALTH

§ 3290.151. Health assessment.	Met	Plan of Action	Date for Correction
(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment on file at the facility.			
(1) The operator shall submit a health assessment to the Department prior to issuance of an initial or renewal certificate of registration.			
(2) A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.			
(b) A health assessment shall be conducted and a report written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.			
(c) The health assessment must include the following:			
(1) A physical examination.			
(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, CRNP, the Department of Health or a local health department.			
(i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.			
(ii) A record of a person with a positive tuberculin skin test must include the results of a chest x-ray and evaluation for chemoprophylaxis.			
(iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing unless one of the following occurs:			
(A) The person is exposed to an active case of tuberculosis.			
(B) The person develops a productive cough which does not respond to medical treatment within 14 days.			
(3) Examination for communicable diseases and the results of that examination.			
(4) Information on medical problems which might threaten the health of the children or prohibit a staff person from providing adequate care to children.			
(5) The physician's or CRNP's assessment of the person's suitability			

to provide child care.			
§ 3290.151a. Tuberculosis testing—statement of policy.	Met	Plan of Action	Date for Correction
The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.			
§ 3290.152. Adult hygiene.	Met	Plan of Action	Date for Correction
A facility person shall wash his hands before meals and snacks, after toileting and after diapering a child.			
§ 3290.153. Facility persons with symptoms of disease.	Met	Plan of Action	Date for Correction
A facility person with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall be excluded from attendance until the facility operator receives notification from a physician or CRNP that the person is no longer considered a threat to the health of others. The notification shall be retained in the facility person's file. Exclusion from the facility is required for diseases and conditions specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.			
§ 3290.154. Facility persons with skin disorders.	Met	Plan of Action	Date for Correction
(a) A facility person with a discharging or infected wound, sore, lesion on hands, arms or an exposed portion of the body shall be excluded from child care and food preparation activities until a physician or CRNP gives written notice that the person may return to child care or food preparation. The notification shall be retained in the person's file.			
(b) A facility person with a herpes infection may not be present with infants younger than 3 months of age.			
§ 3290.155. Discrimination based on illness.	Met	Plan of Action	Date for Correction
A facility person or an individual seeking employment or placement who has an illness that is not transmitted by casual contact shall be permitted the right to continued employment, placement, employment opportunity or placement opportunity to the extent of his ability to perform the stated job function.			

NUTRITION			
	Met	Plan of Action	Date for Correction
(a) Food stored, prepared or served shall be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption.			
(b) Food that has been previously served to a person or returned from a table shall be discarded.			
(c) Potentially hazardous food brought from the child's home or provided by the facility shall be refrigerated.			
(d) Fresh fruits and vegetables that are not used on the day of purchase shall be refrigerated.			
(e) The only canned foods permitted for children's consumption are those commercially preserved in airtight jars or cans.			
(f) A facility shall provide a sufficient number of refrigerators to contain foods which require refrigeration.			
(a) If a child receives care for 4 or more consecutive hours, nutritional, appropriately-timed meals and snacks shall be served.			
(b) Meals and snacks may be provided by the parent, upon agreement between the parent and the operator.			
(c) Food may not be withheld from children for purposes of discipline.			
(d) Children may not be forced to eat food.			
(a) A lunch or dinner prepared at the facility for children of toddler age or older shall have at least one item from each of the following food groups:			
(1) Dairy products—milk, milk products and cheese.			
(2) Protein group—meat, fish, poultry, eggs, cheese, peanut butter, dried beans, peas and nuts.			
(3) Fruits and vegetables—a wide variety of green, white, yellow, red vegetables and fruits.			
(4) Grain group—whole grain and enriched products, such as breads, cereals, pastas, crackers and rice.			
(b) Breakfast prepared at the facility for children of toddler age or older shall have at least one item from three of the four food groups listed in subsection (a).			

Food servings shall be portioned suitably for the size and age of the children in care. Additional food in reasonable amounts shall be made available to children upon the request of the parent or child.			
The operator shall discuss the general menu plan with the parent so that the daily nutritional needs of the child can be met.			
Meals for infants shall be provided in accordance with the following requirements:			
(1) A written statement giving formula and feeding schedule shall be obtained from the parent.			
(2) New foods shall be introduced only after consultation with the child's parent.			
(3) Disposable nursers shall be used unless bottles are provided by the parent, or unless a dishwasher is used by the facility.			
(4) Disposable nursers and bottles shall be labeled with the child's name.			
(5) An infant 6 months of age or younger shall be held while being bottle fed.			
(6) Neither an infant nor a toddler is permitted to sleep with a bottle in his mouth.			
(7) Bottled formula may not be heated in a microwave oven.			

TRANSPORTATION

§ 3290.171. Consent.	Met	Plan of Action	Date for Correction
The operator shall obtain written consent from the parent for transportation by the facility staff.			
§ 3290.172. Age of driver.	Met	Plan of Action	Date for Correction
The operator of the vehicle shall be 18 years of age or older and shall have a valid operator's license.			
§ 3290.173. Safety restraints.	Met	Plan of Action	Date for Correction
(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).			
(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by occupants.			

(c) Manufacturer's instructions for use of safety restraints shall be kept in the vehicle at all times.			
§ 3290.174. Vehicles.	Met	Plan of Action	Date for Correction
(a) A vehicle shall be insured under 75 Pa.C.S. § § 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).			
(b) The doors on a vehicle shall be locked whenever the vehicle is in motion.			
(c) No more than three persons may occupy the front seat of an automobile.			
(d) The back of pick-up trucks may not be used to transport children.			
(e) The cargo area of a station wagon may not be used to transport children.			
(f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11-15 passenger van.			
§ 3290.175. Supervision.	Met	Plan of Action	Date for Correction
Children may not be left unattended in a vehicle.			
§ 3290.176. Transportation first-aid kit.	Met	Plan of Action	Date for Correction
A first-aid kit, including the contents specified in § 3290.73 (relating to first-aid kit) shall be in the vehicle when children are being transported. The kit may be the same kit described at § 3290.73.			

CHILD RECORDS

	Met	Plan of Action	Date for Correction
(a) An operator shall establish and maintain an individual record for each child enrolled in the facility.			
(b) Information in a child's record shall be kept current by the operator.			
(c) A parent is required to review and update the record for accuracy at least once in a 6-month period or as soon as there is a change in the information.			
(d) Following review, a parent shall attest to the record's accuracy by			

affixing a dated signature to the record.			
A child's record must contain the following information:			
(1) Initial and subsequent health reports.			
(2) The dates of application, admission and withdrawal of the child.			
(3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.			
(4) Signed parental consent for administration of medications or special dietary needs.			
(5) Signed parental consent for administration of minor first-aid procedures by facility staff. Written consent is required prior to admission.			
(6) Signed parental consent for transportation, walking excursions, swimming and wading.			
(7) Reports of accidents, injuries and illnesses involving a child while care at the facility. The original report is given to the parent on the day of the incident. The second copy of the report is retained at the facility in an accident file. The third copy of the report is retained at the facility in the child's file.			
(8) A copy of the initial and subsequent written agreement between the parent and the operator. The parent shall receive the original agreement.			
(a) A child's record is confidential.			
(b) A facility person may not disclose information concerning a child or family, except in the course of inspections and investigations by agents of the Department.			
(a) The parent shall have access to the child's complete child day care record.			
(b) Except as provided in § 3290.183 (relating to confidentiality of records), release or dissemination of information in a child's record may be made by the operator and only with written parental consent. When file material is released, the person who authorized the release shall record the following information in the child's file:			
(1) The name and position of the individual to whom the information was released.			
(2) The date the information was released.			
(3) The portions of the record which were released.			
(4) The purpose of the release.			
(5) The signature of the person who authorized the release.			

ADULT RECORDS			
§ 3290.191. Individual records required.	Met	Plan of Action	Date for Correction
An individual record is required for each staff person.			
§ 3290.192. Content of records.	Met	Plan of Action	Date for Correction
A record shall include a copy of the following information: (1) The name, address and telephone number of the staff person.			
(2) A written report of initial and subsequent health assessments, including the results of initial and subsequent tuberculin skin tests, x-rays or other medical documentation necessary to confirm freedom from communicable tuberculosis.			
(3) A copy of requests for the criminal history record and child abuse registry clearance information, a copy of the disclosure statement and a copy of the completed clearance information required under the CPSL.			
(4) Records of training required by the Department.			
§ 3290.193. Confidentiality of records.	Met	Plan of Action	Date for Correction
A facility person may not disclose information concerning another facility person or adult providing a service at the facility except in the course of inspections & investigations by agents of the Dept.			
§ 3290.212. Play surfaces.	Met	Plan of Action	Date for Correction
(a) A facility registered by the Department as of Sept. 22, 2008, has until Sept. 22, 2010, to comply with the protective surface requirement as described in § 3290.102(c) (relating to condition of play equipment).			
(b) A facility registered by the Department as of Sept. 22, 2008, which has a play surface or play surface not in compliance with § 3290.102(e) has until Sept. 22, 2010, to comply with § 3290.102(e).			
§ 3290.213. Age and training.	Met	Plan of Action	Date for Correction
The operator of a facility who is lawfully operating a family child day care home registered by the Department as of Sept. 22, 2008, is permanently qualified as an operator of a family day care home.			

Exhibit B

Self-Assessment Checklist – Group Child Care Homes

(See attached)



Group Child Day Care Homes Self-Assessment Checklist to Support Certification Compliance

Name of Program: _____

Person Conducting Assessment: _____

Date/Time of Assessment: _____

Date of Follow-up with Staff: _____

§ 3280.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in group child day care homes. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3280.3. Applicability.

(a) This chapter applies to facilities in which out-of-home care is provided, at one time, for part of a 24-hour day to more than six but fewer than 16 older school-age level children or more than six but less than 13 children of any other age level, including:

- (1) Care provided to a child at the parent's work site when the parent is not present in the child care space.
- (2) Care provided in private or public, profit or nonprofit facilities.
- (3) Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

(b) This chapter does not apply to:

- (1) Care provided by relatives.
- (2) Care furnished in places of worship during religious services.
- (3) Care provided in a facility where the parent is present at all times child care is being provided.

(4) Care provided during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

(c) A legal entity seeking to operate a child day care facility as defined in this chapter shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

(d) Requirements relating to programs serving only school-age children are located at § 3280.221 (relating to requirements specific to school-age programs).

§ 3280.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ACIP — The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act — The Public Welfare Code (62 P. S. §§ 101—1411).

Age level — The grouping category appropriate for the child's age.

(i) *Infant* — A child from birth to 1 year of age.

(ii) *Young toddler* — A child from 1 to 2 years of age.

(iii) *Older toddler* — A child from 2 to 3 years of age.

(iv) *Preschool child* — A child from 3 years of age to the date the child enters kindergarten in a public or private school system.

(v) *Young school-age child* — A child who attends kindergarten to the date the child enters the 4th grade of a public or private school system.

(vi) *Older school-age child* — A child who attends the 4th grade of a public or private school system through 15 years of age.

CPS — Children’s Protective Services.

CPSL — *Child Protective Services Law*—Title 23 of the *Pennsylvania Consolidated Statutes* Chapter 63 (relating to Child Protective Services Law).

CRNP — Certified Registered Nurse Practitioner.

Casual contact — The ordinary, routine and age-appropriate association of children, parents and facility persons in the course of daily assembly in a facility.

Certificate of compliance — A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility at a specific location for a specific period of time according to applicable Department regulations. A certificate of compliance approves the operation of a facility subject to Article IX of the act (62 P. S. § § 901—922) or licenses the operation of a facility subject to Article X of the act (62 P. S. § § 1001—1056).

Child — A person 15 years of age or younger.

Child abuse — Serious physical or mental injury which is not explained by the available medical history as being accidental; sexual abuse or sexual exploitations; or serious physical neglect of a child if the injury, abuse or neglect of a child has been caused by the acts or omissions of the child’s parent, by a person responsible for the child’s welfare, by an individual residing in the same home as the child or by a paramour of the child’s parent. A child will not be deemed to be physically or mentally abused for the sole reason that the child is in good faith being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof or is not provided specified medical treatment in the practice of religious beliefs or solely on the grounds of environmental factors which are beyond the control of the person responsible for the child’s welfare, such as inadequate housing, furnishings, income, clothing and medical care.

Child care experience — Care for a child in lieu of care by the parent or guardian for part of a 24-hour day. The term includes care of foster children in a court-supervised arrangement. The term does not include care of related children who reside with an individual. The term does not include supervised onsite training in the case of a student who is fulfilling the requirements of a secondary or postsecondary child care training or educational curriculum.

Child with special needs — A child who has one or more of the following:

- (i) A disability or developmental delay identified on an IEP, an IFSP or a service agreement.
- (ii) A written behavioral plan that has been determined by a licensed physician, licensed psychologist or certified behavior analyst.
- (iii) A chronic health condition diagnosed by a licensed physician, physician's assistant or CRNP that requires health and related services of a type or amount beyond that required by children generally.

Communicable disease — An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly by the infected agent to a susceptible host. Communicable diseases are specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases).

Department — The Department of Human Services of the Commonwealth.

Facility — A group child day care home.

Facility person — A primary staff person, a secondary staff person, a substitute staff person, a volunteer or another adult who serves in or is employed by a facility.

Group — Children assigned to the care of one, two or three staff persons. A group occupies a space or a defined part of a space.

Group child day care home — The premises in which care is provided at one time for more than six but fewer than 16 older school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.

IEP — Individualized education program as defined in 22 Pa. Code §§ 14.101 and §§ 14.131—14.133 (relating to definitions; and IEP).

IFSP — Individualized family service plan as defined in §§ 4226.5 and 4226.71—4226.77 (relating to definitions; and IFSPs).

Inspection summary — A document prepared by an agent of the Department describing each regulatory noncompliance item confirmed as a result of a facility inspection.

Legal entity — A person, society, corporation, governing authority or partnership that is legally responsible for the administration of one facility or several facilities, or one type of facility or several types of facilities.

Night care — Care for a child between the hours of 7 p.m. and 7 a.m.

Operator — The legal entity or a person designated by the legal entity to serve as the primary staff person.

Parent — The biological or adoptive mother or father or the guardian of the child.

Potentially hazardous food — A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Relative — A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew. As applied to facilities subject to approval under Article IX of the act, the term also includes a stepbrother, stepsister or first cousin.

School-age care — Supervised child day care in a Departmentally certified facility during the hours when a child is not required to attend school.

Service agreement — A service agreement as defined in 22 Pa. Code §§ 15.2 and 15.7 (relating to definitions; and service agreement).

Space — An indoor or outdoor area designed for child care that is large enough to accommodate the maximum number of children allowed under this chapter. A space may be used by more than one group of children.

Staff person — A person included in the regulatory ratio and who is responsible for child care activities.

Supervise — To be physically present with a group of children or with the facility person under supervision. Critical oversight in which the supervisor can see, hear, direct and assess the activity of the supervisee.

Volunteer — A person 16 years of age or older who is not included in the regulatory ratio, and who assists in implementing daily program activities under the supervision of a staff person.

Waiver — The Department's written exemption from the requirement of meeting a standard set forth in this chapter.

Year — For purposes of calculating, 1 year of child care experience is a minimum of 1,250 clock hours.

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BUILDING CODES			
	Met	Plan of Action	Date for Correction
A certificate of compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements of the Department of Labor and Industry in 34 Pa. Code § 403.23 (relating to child day care facilities).			
§ 3280.16. Service to a child with special needs.	Met	Plan of Action	Date for Correction
(a) The operator shall make reasonable accommodation to include a child with special needs in accordance with applicable Federal and State laws.			
(b) The operator shall permit an adult individual who provides specialized services to a child with special needs to provide those services on the facility premises as specified in the child's IEP, IFSP or written behavioral plan.			
(c) The operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.			
§ 3280.17. Liability insurance.	Met	Plan of Action	Date for Correction
The legal entity shall have comprehensive general liability insurance to cover all persons who are on the premises. A current copy of the insurance policy shall be on file at the facility.			
§ 3280.18. Child abuse reporting.	Met	Plan of Action	Date for Correction
(a) An operator or a staff person who has reason to believe that a child enrolled in the facility has been abused is required to report suspected child abuse to ChildLine as mandated by the CPSL.			
(b) A staff person may be designated by the operator as the person responsible to notify ChildLine of suspected child abuse. The operator or designated staff person with this responsibility shall immediately notify ChildLine at 1 (800) 932-0313.			
(c) Within 48 hours, a written report regarding the suspected child abuse shall be submitted by the operator or designated staff person to the CPS unit which has responsibility for investigating the report.			

§ 3280.19. Reporting injury, death or fire.	Met	Plan of Action	Date for Correction
(a) The operator shall immediately notify a child's parent and shall notify the appropriate regional office of the Department within 24 hours if one or more of the following occurs:			
(1) Inpatient hospitalization or emergency room treatment of a child receiving care at the facility.			
(2) A death of a child receiving care at the facility.			
(3) A facility fire that requires the service of a fire department.			
(b) The operator shall mail or deliver a written report to the appropriate regional office of the Department within 72 hours after the occurrence of an event described in subsection (a).			
(c) The report shall include the following information:			
(1) The name, address and telephone number of the facility.			
(2) The name, address and birth date of the child.			
(3) The name and address of the child's parent or guardian.			
(4) A description of the incident, including the date, time and location of the incident and the equipment involved.			
(5) The name and telephone number of local authorities notified.			
(6) The nature of the treatment.			
(7) The name and address of the place where treatment was received.			
(8) The required follow-up.			
(d) The staff person who prepared the report shall sign and date it.			
(e) Copies of reports shall be kept in a file at the facility.			
§ 3280.19a. Reporting injury, death or fire—statement of policy.	Met	Plan of Action	Date for Correction
The facility operator shall make reports to a child's parent and to the Department in accordance with § 3280.19 (relating to reporting injury, death or fire) if one or more of the following occurs:			
(1) A child receiving care in the facility is lost or missing from the facility.			
(2) A child in the care of the facility is left behind on a facility excursion.			
(3) A child receiving care in the facility is left unattended in the facility when the facility is closed.			
§ 3280.20. General health and safety.	Met	Plan of Action	Date for Correction
Conditions at the facility may not pose a threat to the health or safety of the children.			

§ 3280.21. Communication with parents.	Met	Plan of Action	Date for Correction
The operator shall establish either oral or written communication in the language or mode of communication which is understandable to the parent.			
§ 3280.22. Parent access and participation.	Met	Plan of Action	Date for Correction
A parent of a child in care shall be permitted free access, without prior notice, throughout the child care spaces whenever children are in care, unless a court of competent jurisdiction has limited the parent right of access to the child and a copy of the order is on file at the facility. Opportunity shall be provided for parents to participate in the facility's program. The operator shall maintain a yearly file which documents general announcements to promote parent participation. The file shall be updated annually.			
§ 3280.23. Departmental access.	Met	Plan of Action	Date for Correction
(a) A staff person shall provide to agents of the Department immediate access to the facility and, upon request, to the children and the files and records.			
(b) An inspection will be conducted during normal business hours except when there is reasonable cause to believe that inspections at other times are necessary to detect violations of applicable statutes and regulations.			
(c) An agent of the Department will inspect compliance with this chapter in all areas of the facility premises that are accessible to children.			
§ 3280.24. Availability of certificate of compliance and applicable regulations.	Met	Plan of Action	Date for Correction
(a) The facility's current certificate of compliance and a copy of the applicable regulations under which the facility is certified shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional day care office posted at the same location.			
(b) The operator shall post a copy of each inspection summary issued by the Department in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each regulatory noncompliance item cited on the inspection summary has been corrected.			

§ 3280.25. Compliance with nondiscrimination statutes.	Met	Plan of Action	Date for Correction
(a) A certificate of compliance will not be granted by the Department to a legal entity unless compliance with civil rights laws and applicable regulations has been met. The applicable laws as identified on the certificate of compliance application are:			
(1) The Pennsylvania Human Relations Act (43 P. S. § 951—962.2).			
(2) The Age Discrimination Act of 1975 (42 U.S.C.A. § 6101—6107).			
(3) Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000d—2000d-4a).			
(4) Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000e—2000e-5).			
(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794).			
(6) The Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101—12514).			
(b) The appropriate forms to establish compliance shall be included with the application for certification.			
§ 3280.26. Emergency plan.	Met	Plan of Action	Date for Correction
(a) The facility shall have an emergency plan that provides for:			
(1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises.			
(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3280.94(f) and (g) (relating to fire drills).			
(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.			
(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.			
(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.			
(c) Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time			

of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.			
(d) The emergency plan shall be posted in the facility at a conspicuous location.			
(e) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.			
(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the county emergency management agency.			

FACILITY PERSONS			
§ 3280.31. Age and training.	Met	Plan of Action	Date for Correction
(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times.			
(b) A staff person shall be 18 years of age or older.			
(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:			
(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.			
(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).			
(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:			
(i) A minimum of 400 clock hours of classroom training.			
(ii) A minimum of 200 clock hours of supervised training in a child day care facility.			
(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.			
(5) The written certification required in paragraph (4) shall be retained			

in the staff file at the facility.			
(d) Child care professional credentials are equivalent to the following staff qualifications:			
(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year experience with children.			
(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.			
(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.			
(1) Acceptable training is conducted in one or more of the following settings:			
(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Post-secondary Accreditation and acceptable to the Department of Education.			
(ii) By an entity that is licensed or certified professionally competent in the training topic.			
(iii) In conferences or workshops.			
(iv) With audio-visual materials recognized by child care professionals.			
(2) Acceptable training topics include the following:			
(i) Child or staff health.			
(ii) Child development, early childhood education and special education.			
(iii) Supervision, discipline and guidance of children.			
(iv) Nutrition for children.			
(v) Child care program development.			
(vi) Child care staff person or volunteer professional development.			
(3) Other training topics may be submitted for the Department's review and approval.			
(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:			
(i) <i>First-aid training.</i> Competence is completion of training by a			

professional in the field of first-aid. First-aid training shall be renewed on or before the expiration of certification of every 3 years, as applicable.			
(ii) <i>Lifeguard training</i> . Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.			
(iii) <i>Water safety instruction</i> . Competence is completion of basic instruction in water safety from a certified lifeguard.			
(f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.			
§ 3280.32. Suitability of persons in the facility.	Met	Plan of Action	Date for Correction
(a) The operator shall comply with the CPSL and Chapter 3490 (relating to protective services).			
(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child day care office.			
(c) The operator may not allow an individual to enter the facility if the operator knows that the individual has been convicted or is awaiting trial on charges involving a crime of child abuse, child neglect, physical violence or moral corruptness.			
§ 3280.33. General requirements for facility persons.	Met	Plan of Action	Date for Correction
(a) A staff person or a substitute staff person shall meet one of the applicable staff qualifications for the position in which the person is performing.			
(b) A volunteer shall be supervised by a staff person.			
(c) One or more facility persons competent in first-aid techniques shall be at the facility when one or more children are in care.			
§ 3280.34. Primary staff person qualifications and responsibilities.	Met	Plan of Action	Date for Correction
(a) A primary staff person is responsible for the supervision of children receiving care in the facility.			
(b) A primary staff person shall have attained one of the following qualification levels:			
(1) A high school diploma or a general educational development certificate and 30 credit hours from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field.			

(2) A high school diploma or a general educational development certificate including 600 or more hours of secondary training described in § 3280.31(c) (relating to age and training).			
(3) A high school diploma or a general educational development certificate, 15 credit hours from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field and 1 year of experience with children.			
(4) A high school diploma or a general educational development certificate and completion of a postsecondary training curriculum described at § 3280.31(c).			
(5) A high school diploma or a general educational development certificate and 2 years of experience with children.			
(c) A primary staff person shall supervise the performance of a secondary staff person.			
§ 3280.35. Secondary staff person qualifications and responsibilities.	Met	Plan of Action	Date for Correction
A secondary staff person shall have attained one of the following qualification levels: (1) A high school diploma or a general educational development certificate.			
(2) A minimum of an 8th grade education and enrollment in a training curriculum described at § 3280.31(c) (relating to age and training). The classroom training portion of the curriculum shall be completed. Documentation of completion of classroom training and continuing enrollment in the training curriculum shall be included in the staff person's file.			
(3) A minimum of an 8th grade education and 2 years of experience with children.			

STAFF:CHILD RATIO			
§ 3280.51. Maximum number of children.	Met	Plan of Action	Date for Correction
No more than 12 children unrelated to the operator may simultaneously receive care except in a facility serving older school-age children. In a facility serving only older school-age children, a certificate of compliance may be issued for up to 15 children unrelated to the operator.			

§ 3280.52. Ratio requirements.	Met	Plan of Action	Date for Correction																																			
(a) The minimum number of facility persons is as follows:																																						
(1) A primary staff person shall be present in a facility when six or fewer children are in care, unless the staff:child ratio specified in subsection (b) or (c) requires a second or third staff person.																																						
(2) At least two facility persons shall accompany any number of children on an excursion away from a facility.																																						
(b) When children are grouped in similiar age levels, the following child group sizes and ratios of staff persons apply: <table><tr><td></td><td>Staff</td><td>Children</td><td>Maximum Group Size</td><td>Total Number of Staff Required for the Maximum Group Size</td></tr><tr><td>Infant</td><td>1</td><td>4</td><td>12</td><td>3</td></tr><tr><td>Young toddler</td><td>1</td><td>5</td><td>12</td><td>3</td></tr><tr><td>Older toddler</td><td>1</td><td>6</td><td>12</td><td>2</td></tr><tr><td>Preschool</td><td>1</td><td>10</td><td>12</td><td>2</td></tr><tr><td>Young school-age</td><td>1</td><td>12</td><td>12</td><td>1</td></tr><tr><td>Older school- age</td><td>1</td><td>15</td><td>15</td><td>1</td></tr></table>		Staff	Children	Maximum Group Size	Total Number of Staff Required for the Maximum Group Size	Infant	1	4	12	3	Young toddler	1	5	12	3	Older toddler	1	6	12	2	Preschool	1	10	12	2	Young school-age	1	12	12	1	Older school- age	1	15	15	1			
	Staff	Children	Maximum Group Size	Total Number of Staff Required for the Maximum Group Size																																		
Infant	1	4	12	3																																		
Young toddler	1	5	12	3																																		
Older toddler	1	6	12	2																																		
Preschool	1	10	12	2																																		
Young school-age	1	12	12	1																																		
Older school- age	1	15	15	1																																		
(c) When children are grouped in mixed age levels, the age of the youngest child in the group determines the staff:child ratio and maximum group size in accordance with the requirements in subsection (b).																																						
§ 3280.53. Children of an operator or a facility person.	Met	Plan of Action	Date for Correction																																			
(a) The related or foster children of an operator and the children or foster children of a staff person shall be counted for the purpose of satisfying the staff/child ratio requirements in § 3280.52 (relating to ratio requirements).																																						
(b) The related or foster children of an operator and the children or foster children of a staff person shall be counted for the purpose of satisfying the allocated space capacity requirements set forth in § § 3280.61 and 3280.62 (relating to measurement and use of indoor child care space; and measurement and use of play space).																																						

PHYSICAL SITE			
§ 3280.61. Measurement and use of indoor child care space.	Met	Plan of Action	Date for Correction
(a) A facility shall provide indoor child care space for individual and group small muscle activity.			
(b) Indoor child care space may not be used simultaneously as play space.			
(c) Indoor child care space is measured within permanent, stationary partitions or walls. The allowable number of children in a space is determined by dividing the total square feet in a space by 40.			
(d) Measured indoor space includes space occupied by cupboards, shelves, furniture and equipment.			
(e) Measured indoor space does not include space occupied by halls, bathrooms, offices, kitchens and locker rooms.			
(f) Indoor space in which children are receiving care may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.			
(g) Preschool and school-age children may not be involved in small or large muscle activity in the same group space in which children are sleeping or resting.			
(h) The capacity established for an indoor space may not be exceeded except in the following situations:			
(1) At naptime, when toddler or preschool children are resting on rest equipment described in § 3280.105 (relating to rest equipment) if the following conditions are met:			
(i) The capacity is determined by the requirement for placement of rest equipment described in § 3280.105(f).			
(ii) The capacity may be exceeded for no longer than 2 1/2 consecutive hours and no more than twice in a program day.			
(2) When older toddler, preschool or school-age children are participating in a program activity if the following conditions are met:			
(i) The capacity of the indoor child care space may be exceeded for no more than two separate 1/2 hour time periods daily.			
(ii) Each time period shall be designated on the facility's schedule of daily activities.			
(iii) The space may not be occupied by children of the infant or young toddler age levels during a time period when the capacity is exceeded.			
(iv) The number of children present in the space may not be more			

than twice the measured capacity of the space.			
(3) When a meal is served in a space designated and measured as indoor child care space if the following conditions are met:			
(i) The capacity of a space may be exceeded when children are eating for no more than 1 hour daily.			
(ii) The meal time shall be designated on the facility's schedule of daily activities.			
(iii) The number of children present in the space may not be more than twice the measured capacity of the space.			
§ 3280.62. Measurement and use of play space.	Met	Plan of Action	Date for Correction
(a) A facility shall provide outdoor or indoor play space to be used for large muscle activity which includes running, jumping, climbing and riding.			
(b) Outdoor or indoor play space shall be measured at 65 square feet per child, except in the following situations:			
(1) The minimum outdoor or indoor play space required per infant is 40 square feet.			
(2) The minimum outdoor or indoor play space required per young or older toddler is 50 square feet.			
(c) Outdoor or indoor play space shall be safe for large muscle activity.			
(d) Outdoor or indoor play space in which children are receiving care may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.			
§ 3280.63. Unsafe areas in outdoor space.	Met	Plan of Action	Date for Correction
If unsafe areas or conditions are in or near an outdoor play space, fencing or natural barriers are required to restrict children from those unsafe areas or conditions.			
§ 3280.64. Outside walkways.	Met	Plan of Action	Date for Correction
Outside walkways shall be free from ice, snow, leaves, equipment and other hazards.			
§ 3280.65. Protective electrical covers.	Met	Plan of Action	Date for Correction
Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.			

§ 3280.66. Toxics.	Met	Plan of Action	Date for Correction
(a) Cleaning materials and other toxic materials shall be stored in an original labeled container or in a container that specifies the content. Toxics shall be kept in a locked area or in an area inaccessible to children, and shall be stored away from food, food preparation areas and child care spaces.			
(b) Cleaning materials and other toxic materials shall be used in a way that does not contaminate play surfaces, food and food preparation areas and does not constitute a hazard to the children.			
(c) Toxic plants are not permitted in a child care space.			
(d) Arts and crafts materials shall be nontoxic.			
§ 3280.67. Sanitation.	Met	Plan of Action	Date for Correction
(a) Trash shall be removed from the facility at least once per day.			
(b) Trash shall be removed from the facility grounds at least once per week.			
(c) Evidence of infestation of insects or rodents in the facility is not permitted.			
(d) Trash that has been contaminated by human secretion or excrement shall be kept in closed plastic-lined receptacles.			
§ 3280.68. Smoking.	Met	Plan of Action	Date for Correction
(a) Cigarettes, pipes or cigars may not be smoked in a child care space, a play space or a food preparation area when children are in care or when food is being prepared.			
(b) Ashes and cigarette or cigar butts are prohibited in a child care space, a play space or a food preparation area.			
§ 3280.69. Water.	Met	Plan of Action	Date for Correction
(a) Hot water temperature, in areas accessible to children, may not exceed 110° F.			
(b) A safe and adequate supply of drinking water shall be made available to children of all ages throughout the day.			
(c) Drinking water shall be provided to children who are out-of-doors for a period exceeding 1 hour.			

§ 3280.70. Indoor temperature.	Met	Plan of Action	Date for Correction
(a) The indoor temperature must be at least 65° F.			
(b) If the indoor temperature exceeds 82° F in a child care space, a means of mechanical air circulation must be operating.			
§ 3280.71. Hot water pipes and other sources of heat.	Met	Plan of Action	Date for Correction
Hot water pipes and other sources of heat exceeding 110° F that are accessible to children shall be equipped with protective guards or shall be insulated to prevent direct contact.			
§ 3280.72. Ventilation.	Met	Plan of Action	Date for Correction
(a) Natural or mechanical ventilation shall be provided in child care spaces.			
(b) Windows or doors used for ventilation shall be screened when open.			
(c) Screens shall be in good repair.			
(d) Windows or door above the ground floor that open directly to the outdoors and are accessible to children shall be constructed, modified or adapted to limit the opening to 6 or fewer inches.			
§ 3280.73. Telephone.	Met	Plan of Action	Date for Correction
A facility shall have an operable telephone. A facility that has an unpublished telephone number shall make the number available to the parent, the release persons of the children in care, an agency that oversees or funds the facility and the appropriate regional office of the Department.			
§ 3280.74. Emergency telephone numbers.	Met	Plan of Action	Date for Correction
Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center shall be posted by each telephone in the facility.			
§ 3280.75. First-aid kit.	Met	Plan of Action	Date for Correction
(a) A first-aid kit shall be kept in a facility.			
(b) A first-aid kit must be inaccessible to children.			
(c) A first-aid kit must contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and disposable, nonporous gloves.			

(d) One first-aid kit per child care group must accompany children and facility persons on excursions from the facility. Each first aid kit taken on an excursion must contain a bottle of water in addition to the items specified in subsection (c).			
§ 3280.76. Building surface requirements.	Met	Plan of Action	Date for Correction
Floors, walls, ceilings and other surfaces, including the facility's outdoor play space surfaces, shall be kept clean, in good repair and free from visible hazards.			
§ 3280.77. Paint.	Met	Plan of Action	Date for Correction
(a) Peeled or damaged paint or damaged plaster is not permitted on indoor or outdoor surfaces in the child care facility.			
(b) When indoor or outdoor surfaces are repaired or when new indoor or outdoor surfaces are painted, the paint may not contain more than .06% lead.			
(c) A child may not be present during removal of paint from the indoor or outdoor surfaces of a facility.			
(d) Removal, clean-up and disposal of leaded paint dust and debris shall be accomplished in a manner that avoids dispersal of dust and debris into the environment.			
(e) Abrasive removal methods which include dry sanding, electrical sanding and sandblasting, or open flame burning, or a removal process that permits the release of leaded particulate material into the environment are prohibited.			
(f) Dust and debris generated by removal shall be disposed of in accordance with applicable Federal, State & local regulations.			
(g) Child care may resume when the removal process is completed and when accompanying debris is removed.			
§ 3280.78. Lighting.	Met	Plan of Action	Date for Correction
Rooms, hallways, stairways, outside steps, porches and ramps shall be lighted by artificial or natural light.			
§ 3280.79. Firearms.	Met	Plan of Action	Date for Correction
(a) If the facility is located in a building or a space which is not a residence, weapons, firearms and ammunition are prohibited.			
(b) If the facility is located in a residence, weapons and firearms shall be			

contained in a locked cabinet.			
(c) If the facility is located in a residence, ammunition shall be contained in a locked area separate from weapons and firearms.			
(d) If the facility is located in a residence, the operator shall notify the parent when weapons, firearms or ammunition are present at the facility.			
§ 3280.80. Glass.	Met	Plan of Action	Date for Correction
A visual strip or other visual identification shall be placed on glass located in a traffic area, a child care space or a play space.			
§ 3280.81. Toilet area.	Met	Plan of Action	Date for Correction
(a) A facility shall have at least one indoor flushing toilet and one sink. Running water shall be available at the sink.			
(b) A training chair is not a flushing toilet. Training chairs may be used, if emptied and sanitized after each use. A sanitizing solution of 1/4 cup bleach to 1 gallon of water may be used. A sanitizing solution shall be treated as a toxic under § 3280.66 (relating to toxics).			
(c) Toilets and training chairs shall be located in rooms separate from rooms used for cooking or eating.			

FIRESAFETY			
§ 3280.91. Exits.	Met	Plan of Action	Date for Correction
(a) Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.			
(b) Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances.			
(c) If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.			
§ 3280.92. Space heaters.	Met	Plan of Action	Date for Correction
(a) Portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions.			
(b) Fixed and portable space heaters shall be insulated or equipped with			

protective guards.			
(c) The manufacturer's instructions for use shall be kept in an accessible area in the facility.			
(d) A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation and written approval for use shall be on file at the facility.			
§ 3280.93. Fireplaces and wood-burning and coal-burning stoves.	Met	Plan of Action	Date for Correction
Fireplaces, fireplace inserts or wood-burning and coal-burning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.			
§ 3280.94. Fire drills.	Met	Plan of Action	Date for Correction
(a) A fire drill shall be held at least every 60 days. Staff persons, volunteers and children in attendance shall participate in the fire drill and shall exit the facility, weather permitting.			
(b) A written record shall be kept of the date, the time of day, the hypothetical location of the fire, the evacuation time, the names of the facility persons and the number of children participating in the fire drill.			
(c) Fire drills shall be held at different times of the day or night, or both, if applicable.			
(d) Fire drills shall be held during various program activity times.			
(e) Hypothetical locations of the fire shall be changed for each drill.			
(f) Evacuation routes shall be posted.			
(g) Evacuation plans shall provide for removal of all persons from the facility in a single trip.			

EQUIPMENT			
§ 3280.101. Type of play equipment.	Met	Plan of Action	Date for Correction
(a) Play equipment and materials appropriate to the developmental needs, individual interests and ages of the children shall be provided in sufficient amount and variety to preclude long waits for use.			
(b) Play equipment and materials shall include items from each of the following six categories:			
(1) Materials for dramatic role playing.			
(2) Toys and materials for cognitive development.			

(3) Toys and materials for visual development.			
(4) Toys and materials for auditory development.			
(5) Toys to handle and manipulate and art materials for tactile development.			
(6) Toys and equipment for large muscle development.			
(c) Play equipment shall facilitate the child's emotional, cognitive, communicative, perceptual-motor, physical and social development.			
§ 3280.102. Condition of play equipment.	Met	Plan of Action	Date for Correction
(a) Toys, play equipment and other indoor and outdoor equipment used by the children must be clean, in good repair and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.			
(b) Toys soiled by secretion /excretion shall be cleaned with soap & water, rinsed and sanitized before being used by a child.			
(c) Outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the United States Consumer Product Safety Commission. The equipment must be anchored firmly and be in good repair.			
(d) Slides that are over 4 feet high must have guards along both sides of the ladder.			
(e) Pea gravel and other materials with a diameter of less than 1 inch may not be used in spaces where infants or toddlers receive care.			
(f) Children's toys and equipment, including furniture and rest equipment, described as hazardous by the United States Consumer Product Safety Commission may not be used by children at the facility and may not be on the premises at the facility. At the time of inspection, the operator shall submit to the Department written affirmation on a form provided by the Department stating that the facility is in compliance with this requirement.			
§ 3280.102b. Playground protective surface covering—statement of policy.	Met	Plan of Action	Date for Correction
(a) For a group child day care home that is not located in a residence, the requirement for playground protective surface covering in § 3280.102(c) (relating to condition of play equipment) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's <i>Public Playground Safety Handbook</i> , Publication 325. This			

publication is available on the Internet at http://www.cpsc.gov/cpscpub/pubs/325.pdf or by calling the Consumer Public Safety Commission at (800) 638-2772.			
(b) For a group child care home that is located in a residence, the requirement for playground protective surface covering in § 3280.102(c) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's <i>Outdoor Home Playground Safety Handbook</i> , Publication 324. This publication is available on the Internet at http://www.cpsc.gov/cpscpub/pubs/324.pdf or by calling the Consumer Public Safety Commission at (800) 638-2772.			
§ 3280.103. Small toys and objects.	Met	Plan of Action	Date for Correction
Toys and objects with a diameter of less than 1 inch, objects with removable parts that have a diameter of less than 1 inch, plastic bags and tyrofoam objects may not be accessible to children who are still placing objects in their mouths.			
§ 3280.104. High chairs.	Met	Plan of Action	Date for Correction
High chairs shall have a wide base and a T-shaped safety strap.			
§ 3280.105. Rest equipment.	Met	Plan of Action	Date for Correction
(a) Individual, clean, age-appropriate rest equipment shall be provided for preschool, toddler and infant children as agreed between the child's parent and the operator. The rest equipment must be labeled for the use of a specific child and used only by the specified child.			
(b) Bed linens may not be used alone as age-appropriate rest equipment.			
(c) Stacked cribs may not be used.			
(d) Crib and playpen slats may be no more than 2 3/8 inches apart.			
(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the child's parent and the operator.			
(f) At least 2 feet of space is required on three sides of a bed, cot, crib or other rest equipment while the equipment is in use.			
(g) Linens, blankets and rest equipment shall be cleaned monthly, at a minimum. The operator shall arrange a cleaning schedule with the parent.			
(h) Soiled bedding shall be cleaned before it is reused.			

(i) The upper level of double-deck beds may not be used for children 8 years of age or younger.			
(j) Toys, bumper pads or pillows may not be present in a crib while an infant is sleeping in the crib.			
§ 3280.106. Refrigerator.	Met	Plan of Action	Date for Correction
The facility shall have an operable, clean refrigerator used to store potentially hazardous food. The refrigerator shall be capable of maintaining food at 45° or below. An operating thermometer shall be placed in the refrigerator.			
§ 3280.107. Utensils.	Met	Plan of Action	Date for Correction
(a) Eating and drinking utensils shall be free from cracks and chips.			
(b) Disposable cups, plates and eating utensils may be used if discarded after each use.			
(c) Styrofoam cups and plates may not be used.			
§ 3280.108. Furniture.	Met	Plan of Action	Date for Correction
(a) Furniture must be durable, safe, easily cleaned and appropriate for the child's size, age and special needs.			
(b) Study space, tables, chairs, paper and pencils shall be provided for school-age children in care, if necessary for the program offered by the facility.			

PROGRAM			
§ 3280.111. Daily activities.	Met	Plan of Action	Date for Correction
(a) A written plan of daily activities and routines, including a time for free play, shall be established. The plan shall be flexible to accommodate the needs of individual children and the dynamics of the group.			
(b) The written plan shall be posted in a traffic area used by parents.			
(c) Daily activities shall promote the development of skills, social competence, self-esteem and positive self-identity. Daily experiences shall recognize the child as an individual and give some choice of activities that respect personal privacy, lifestyle and cultural background.			

§ 3280.112. Infant and toddler stimulation.	Met	Plan of Action	Date for Correction
Infants and toddlers shall be provided stimulation by being held, rocked, talked to, played with and carried.			
§ 3280.113. Supervision of children.	Met	Plan of Action	Date for Correction
(a) Children on the facility premises and on facility excursions off the premises shall be supervised by a staff person at all times. Outdoor play space used by the facility is considered part of the facility premises.			
(1) Each staff person shall be assigned the responsibility for supervision of specific children. The staff person shall know the names and whereabouts of the children in his assigned group. The staff person shall be physically present with the children in his group on the facility premises and on facility excursions off the facility premises.			
(2) The requirement for supervision on and off the facility premises includes compliance with the staff:child ratio requirements in § 3280.51—3280.53 (relating to staff:child ratio).			
(b) A facility person may not use any form of physical punishment including spanking a child.			
(c) A facility person may not single out the child for ridicule, threaten harm to the child or the child's family and may not specifically aim to degrade the child or the child's family.			
(d) A facility person may not use harsh, demeaning or abusive language in the presence of children.			
(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.			
§ 3280.114. Outdoor activity.	Met	Plan of Action	Date for Correction
Weather permitting, children shall be taken out of doors daily.			
§ 3280.115. Water activity.	Met	Plan of Action	Date for Correction
(a) <i>Swimming.</i> (1) A swimming pool must conform to 28 Pa. Code Chapter 18 (relating to public swimming and bathing places).			

(2) An in-ground swimming pool accessible to children must be fenced with a locked gate.			
(3) An aboveground swimming pool which is not in use must be made inaccessible to children in accordance with the swimming pool barrier guidelines of the United States Consumer Product Safety Commission.			
(4) An indoor swimming pool which is not in use must be made inaccessible to children.			
(5) The following staff:child ratios apply while children are swimming: Similar Age Level Staff Children Infant 1 1 Young and older toddler 1 2 Preschool 1 5 Young school-age 1 6 Older school-age 1 8			
(6) When children are swimming, supervision shall include one person certified in lifeguarding training, as described in § 3280.31(e)(4)(iii) (relating to age and training).			
(7) The person certified in lifeguard training may not be included in the staff-child ratio.			
(8) A facility person who is counted in the staff-child ratio shall annually complete water safety instruction.			
(b) <i>Wading.</i>			
(1) Staff persons shall supervise day care children using wading pools. Staff:child ratios in subsection (a) apply when children are wading.			
(2) A sanitizing solution shall be added to water in a wading pool. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water.			
(3) A wading pool shall be emptied daily.			
(c) <i>Water play tables.</i> A water play table or a container used for water play that contains unfiltered water shall be emptied daily.			
§ 3280.116. School-age children.	Met	Plan of Action	Date for Correction
When a facility serves a school-age child, homework supervision shall be provided in accordance with arrangements determined by the parent and the operator.			

§ 3280.117. Release of children.	Met	Plan of Action	Date for Correction
(a) A child shall be released only to the child's parent or to an individual designated in writing by the enrolling parent. A child shall be released to either parent unless a court order on file at the facility states otherwise.			
(b) In an emergency, a child may be released to an individual upon the oral designation of the parent, if the identity of the individual can be verified by a staff person.			
(c) If a child is released upon the oral designation of the parent, the following information shall be logged in the child's record:			
(1) The name of the parent making the request.			
(2) The date and time of the request.			
(3) The name of the individual to whom the child is to be released.			
(4) The name of the staff person taking the call.			
(5) The name of the staff person releasing the child.			
§ 3280.118. Pets.	Met	Plan of Action	Date for Correction
(a) A pet or animal present at the facility, indoors or outdoors, shall be in good health and known to be friendly to children.			
(b) Contact with pets by the children is permitted only when a staff person is physically present.			
(c) A veterinarian's certificate of current rabies immunization is required for a cat or dog at the facility. The certificate shall be on file when the cat or dog is present.			
§ 3280.119. Infant sleep position.	Met	Plan of Action	Date for Correction
Infants shall be placed in the sleeping position recommended by the American Academy of Pediatrics unless there is a medical reason an infant should not sleep in this position. The medical reason shall be documented in a statement signed by a physician, physician's assistant or CRNP and placed in the child's record at the facility.			

PROCEDURES FOR ADMISSION

§ 3280.121. Application.	Met	Plan of Action	Date for Correction
(a) The operator shall review with the parent, at the time of application, the facility's general daily schedule, hours in which care is provided, fees,			

responsibilities for meals, clothing, health policies, supervision policies, night care policies, dismissal policies, transportation and pick-up arrangements.			
(b) At the time of enrollment, a parent shall receive in writing the information described in subsection (a).			
§ 3280.122. Admission interview.	Met	Plan of Action	Date for Correction
A child shall be interviewed or observed by the operator and, when possible, shall have the opportunity to visit the facility prior to being admitted for care. The child shall be told as much as he can understand about the service being planned. If the parent indicates that the child has special needs, the operator shall discuss the condition with the parent, refer to § 3280.4 (relating to definitions), and comply with § § 3280.16, 3280.124 and 3280.131 (relating to service to a child with special needs; emergency contact information; and health information).			
§ 3280.123. Agreement.	Met	Plan of Action	Date for Correction
(a) An agreement signed by the operator and the parent must specify the following:			
(1) The amount of fee to be charged per day or per week.			
(2) The date on which the fee is to be paid.			
(3) The services to be provided to the family and the child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in § 3280.124(f) (relating to emergency contact information).			
(4) The child's arrival and departure times.			
(5) The individuals designated by the parent to whom the child may be released as specified in § 3280.117 (relating to release of children).			
(6) The date of the child's admission.			
(7) The services which are to be considered as extra.			
(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.			
§ 3280.124. Emergency contact information.	Met	Plan of Action	Date for Correction

(a) Emergency contact information is required for each enrolled child. Emergency contact information must reference who shall be contacted in an emergency.			
(b) Emergency contact information must include the following:			
(1) The name and birth date of the child.			
(2) The name, address and telephone number of the child's physician or source of medical care.			
(3) The home and work addresses and telephone numbers of the enrolling parent.			
(4) The written consent signed by a parent for emergency medical care.			
(5) Information on the child's special needs, as specified by the child's parent, physician, physician's assistant or CRNP, which is needed in an emergency situation.			
(6) Health insurance coverage and policy number for the child under a family policy or Medical Assistance benefits, if applicable.			
(7) The name, address and telephone number of individual designated by the parent to whom the child may be released.			
(c) When children are in the facility, emergency contact information must be present in a child care space for children receiving care in that space.			
(d) When children leave the facility on walking and riding excursions, emergency contact information specific to each child on the excursion must accompany a staff person on the excursion.			
(e) A written plan identifying the means of transporting a child to emergency care and staffing provisions in the event of an emergency shall be displayed conspicuously in every child care space and accompany a staff person who leaves on an excursion with children.			
(f) The parent shall update in writing emergency contact information once in a 6-month period or as soon as there is a change in the information.			

CHILD HEALTH			
§ 3280.131. Health information.	Met	Plan of Action	Date for Correction
(a) The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than 60 days following the first day			

of attendance at the facility.			
(1) The initial health report for an infant must be dated no more than 3 months prior to the first day of attendance at the facility.			
(2) The initial health report for a young toddler must be dated no more than 6 months prior to the first day of attendance at the facility.			
(3) The initial health report for an older toddler or preschool child must be dated no more than 1 year prior to the first day of attendance at the facility.			
(4) The initial health report for a school-age child must be dated in accordance with the requirements for medical examinations for school attendance in 28 Pa. Code § 23.2 (relating to medical examinations).			
(b) The operator shall require the parent to provide an updated health report in accordance with the following schedules:			
(1) At least every 6 months for an infant or young toddler.			
(2) At least every 12 months for an older toddler or preschool child.			
(c) A health report must be written and signed by a physician, physician's assistant or a CRNP. The signature must include the individual's professional title.			
(d) The health report must include the following information:			
(1) A review of the child's health history.			
(2) A list of the child's allergies.			
(3) A list of the child's current medication and the reason for the medication.			
(4) An assessment of an acute or chronic health problem or special needs and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning.			
(5) A review of the child's immunized status according to recommendations of the ACIP.			
(6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency.			
(7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease.			
(8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section.			
(e) The facility may not accept or retain an infant 2 months of age or older, a toddler or a preschool child at the facility for more than 60 days			

following the first day of attendance at the facility unless the parent provides written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of the dates (month, day and year) the child was administered immunizations in accordance with the recommendations of the ACIP.			
(1) The facility shall require the parent to provide updated written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of ongoing vaccines administered to an infant, toddler or preschool child in accordance with the schedule recommended by the ACIP.			
(2) Exemption from immunization must be documented as follows:			
(i) Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record.			
(ii) Exemption from immunization for reasons of medical need must be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record.			
(3) The facility shall implement dismissal policies in accordance with the Department of Health regulation in 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings).			
(4) The facility shall comply with the annual immunization reporting requirements in accordance with the Department of Health regulation in 28 Pa. Code § 27.77.			
§ 3280.132. Emergency medical care.	Met	Plan of Action	Date for Correction
(a) If emergency medical care is needed for a child, the parent shall be contacted as soon as practical in the best interest of the child. If the parent cannot be reached, the operator shall record in writing the reason emergency care was required and the attempts made to inform the parent.			
(b) A staff person shall accompany a child to a source of emergency care and shall remain with the child until the parent assumes responsibility for the child's care.			
(c) An operator shall document the manner in which emergency treatment was sought and obtained. File documentation shall include information referenced at § 3280.19(c) (relating to reporting injury, death			

or fire).			
§ 3280.133. Child medication and special diets.	Met	Plan of Action	Date for Correction
The operator shall make reasonable accommodation in accordance with applicable Federal and State laws to facilitate administration of medication or a special diet as prescribed by a physician, physician's assistant or CRNP as a treatment related to the child's special needs. Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:			
(1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.			
(2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medication. Instructions for administration contained on a prescription label are acceptable.			
(3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.			
(4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.			
(5) Medication shall be stored in accordance with the manufacturer's or health professional's instructions on the original label.			
(6) A parent shall provide written consent for administration.			
(7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information:			
(i) The name of the medication.			
(ii) The name of the child receiving the medication.			
(iii) A requirement for refrigeration.			
(iv) The amount of medication administered.			
(v) The date of administration.			
(vi) The time of administration.			
(vii) The initials of the staff person who administered the medication.			

(viii) Special notes related to problems of administration.			
(8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.			
§ 3280.134. Child hygiene.	Met	Plan of Action	Date for Correction
(a) A staff person shall ensure that a child's hands are washed before meals and snacks, after toileting and after being diapered.			
(b) Cloth towels and washcloths shall be labeled with the child's name, used by only the named child and laundered weekly. The primary staff person shall arrange a laundry schedule with the parent.			
(c) Paper towels may be used as towels and washcloths. Paper towels shall be discarded after each use.			
(d) A child shall have a labeled toothbrush if brushing teeth is a program activity.			
(e) Toothbrushes shall be stored with the bristles up and exposed to circulating air.			
(f) Paper cups, discarded after one use, or water fountains shall be used for between-meal drinking by children who are not bottle-fed.			
§ 3280.135. Diapering requirements.	Met	Plan of Action	Date for Correction
(a) When children are diapered, the facility shall use disposable diapers, a diaper service or arrange with the parent to provide a daily diaper supply.			
(1) If non-disposable diapers are provided by a parent, a soiled diaper shall be placed in an individual, securely-tied plastic bag and returned to the parent at the end of the day.			
(2) If non-disposable diapers from a diaper service are provided by a facility, a soiled diaper shall be placed in the container provided by the service or in a securely-tied plastic bag.			
(3) If disposable diapers are provided by a facility or a parent, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.			
(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.			
(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.			

(c) The diapering area may not be used for food preparation or food service.			
(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.			
(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.			
§ 3280.136. Reporting diseases.	Met	Plan of Action	Date for Correction
(a) If an operator allows admission of an ill child, the operator shall receive instructions from the parent for care of the child to assure that the child's needs for rest, attention & administration of medication are met.			
(b) The operator shall inform parents of enrolled children when there is a suspected outbreak of a communicable disease or an outbreak of an unusual illness that represents a public health emergency in the opinion of the Department of Health.			
(c) If a child becomes ill at the facility, the operator shall notify the child's parent as soon as possible.			
(d) A facility person who knows of a communicable disease for which 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases) requires reporting, or who knows of a group expression of an illness which may be of public concern, whether or not it is known to be of a communicable nature, shall report it promptly to the appropriate division of the Department of Health as specified in 28 Pa. Code Chapter 27, or to a local department of health.			
§ 3280.137. Children with symptoms of disease.	Met	Plan of Action	Date for Correction
An operator who observes an enrolled child with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall exclude the child from attendance until the operator receives notification from a physician or CRNP that the child is no longer considered a threat to the health of others. The notification shall be retained in the child's file. Diseases and conditions which require exclusion are specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases). The Department of Health will provide, upon request, a list of			

communicable diseases.			
§ 3280.138. Discrimination based on illness.	Met	Plan of Action	Date for Correction
Before, during & after the admission process, an operator may not discriminate against serving a child who has an illness which is not transmitted by casual contact.			

ADULT HEALTH			
§ 3280.151. Health assessment.	Met	Plan of Action	Date for Correction
(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment conducted within 12 months prior to providing initial service in a child care setting and every 24 months thereafter. A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.			
(b) A health assessment shall be conducted and a report shall be written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.			
(c) The health assessment must include the following:			
(1) A physical examination.			
(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, physician's assistant, CRNP, Department of Health or local health department.			
(i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.			
(ii) A record of a person with a positive tuberculin skin test must include the results of a chest x-ray and evaluation for chemoprophylaxis.			
(iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing, unless one of the following occurs:			
(A) The person is exposed to an active case of tuberculosis.			
(B) The person develops a productive cough which does not respond to medical treatment within 14 days.			
(3) Examination for communicable diseases and the results of that			

examination.			
(4) Information on medical problems which might threaten the health of the children or prohibit a staff person from providing adequate care to children.			
(5) The physician's or CRNP's assessment of the person's suitability to provide child care.			
(d) An adult individual who is employed by a facility and who provides children with social, medical, psychological or psychiatric services in addition to this chapter is required to have a current health assessment on file at the facility. An adult individual or an employee of an agency who provides those services by contract with the child's parent or the facility is not required to have a current health assessment on file at the facility.			
§ 3280.151a. Tuberculosis testing—statement of policy.	Met	Plan of Action	Date for Correction
The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.			
§ 3280.152. Adult hygiene.	Met	Plan of Action	Date for Correction
A facility person shall wash his hands before meals and snacks, after toileting and after diapering a child.			
§ 3280.153. Facility persons with symptoms of disease.	Met	Plan of Action	Date for Correction
A facility person with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall be excluded from attendance until the operator receives notification from a physician or CRNP that the person is no longer considered a threat to the health of others. The notification shall be retained in the facility person's file. Exclusion from the facility is required for diseases and conditions specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.			
§ 3280.154. Facility persons with skin disorders.	Met	Plan of Action	Date for Correction
(a) A facility person with a discharging or infected wound, sore, lesion on the hands, arms or an exposed portion of the body shall be excluded from child care and food preparation activities until the operator receives written notification from a physician or CRNP that the person may return			

to child care or food preparation. The notification shall be retained in the person's file.			
(b) A facility person with a herpes infection may not be present with infants younger than 3 months of age.			
§ 3280.155. Discrimination based on illness.	Met	Plan of Action	Date for Correction
A facility person or an individual seeking employment or placement who has an illness that is not transmitted by casual contact shall be permitted the right to continued employment, placement, employment opportunity or placement opportunity to the extent of the person's ability to perform the stated job function.			

NUTRITION			
§ 3280.161. Food.	Met	Plan of Action	Date for Correction
(a) Food stored, prepared or served shall be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption.			
(b) Food that has been previously served to a person or returned from a table shall be discarded.			
(c) Potentially hazardous food brought from the child's home or provided by the facility shall be refrigerated.			
(d) Fresh fruits and vegetables that are not used on the day of purchase shall be refrigerated.			
(e) The only canned foods permitted for children's consumption are those commercially preserved in airtight jars or cans.			
(f) A facility shall provide a sufficient number of refrigerators to contain foods which require refrigeration.			
§ 3280.162. Meals.	Met	Plan of Action	Date for Correction
(a) If a child receives care for 4 or more consecutive hours, nutritional, appropriately-timed meals and snacks shall be served.			
(b) Meals and snacks may be provided by the parent, upon agreement between the parent and the operator.			
(c) Food may not be withheld from children for purposes of discipline.			
(d) Children may not be forced to eat food.			
§ 3280.163. Food groups.	Met	Plan of Action	Date for Correction

(a) A lunch or dinner prepared at the facility for children of toddler age or older shall have at least one item from each of the following food groups:			
(1) Dairy products—milk, milk products and cheese.			
(2) Protein group—meat, fish, poultry, eggs, cheese, peanut butter, dried beans, peas and nuts.			
(3) Fruits and vegetables—including a wide variety of green, white, yellow, red vegetables and fruits.			
(4) Grain group—whole grain and enriched products, such as breads, cereals, pastas, crackers and rice.			
(b) Breakfast prepared at the facility for children of toddler age or older shall have at least one item from three of the four food groups listed in subsection (a).			
§ 3280.164. Food servings.	Met	Plan of Action	Date for Correction
Food servings shall be portioned suitably for the size and age of the children in care. Additional food in reasonable amounts shall be made available to children upon request of the parent or child.			
§ 3280.165. Menus.	Met	Plan of Action	Date for Correction
The operator shall discuss the general menu plan with the parent so that the daily nutritional needs of the child can be met.			
§ 3280.166. Meals for infants.	Met	Plan of Action	Date for Correction
Meals for infants shall be provided in accordance with the following requirements:			
(1) A written statement giving formula and feeding schedule shall be obtained from the parent.			
(2) New foods shall be introduced only after consultation with the child's parent.			
(3) Disposable nursers shall be used unless bottles are provided by the parent or unless a commercial dishwasher is used by the facility.			
(4) Disposable nursers and bottles shall be labeled with the child's name.			
(5) An infant 6 months of age or younger shall be held while being bottle fed.			
(6) Neither an infant nor a toddler is permitted to sleep with a bottle in his mouth.			
(7) Bottled formula may not be heated in a microwave oven.			

TRANSPORTATION			
§ 3280.171. Pick-up and drop-off points.	Met	Plan of Action	Date for Correction
(a) The operator shall notify local traffic safety authorities in writing of the location of the facility and about the program's use of pedestrian and vehicular routes around the group child day care facility.			
(b) Safe pedestrian crossways, pick-up and drop-off points and bike routes shall be appropriately determined in the vicinity of the facility and communicated to the children and parent in writing.			
(c) Written notification of safe routes shall be posted in the facility in a conspicuous location.			
(d) Children shall be picked up and discharged only at locations specified by the operator as safe locations.			
§ 3280.172. Consent.	Met	Plan of Action	Date for Correction
(a) Transportation by the facility requires written parental consent, except for transportation of school-age children who are transported to or from a child care facility in vehicles owned or operated by the school district. See § 3280.221(b)(13)(1) (relating to requirements specific to school-age programs).			
(b) If a child has a problem or special need such as seizures or motion sickness that may require special care during transportation, written parental instruction regarding treatment of the problem or special need shall accompany the child being transported.			
(c) Written information required in subsections (a) and (b) shall be given to the operator of a vehicle transporting the child.			
§ 3280.173. Transportation ratio.	Met	Plan of Action	Date for Correction
(a) The staff-child ratios specified in § 3280.52 (relating to ratio requirements) shall apply when infant, young or older toddler and preschool children are transported. The max group size requirements at § 3280.52 do not apply during transportation.			
(b) The driver may not be considered part of the staff-child ratio when infant, young or older toddler or preschool children are transported.			
(c) When school-age children are transported, the driver may be considered part of the staff-child ratio required in § 3280.52.			
§ 3280.174. Age of driver.	Met	Plan of Action	Date for

			Correction
The operator of the vehicle shall be 18 years of age or older and shall have a valid operator's license.			
(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).			
(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by occupants.			
(c) Manufacturer's instructions for use of safety restraints shall be kept in the vehicle at all times.			
(d) School buses with a seating capacity of 16 or more children used in transporting preschool or school-age children are exempt from subsections (a)—(c).			
§ 3280.176. Vehicles.	Met	Plan of Action	Date for Correction
(a) A vehicle shall be insured under 75 Pa.C.S. § § 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).			
(b) The doors on a vehicle shall be locked whenever the vehicle is in motion.			
(c) No more than three persons may occupy the front seat of an automobile.			
(d) The back of a pickup truck may not be used to transport children.			
(e) The cargo area of a station wagon may not be used to transport children.			
(f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11-15 passenger van.			
§ 3280.177. Supervision.	Met	Plan of Action	Date for Correction
(a) Children may not be left unattended in a vehicle.			
(b) Children shall be supervised during boarding and exiting vehicles by an adult who remains outside the vehicle.			
§ 3280.178. Transportation first-aid kit.	Met	Plan of Action	Date for Correction
A first-aid kit, including the contents specified in § 3280.75 (relating to first-aid kit) shall be in the vehicle when children are being transported. The kit may be the same kit described in § 3280.75.			

CHILD RECORDS			
§ 3280.181. Individual records.	Met	Plan of Action	Date for Correction
(a) An operator shall establish and maintain an individual record for each child enrolled in the facility.			
(b) Information in a child's record shall be kept current by the operator.			
(c) A parent is required to review and update the emergency contact information and the financial agreement at least once every 6 months or as soon as there is a change in the information.			
(d) Following review, a parent shall attest to the accuracy of information in subsection (c) by affixing a dated signature to the record.			
(e) If emergency information is updated in a master file, it shall be updated accordingly in other facility records.			
§ 3280.182. Content of records.	Met	Plan of Action	Date for Correction
A child's record must contain the following information:			
(1) Initial and subsequent health reports.			
(2) The dates of application, admission and withdrawal of the child.			
(3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.			
(4) Signed parental consent for administration of medications or special dietary needs.			
(5) Signed parental consent for administration of minor first-aid procedures by facility staff. Written consent is required prior to admission.			
(6) Signed parental consent for transportation, walking excursions, swimming and wading.			
(7) Reports of accidents, injuries and illnesses involving a child in care at the facility. The original report shall be given to the parent on the day of the incident. The second copy of the report shall be retained at the facility in an accident file. The third copy of the report shall be retained at the facility in the child's file.			
(8) A copy of the initial agreement and subsequent written agreements between the parent and the operator. The parent shall receive the original agreement.			
§ 3280.183. Confidentiality of records.	Met	Plan of Action	Date for Correction
A facility person may not disclose information concerning a child or family, except in the course of inspections and investigations by agents of			

the Department.			
§ 3280.184. Release of information.	Met	Plan of Action	Date for Correction
(a) The parent shall have access to the child's complete child day care record.			
(b) Except as provided in § 3280.183 (relating to confidentiality of records), release or dissemination of information in a child's record may be made by the operator and only with written parental consent. When file material is released, the person who authorized the release shall record the following information in the child's file:			
(1) The name and position of the individual to whom the information was released.			
(2) The date the information was released.			
(3) The portions of the record that were released.			
(4) The purpose of the release.			
(5) The signature of the individual who authorized the release.			
§ 3280.185. Record retention.	Met	Plan of Action	Date for Correction
A copy of the child's record shall be retained at the facility for at least 1 year after termination of service, unless the entire record is transferred by the operator to the parent or guardian or to another agency at the request of the parent or guardian.			

ADULT RECORDS			
§ 3280.191. Individual records.	Met	Plan of Action	Date for Correction
An individual record is required for each facility person.			
§ 3280.192. Content of records.	Met	Plan of Action	Date for Correction
A record shall include a copy of the following information:			
(1) The name, address and telephone number of the facility person.			
(2) Verification as follows:			
(i) Verification of age.			
(ii) Verification of child care experience, education and training prior to service at the facility.			
(iii) Verification of child care experience, education and training following the outset or service at the facility.			

(iv) Acceptable verification of experience, education or training is a transcript or a diploma or a letter signed by a representative of the experiential, educational or training entity.			
(3) A written report of initial and subsequent health assessments, including the results of initial and subsequent tuberculin skin tests, x-rays or other medical documentation necessary to confirm freedom from communicable tuberculosis.			
(4) A copy of requests for the criminal history record and child abuse registry clearance information, a copy of the disclosure statement and a copy of the completed clearance information required under the CPSL.			
(5) Two written, nonfamily references from individuals attesting to the person's suitability to serve as a facility person.			
(6) Records of training required by the Department.			
§ 3280.193. Confidentiality of records.	Met	Plan of Action	Date for Correction
A facility person may not disclose information concerning another facility person or adult providing a service at the facility except in the course of investigations or inspections by agents of the Department.			
§ 3280.211. Waivers of staff qualifications.	Met	Plan of Action	Date for Correction
A staff person previously granted a waiver of staff qualification is permanently qualified at the position level specified by the waiver.			

SCHOOL-AGE PROGRAMS			
§ 3280.221. Requirements specific to school-age programs.	Met	Plan of Action	Date for Correction
(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P. S. § § 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child day care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.			
(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following:			
(10) <i>Child health.</i> Sections 3280.131—3280.134(a) and 3280.136—3280.138. An equivalent health report completed by a school is acceptable as documentation of child health for a school-age child.			
(11) <i>Adult health.</i> Sections 3280.151—3280.153, 3280.154(a) and			

3280.155 (relating to adult health).			
(12) <i>Nutrition:</i> (i) In a facility operating a school-age program for fewer than 4 consecutive hours, the nutrition requirements do not apply.			
(ii) If a program operates for 4 or more consecutive hours or if a program provides meals or snacks, the primary staff person shall comply with § 3280.161—3280.165.			
(13) <i>Transportation:</i> (i) A facility is exempt from transportation requirements when children attending care at the facility are transported in vehicles owned and operated by the school district in which the facility is located.			
(ii) A facility not operating under the provisions referenced in subparagraph (i) shall comply with requirements located in § 3280.171—3280.178 (relating to transportation).			
(14) <i>Child records.</i> Sections 3280.181—3280.185 (relating to child records).			
(15) <i>Adult records.</i> Sections 3280.191—3280.193 (relating to adult records).			
(16) <i>Special exceptions.</i> Sections 3280.211—3280.213 and 3280.215.			
(17) <i>Telephone.</i> Staff persons shall have immediate access to a working telephone on the facility premises. If a land-line telephone is not accessible to staff persons during the hours of facility operation, a wireless telephone is acceptable.			

Exhibit C

Self-Assessment Checklist –Child Care Centers

(See attached)



Child Day Care Centers Self-Assessment Checklist to Support Certification Compliance

Name of Program: _____

Person Conducting Assessment: _____

Date/Time of Assessment: _____ **Room:** _____

Date of Follow-up with Staff: _____

§ 3270.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3270.3. Applicability.

- (a) This chapter applies to facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to seven or more children, 15 years of age or younger, including:
 - (1) Care provided to a child at the parent's work site when the parent is not present in the child care space.
 - (2) Care provided in private or public, profit or nonprofit facilities.
 - (3) Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.
- (b) This chapter does not apply to:
 - (1) Care provided by relatives.
 - (2) Care furnished in places of worship during religious services.
 - (3) Care provided in a facility where the parent is present at all times child care is being provided.
 - (4) Care provided during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.
- (c) A legal entity seeking to operate a child day care facility as defined in this chapter shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).
- (d) Requirements relating to programs serving only school-age children are in § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ACIP — The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act — The Public Welfare Code (62 P. S. § § 101—1411).

Age level — The grouping category appropriate for the child's age.

- (i) *Infant*—A child from birth to 1 year of age.
- (ii) *Young toddler*—A child from 1 to 2 years of age.
- (iii) *Older toddler*—A child from 2 to 3 years of age.
- (iv) *Preschool child*—A child from 3 years of age to the date the child enters kindergarten in a public or private school system.
- (v) *Young school-age child*—A child who attends kindergarten to the date the child enters the 4th grade of a public or private school system.
- (vi) *Older school-age child*—A child who attends the 4th grade of a public or private school system through 15 years of age.

CPS — Child Protective Services.

CPSL — *Child Protective Services Law*—Title 23 of the *Pennsylvania Consolidated Statutes* Chapter 63 (relating to the Child Protective Services Law).

CRNP — Certified Registered Nurse Practitioner.

Casual contact — The ordinary, routine and age-appropriate association of children, parents and facility persons in the course of daily assembly in a facility.

Certificate of compliance — A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility at a specific location for a specific period of time according to applicable Department regulations. A certificate of compliance approves the operation of a facility subject to Article IX of the act (62 P. S. § § 901—922) or licenses the operation of a facility subject to Article X of the act (62 P. S. § § 1001—1087).

Child — A person 15 years of age or younger.

Child abuse — Serious physical or mental injury which is not explained by the available medical history as being accidental; sexual abuse or sexual exploitation; or serious physical neglect of a child if the injury, abuse or neglect of a child has been caused by the acts or omissions of the child's parent, by a person responsible for the child's welfare, by an individual residing in the same home as the child or by a paramour of a child's parent. A child will not be deemed to be physically or mentally abused for the sole reason that the child is in good faith being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof or is not provided specified medical treatment in the practice of religious beliefs or solely on the grounds of environmental factors which are beyond the control of the person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

Child care experience — Care for a child in lieu of care by the parent or guardian for part of a 24-hour day. The term includes care of foster children in a court-supervised arrangement. The term does not include care of related children who reside with an individual. The term does not include supervised onsite training in the case of a student who is fulfilling the requirements of a secondary or postsecondary child care training or educational curriculum.

Child day care center — The premises in which care is provided at any one time for seven or more children unrelated to the operator.

Child with special needs — A child who has one or more of the following:

- (i) A disability or developmental delay identifies on an IEP, an IFSP or a service agreement.
- (ii) A written behavioral plan that has been determined by a licensed physician, licensed psychologist or certified behavior analyst.
- (iii) A chronic health condition diagnosed by a licensed physician, physician's assistant or CRNP that requires health and related services of a type or amount beyond that required by children generally.

Communicable disease — An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly by the infected agent to a susceptible host. Communicable diseases are specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases).

Department — The Department of Human Services of the Commonwealth.

Facility — A child day care center.

Facility person — A staff person, a substitute staff person, a volunteer, a food service person, a janitorial person or another adult who serves in or is employed by a facility.

Fire protection professional — An individual knowledgeable and competent in fire inspections, fire detection, fire suppression systems and practices, fire service training, emergency preparedness planning and emergency evacuation whose competence is demonstrated by membership in a professional organization which promotes firesafety education.

Group — Children assigned to the care of one or two staff persons. A group occupies a space or a defined part of a space.

IEP — Individualized education program as defined in 22 Pa. Code § § 14.101 and 14.131—14.133 (relating to definitions; and IEP).

IFSP — Individualized family service plan as defined in § § 4226.5 and 4226.71—4226.77 (relating to definitions; and IFSPs).

Inspection summary — A document prepared by an agent of the Department describing each regulatory noncompliance item confirmed as a result of a facility inspection.

Legal entity — A person, society, corporation, governing authority or partnership that is legally responsible for the administration of one facility or several facilities, or one type of facility or several types of facilities.

Night care — Care for a child between the hours of 7 p.m. and 7 a.m.

Operator — The legal entity or a person designated by the legal entity to serve as the facility director.

Parent — The biological or adoptive mother or father or the guardian of the child.

Potentially hazardous food — A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Public water system — A system for the provision to the public of water for human consumption that has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes:

- (i) Collection, treatment, storage and distribution facilities under the control of the operator of the system and used in connection with the system.
- (ii) Collection or pretreatment storage facilities not under control of the operator which are used in connection with the system.
- (iii) A system which provides water for bottling or bulk hauling for human consumption.

Relative — A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew. As applied to facilities subject to approval under Article IX of the act, the term also includes a stepbrother, stepsister or first cousin.

School-age care — Supervised child day care in a Departmentally certified facility during the hours when a child is not required to attend school.

Service agreement — A service agreement as defined in 22 Pa. Code §§ 15.2 and 15.7 (relating to definitions; and service agreement).

Space — Indoor or outdoor area designed for child care that is large enough to accommodate the maximum number of children allowed under this chapter. A space may be used by more than one group of children.

Staff person — A person included in the regulatory ratio who is responsible for child care activities.

Supervise — To be physically present with a group of children or with the facility person under supervision. Critical oversight in which the supervisor can see, hear, direct and assess the activity of the supervisee.

Volunteer — A person 16 years of age or older who is not included in the regulatory ratio and who assists in implementing daily program activities under the supervision of a staff person.

Waiver — The Department's written exemption from the requirement of meeting a standard in this chapter.

Year — For purposes of calculating, 1 year of child care experience is a minimum of 1,250 clock hours.

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GENERAL REQUIREMENTS

§ 3270.17. Service to a child with special needs.	Met	Plan of Action	Date for Correction
(a) The operator shall make reasonable accommodation to include a child with special needs in accordance with applicable Federal and State laws.			
(b) The operator shall permit an adult individual who provides specialized services to a child with special needs to provide those services on the facility premises as specified in the child's IEP, IFSP or written behavioral plan.			
(c) The operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.			
§ 3270.18. Liability Insurance.	Met	Plan of Action	Date for Correction
(a) The legal entity shall have comprehensive general liability insurance to cover the persons who are on the premises. A current copy of the insurance policy shall be on file at the facility.			
(b) The operator shall report to the Department liability insurance claims brought against the operator or a facility person.			
(c) A liability insurance claim report shall include the following information: (1) A detailed description of the claim. (2) The name, address and telephone number of the facility. (3) The name, address and birth date of the claimant.			
§ 3270.19. Child abuse reporting.	Met	Plan of Action	Date for Correction
(a) An operator or a staff person who has reason to believe that a child enrolled in the facility has been abused is required to report suspected child abuse to ChildLine as mandated by the CPSL.			
(b) A staff person may be designated by the operator as the person responsible to notify ChildLine of suspected child abuse. The operator or designated staff person with this responsibility shall immediately notify ChildLine at 1 (800) 932-0313.			
(c) Within 48 hours, a written report regarding the suspected child abuse shall be submitted by the operator or designated staff person to the CPS unit which has responsibility for investigating the report.			

§ 3270.20. Reporting injury, death or fire.	Met	Plan of Action	Date for Correction
(a) The operator shall immediately notify a child's parent and shall telephone notice to the appropriate regional office of the Department within 24 hours if one or more of the following occurs: (1) Inpatient hospitalization or emergency room treatment of a child receiving care at the facility. (2) A death of a child receiving care at the facility. (3) A facility fire that requires the service of a fire department.			
(b) The operator shall mail or deliver a written report to the appropriate regional office of the Department within 72 hours after the occurrence of an event listed in subsection (a).			
(c) The report shall include the following information: (1) The name, address and telephone number of the facility. (2) The name, address and birth date of the child. (3) The name and address of the child's parent or guardian. (4) A description of the incident, including the date, time and location of the incident and the equipment involved. (5) The name and telephone number of local authorities notified. (6) The nature of the treatment. (7) The name and address of the place where the treatment was received. (8) The required follow-			
(d) The staff person who prepared the report shall sign and date it.			
(e) Copies of reports shall be kept in a file at the facility. The facility operator shall make reports to a child's parent and to the Department in accordance with § 3270.20 (relating to reporting injury, death or fire) if one or more of the following occurs: (1) A child receiving care in the facility is lost or missing from the facility. (2) A child in the care of the facility is left behind on a facility excursion. (3) A child receiving care in the facility is left unattended in the facility when the facility is closed.			
§ 3270.21. General health and safety.	Met	Plan of Action	Date for Correction
Conditions at the facility may not pose a threat to the health or safety of the children.			
§ 3270.22. Communication with parents.	Met	Plan of Action	Date for Correction
The operator shall establish oral or written communication in the language or mode of communication which is understandable to the parent.			

§ 3270.23. Parent access and participation.	Met	Plan of Action	Date for Correction
A parent of a child in care shall be permitted free access, without prior notice, throughout the center whenever children are in care, unless a court of competent jurisdiction has limited the parental right of access to the child and a copy of the order is on file at the facility. Opportunity shall be provided for parents to participate in the facility's program. The operator shall maintain a yearly file which documents general announcements to promote parent participation. The file shall be updated annually.			
§ 3270.24. Departmental access.	Met	Plan of Action	Date for Correction
(a) A staff person shall provide to agents of the Department immediate access to the facility and, upon request, to the children and the files and records.			
§ 3270.25. Availability of certificate of compliance and applicable regulations.	Met	Plan of Action	Date for Correction
(a) The facility's current certificate of compliance and a copy of the applicable regulations under which the facility is certified shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional day care office posted at the same location.			
(b) The operator shall post a copy of each inspection summary issued by the Department in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each regulatory noncompliance item cited on the inspection summary has been corrected.			
§ 3270.27. Emergency plan.	Met	Plan of Action	Date for Correction
(a) The facility shall have an emergency plan that provides for: (1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises. (2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3270.94(f) and (g) (relating to fire drills). (3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises. (4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.			

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.			
(c) Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.			
(d) The emergency plan shall be posted in the facility at a conspicuous location.			
(e) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.			
(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the county emergency management agency.			

FACILITY PERSONS

§ 3270.31. Age and Training.	Met	Plan of Action	Date for Correction
(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times.			
(b) A staff person shall be 18 years of age or older.			
(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:			
(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.			
(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).			
(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows: (i) A minimum of 400 clock hours of classroom training. (ii) A minimum of 200 clock hours of supervised training in a child day care facility.			
(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is			

currently enrolled in the curriculum.			
(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.			
(d) Child care professional credentials are equivalent to the staff qualifications:			
(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.			
(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year of experience with children.			
(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.			
(1) Acceptable training is conducted in one or more of the following settings: (i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council of Postsecondary Accreditation and acceptable to the Department of Education. (ii) By an entity that is licensed or certified professionally competent in the training topic. (iii) In conferences or workshops. (iv) With audio-visual materials recognized by child care professionals.			
(2) Acceptable training topics include the following: (i) Child or staff health. (ii) Child development, early childhood education and special education. (iii) Supervision, discipline and guidance of children. (iv) Nutrition for children. (v) Child care program development. (vi) Child care staff person or volunteer professional development.			
(3) Other training topics may be submitted for the Department's review and approval.			
(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas: (i) <i>First-aid training</i> . Competence is the completion of training by a			

<p>professional in the field of first-aid. First-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.</p> <p>(ii) <i>Fire safety training.</i> Staff persons shall participate, at least annually, in fire safety training conducted by a fire protection professional. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.</p> <p>(iii) <i>Lifeguard training.</i> Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.</p> <p>(iv) <i>Water safety instruction.</i> Competence is the completion of basic instruction in water safety from a certified lifeguard.</p>			
(f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.			
§ 3270.32. Suitability of persons in the facility.	Met	Plan of Action	Date for Correction
(a) The operator shall comply with the CPSL and with Chapter 3490 (relating to protective services).			
(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child day care office.			
(c) The operator may not allow an individual to enter the facility if the operator knows that the individual has been convicted or is awaiting trial on charges involving a crime of child abuse, child neglect, physical violence or moral corruptness.			
§ 3270.33. General requirements for facility persons.	Met	Plan of Action	Date for Correction
(a) A staff person or a substitute staff person shall meet one of the applicable staff qualifications for the position in which the person is performing.			
(b) At least 50% of the staff persons in a facility shall be individuals qualified and functioning as directors, group supervisors and assistant group supervisors. No more than 50% of the staff persons may be of aide qualification level.			
(c) A volunteer shall be supervised by a staff person who is qualified at minimum as an assistant group supervisor.			
(d) One or more facility persons competent in first-aid techniques shall be at the facility when one or more children are in care.			

§ 3270.34. Director qualifications and responsibilities.	Met	Plan of Action	Date for Correction
(a) A director is responsible for the general management of the facility, including the following minimum duties:			
(1) Administering finances, personnel, maintenance, meal planning and preparation and transportation.			
(2) Administering the facility's program objectives and activities.			
(3) Designating a staff person who is responsible for compliance with this chapter in the Director's absence.			
(4) Coordinating and planning daily activities with the group supervisors or with the assistant group supervisors in school-age program.			
(5) Overall program planning.			
(6) Written evaluation of staff persons on a regular basis, a minimum of one evaluation every 12 months.			
(b) A director shall have attained one of the following qualification levels:			
(1) A bachelor's degree from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field and 1 year of experience with children.			
(2) A bachelor's degree from an accredited college or university, including 30 credit hours in early childhood education, child development, special education, elementary education or the human services field and 2 years of experience with children.			
(3) An associate's degree from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field and 3 years of experience with children.			
(4) An associate's degree from an accredited college or university, including 30 credit hours in early childhood education, child development, special education, elementary education or the human services field and 4 years of experience with children.			
(c) A director shall be employed by a facility and be present at the facility site a minimum of 30 hours per week.			
(d) In a facility in which 45 or fewer children are enrolled, a director may also function as a group supervisor. An individual who functions in a dual capacity shall meet the responsibilities and qualifications of a director set forth in subsections (a) and (b).			
§ 3270.35. Group supervisor qualifications and responsibilities.	Met	Plan of Action	Date for Correction
(a) A group supervisor is responsible for the following minimum duties:			
(1) Planning and implementing daily program activities.			

(2) Coordinating activities of assistant group supervisors and aides.			
(3) Assisting the director with designated activities.			
(b) A group supervisor shall have attained one of the following qualification levels:			
(1) A bachelor's degree from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field.			
(2) A bachelor's degree from an accredited college or university, including 30 credit hours in early childhood education, child development, special education, elementary education or the human services field and 1 year of experience with children.			
(3) An associate's degree from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field and 2 years of experience with children.			
(4) An associate's degree from an accredited college or university, including 30 credit hours in early childhood education, child development, special education, elementary education or the human services field and 3 years of experience with children.			
(c) In a facility in which 45 or fewer children are enrolled, a group supervisor or a director/group supervisor shall be employed by and be present at the facility site for a minimum of 30 hours per week.			
(d) A director may not function as a group supervisor in a facility in which more than 45 children are enrolled.			
(e) In a facility in which more than 45 children are enrolled, a group supervisor is required for the first group of 45 enrolled children and for each group or partial group of 45 additional enrolled children.			
(f) Each additional group supervisor shall be employed by and be present at the facility for a minimum of 30 hours per week.			
§ 3270.36. Assistant group supervisor qualifications and responsibilities.	Met	Plan of Action	Date for Correction
(a) An assistant group supervisor is responsible for the following minimum duties:			
(1) Assisting in the implementation of daily activities under the guidance of the group supervisor.			
(2) Coordinating daily activities and supervising aides in the absence of the group supervisor.			
(b) An assistant group supervisor shall have attained one of the following qualification levels:			
(1) A high school diploma or a general educational development certificate and 30 credit hours from an accredited college or university in early childhood education, child development, special education,			

elementary education or the human services field.			
(2) A high school diploma or a general educational development certificate, including 600 or more hours of secondary training described in § 3270.31(c) (relating to age and training).			
(3) A high school diploma or a general educational development certificate, 15 credit hours from an accredited college or university in early childhood education, child development, special education, elementary education or the human services field and 1 year of experience with children.			
(4) A high school diploma or a general education development certificate and completion of a post-secondary training curriculum described in § 3270.31(c).			
(5) A high school diploma or a general educational development certificate and 2 years experience with children.			
§ 3270.37. Aide qualifications and responsibilities.	Met	Plan of Action	Date for Correction
(a) An aide is responsible for assisting in the implementation of daily program activities.			
(b) An aide shall have attained one of the following qualification levels:			
(1) A high school diploma or a general educational development certificate.			
(2) A minimum of an 8th grade education and enrollment in a training curriculum described at § 3270.31(c) (relating to age and training). The classroom training portion of the curriculum shall be completed. Documentation of completion of classroom training and continuing enrollment in the training curriculum shall be included in the staff person's file.			
(3) A minimum of an 8th grade education and 2 years of experience with children.			
(c) An aide or a combination of aides shall be supervised at all times by a staff person qualified at minimum as an assistant group supervisor.			

STAFF:CHILD RATIO							
§ 3270.51. Similar age level.					Met	Plan of Action	Date for Correction
When children are grouped in similar age levels, the following maximum child group sizes and ratios of staff persons apply:							
<i>Similar Age Levels</i>	<i>Staff</i>	<i>Children</i>	<i>Max Group Size</i>	<i>Total #r of Staff Req for the Max Group Size</i>			
Infant	1	4	8	2			
Young toddler	1	5	10	2			
Older toddler	1	6	12	2			
Preschool	1	10	20	2			
Young school-age	1	12	24	2			
Older school-age	1	15	30	2			
§ 3270.52. Mixed age level.					Met	Plan of Action	Date for Correction
When children are grouped in mixed age levels, the age of the youngest child in the group determines the staff:child ratio and maximum group size in accordance with § 3270.51 (relating to similar age level).							
§ 3270.53. Children of an operator or a staff person.					Met	Plan of Action	Date for Correction
(a) The related or foster children of an operator and the children or foster children of a staff person shall be counted for the purpose of satisfying the staff/child ratio requirements in § § 3270.51 and 3270.52 (relating to similar age level; and mixed age level).							
(b) The related or foster children of an operator and the children or foster children of a staff person shall be counted for the purpose of satisfying the allocated space capacity requirements in § § 3270.61 and 3270.62 (relating to measurement and use of indoor child care space; and measurement and use of play space).							
§ 3270.54. Minimum number of facility persons in the child care facility.					Met	Plan of Action	Date for Correction
(a) At least two facility persons shall be present in the facility when two or more children are in care. At a minimum, one of the facility persons							

shall be a staff person.															
(b) At least two facility persons shall be present when children are on an excursion away from the facility. At a minimum, one of the facility persons shall be a staff person.															
(c) If the staff-child ratio warrants only one staff person, the second person may be another facility person.															
§ 3270.55. Ratios while children are napping.	Met	Plan of Action	Date for Correction												
(a) While toddlers and preschoolers are napping, the following staff-child ratios apply: <table><tr><td>Similar Age Level</td><td>Staff</td><td>Children</td></tr><tr><td>Young toddler</td><td>1</td><td>10</td></tr><tr><td>Older toddler</td><td>1</td><td>12</td></tr><tr><td>Preschool</td><td>1</td><td>20</td></tr></table>	Similar Age Level	Staff	Children	Young toddler	1	10	Older toddler	1	12	Preschool	1	20			
Similar Age Level	Staff	Children													
Young toddler	1	10													
Older toddler	1	12													
Preschool	1	20													
(b) Staff persons who are on duty but are not providing child care during naptime shall remain in the child care portion of the facility premises.															

PHYSICAL SITE

§ 3270.61. Measurement and use of indoor child care space.	Met	Plan of Action	Date for Correction
(a) A facility shall provide indoor child care space for individual and group small muscle activity.			
(b) Indoor child care space may not be used simultaneously as play space.			
(c) Indoor child care space is measured within permanent stationary partitions or walls. The allowable number of children in a space is determined by dividing the total square feet in a space by 40.			
(d) Measured indoor space includes space occupied by cupboards, shelves, furniture and equipment.			
(e) Measured indoor space excludes space occupied by halls, bathrooms, offices, kitchens and locker rooms.			
(f) Indoor space in which children are receiving care may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.			
(g) Preschool and school-age children may not be involved in small or			

large muscle activity in the same group space in which children are sleeping or resting.			
(h) The capacity established for an indoor space may not be exceeded except in the following situations:			
(1) At naptime, when toddler or preschool children are resting on rest equipment described in § 3270.106 (relating to rest equipment) if the following conditions are met:			
(i) At naptime, the capacity is determined by the requirement for placement of rest equipment described in § 3270.106(f).			
(ii) At naptime, the capacity may be exceeded for a period not longer than 2 1/2 consecutive hours, no more than twice in a program day.			
(2) When older toddler, preschool or school-age children are participating in a program activity if the following conditions are met:			
(i) The capacity of the indoor child care space may be exceeded for no more than two separate 1/2 hour time periods daily.			
(ii) Each time period shall be designated on the facility's schedule of daily activities.			
(iii) The space may not be occupied by children of the infant or young toddler age levels during a time period when the capacity is exceeded.			
(iv) The number of children present in the space may not be more than twice the measured capacity of the space.			
(3) When a meal is served in a space designated and measured as indoor child care space if the following conditions are met:			
(i) The capacity of a space may be exceeded when children are eating for no more than 1 hour daily.			
(ii) The meal time shall be designated on the facility's schedule of daily activities.			
(iii) The number of children present in the space may not be more than twice the measured capacity of the space.			
(i) The total number of children receiving child day care services at the facility at any one time may not exceed the facility's maximum capacity.			
§ 3270.62. Measurement and use of play space.	Met	Plan of Action	Date for Correction
(a) A facility shall provide outdoor or indoor play space to be used for large muscle activity which includes running, jumping, climbing, riding.			
(b) Outdoor or indoor play space shall be measured at 65 square feet per child, except in the following situations:			
(1) The minimum outdoor or indoor play space required per infant is 40 square feet.			

(2) The minimum outdoor or indoor play space required per young or older toddler is 50 square feet.			
(c) Outdoor or indoor play space shall be safe for large muscle activity.			
(d) Outdoor or indoor play space in which children are receiving care may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.			
§ 3270.63. Unsafe areas in outdoor space.	Met	Plan of Action	Date for Correction
If unsafe areas or conditions are in or near an outdoor play space, fencing or natural barriers are required to restrict children from those unsafe areas or conditions.			
§ 3270.64. Outside walkways.	Met	Plan of Action	Date for Correction
Outside walkways shall be free from ice, snow, leaves, equipment and other hazards.			
§ 3270.65. Protective electrical covers.	Met	Plan of Action	Date for Correction
Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.			
§ 3270.66. Toxics.	Met	Plan of Action	Date for Correction
(a) Cleaning materials and other toxic materials shall be kept in an area or container that is locked or made inaccessible to children.			
(b) Cleaning materials and other toxic materials shall be stored in an original labeled container or in a container that specifies the content. Toxics shall be stored away from food, food preparation areas and child care spaces.			
(c) Cleaning materials and other toxic materials shall be used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.			
(d) Toxic plants are not permitted in a child care space.			
(e) Arts and crafts materials shall be nontoxic.			
§ 3270.67. Sanitation.	Met	Plan of Action	Date for Correction
(a) Trash shall be removed from the facility at least once per day.			
(b) Trash shall be removed from the facility grounds at least once per week.			
(c) Evidence of infestation of insects or rodents in the facility is not permitted.			
(d) Trash that has been contaminated by human secretions or excrement shall be contained in closed, plastic-lined receptacles.			

§ 3270.68. Smoking.	Met	Plan of Action	Date for Correction
(a) Cigarettes, pipes or cigars may not be smoked in a child care space, a play space or a food preparation area when children are in care or when food is being prepared.			
(b) Ashes and cigarette or cigar butts are prohibited in a child care space, a play space or a food preparation area.			
§ 3270.69. Water.	Met	Plan of Action	Date for Correction
(a) A facility shall provide running water and a safe and adequate supply of drinking water that complies with the standards established under the Pennsylvania Safe Drinking Water Act (35 P. S. § § 721.1—721.17).			
(b) Hot water temperature, in areas accessible to children, may not exceed 110° F.			
(c) Safe drinking water shall be made available to children of all ages throughout the day.			
(d) Drinking water shall be provided to children who are out-of-doors for a period exceeding 1 hour.			
§ 3270.70. Indoor temperature.	Met	Plan of Action	Date for Correction
(a) The indoor temperature must be at least 65° F.			
(b) If the indoor temperature exceeds 82° F in a child care space, a means of mechanical air circulation must be operating.			
§ 3270.71. Hot water pipes and other sources of heat.	Met	Plan of Action	Date for Correction
Hot water pipes and other sources of heat exceeding 110° F that are accessible to children shall be equipped with protective guards or shall be insulated to prevent direct contact.			
§ 3270.72. Ventilation.	Met	Plan of Action	Date for Correction
(a) Natural or mechanical ventilation shall be provided in child care spaces.			
(b) Windows or doors used for ventilation shall be screened when open.			
(c) Screens shall be in good repair.			
(d) Windows or doors above the ground floor that open directly to the outdoors and are accessible to children shall be constructed, modified or adapted to limit the opening to 6 or fewer inches.			

§ 3270.73. Telephone.	Met	Plan of Action	Date for Correction
A facility shall have an operable telephone and a published telephone number.			
§ 3270.74. Emergency telephone numbers.	Met	Plan of Action	Date for Correction
The telephone number of the nearest hospital, police department, fire department, ambulance and poison control center shall be posted by each telephone in the facility.			
§ 3270.75. First-aid kit.	Met	Plan of Action	Date for Correction
(a) A first-aid kit must be in a child care space.			
(b) A first-aid kit must be inaccessible to children.			
(c) A first-aid kit must contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and disposable, nonporous gloves.			
(d) One first-aid kit per child care group must accompany children and facility persons on excursions from the facility. Each first aid kit taken on an excursion must contain a bottle of water in addition to the items specified in subsection (c).			
§ 3270.76. Building surface requirements.	Met	Plan of Action	Date for Correction
Floors, walls, ceilings and other surfaces, including the facility's outdoor play space surfaces shall be kept clean, in good repair and free from visible hazards.			
§ 3270.77. Paint.	Met	Plan of Action	Date for Correction
(a) Peeled or damaged paint or damaged plaster is not permitted on indoor or outdoor surfaces in the child care facility.			
(b) When indoor or outdoor surfaces are repaired or are painted, the paint may not contain more than .06% lead.			
(c) A child may not be present during removal of paint from the indoor or outdoor surfaces of a facility.			
(d) Removal, clean-up and disposal of leaded paint dust and debris shall be accomplished in a manner that avoids dispersal of dust and debris into the environment.			
(e) Abrasive removal methods which include dry sanding, electrical sanding and sandblasting or open flame burning, or a removal process that permits the release of leaded particulate material into the environment are prohibited.			

(f) Dust and debris generated by removal shall be disposed of in accordance with applicable Federal, State and local regulations.																					
(g) Child care may resume when the removal process is completed and when all accompanying debris is removed.																					
§ 3270.78. Lighting.	Met	Plan of Action	Date for Correction																		
Rooms, hallways, stairways, outside steps, porches and ramps shall be lighted by artificial or natural light.																					
§ 3270.79. Firearms.	Met	Plan of Action	Date for Correction																		
Weapons, firearms and ammunition are prohibited in a child day care center.																					
§ 3270.80. Stairs.	Met	Plan of Action	Date for Correction																		
(a) Inside and outside stairs with three or more steps shall be equipped with a handrail.																					
(b) Inside stairs shall be equipped with nonskid surfaces.																					
(c) A ramp shall be equipped with a handrail.																					
(d) A porch shall be equipped with a handrail.																					
§ 3270.81. Glass.	Met	Plan of Action	Date for Correction																		
A visual strip or other visual identification shall be placed on glass located in a traffic area, a child care space or a play space.																					
§ 3270.82. Toilet areas.	Met	Plan of Action	Date for Correction																		
a) The following ratio of flushing toilets to toilet-trained children applies: <table><tr><td>Similar Age Levels</td><td># Toilet-Trained Children</td><td>Toilets</td></tr><tr><td>Young or older toddler and preschool</td><td>15</td><td>1</td></tr><tr><td>School-age</td><td>20</td><td>1</td></tr></table> (b) The following ratio of sinks to children applies: <table><tr><td>Similar Age Levels</td><td># Toilet-Trained Children</td><td>Sinks</td></tr><tr><td>Young or older toddler and preschool</td><td>25</td><td></td></tr><tr><td>School-age</td><td>30</td><td>1</td></tr></table> (c) A sink must be located in or near a toilet area.	Similar Age Levels	# Toilet-Trained Children	Toilets	Young or older toddler and preschool	15	1	School-age	20	1	Similar Age Levels	# Toilet-Trained Children	Sinks	Young or older toddler and preschool	25		School-age	30	1			
Similar Age Levels	# Toilet-Trained Children	Toilets																			
Young or older toddler and preschool	15	1																			
School-age	20	1																			
Similar Age Levels	# Toilet-Trained Children	Sinks																			
Young or older toddler and preschool	25																				
School-age	30	1																			

(d) A training chair is not a flushing toilet. A training chair shall be emptied and sanitized after each use. An acceptable sanitizing solution is 1/4 cup of bleach combined with 1 gallon of water. A sanitizing solution shall be treated as a toxic. See § 3270.66 (relating to toxics).			
(e) Toilets and sinks must be at proper heights for children using them or must be easily approached by means of platforms or steps.			
(f) Toilets and training chairs may not be located in an area used for cooking or eating.			
(g) Toilet areas and fixtures are cleaned daily and in good repair.			
(h) A facility person and an able child shall wash their hands after toileting and before eating. A sign on which this requirement is written shall be posted at each toilet, training chair, diapering area and sink in the facility.			
(i) A toilet area, training chair area, diapering area and sink area shall be equipped with a clean, lidded waste receptacle.			
(j) A source of running water for handwashing must be present in infant and toddler diapering areas. If the running water does not flow directly into a drain that is connected to a sewage system, a receptacle shall be provided to contain the water used for washing. The receptacle shall be emptied into an approved sewage system at least once a day.			

FIRE SAFETY

§ 3270.91. Exits.	Met	Plan of Action	Date for Correction
(a) Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.			
(b) Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances.			
(c) If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.			
§ 3270.92. Space heaters.	Met	Plan of Action	Date for Correction
(a) Portable space heaters are not permitted.			
(b) A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation and written approval for use shall be on file at the facility.			
(c) A fixed space heater shall be insulated or equipped with protective guards.			

§ 3270.93. Fireplaces and wood burning and coal burning stoves.	Met	Plan of Action	Date for Correction
Fireplaces, fireplace inserts or wood burning and coal burning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.			
§ 3270.94. Fire drills.	Met	Plan of Action	Date for Correction
(a) A fire drill shall be held at least every 60 days. Facility persons and children in attendance shall participate in the fire drill. Facility persons and children shall exit the building, weather permitting.			
(b) A written record shall be kept of the date, the time of day, the hypothetical location of the fire, the evacuation time, the names of facility persons and the number of children participating in the fire drill.			
(c) Fire drills shall be held at different times of the day or night, or both, if applicable.			
(d) Fire drills shall be held during various program activity times.			
(e) Hypothetical locations of the fire shall be changed for each drill.			
(f) Evacuation routes shall be posted.			
(g) Evacuation plans shall provide for removal of all persons from the facility in a single trip.			
§ 3270.101. Type of play equipment.	Met	Plan of Action	Date for Correction
(a) Play equipment and materials appropriate to the developmental needs, individual interests and ages of the children shall be provided in sufficient amount and variety to preclude long waits for use.			
(b) Play equipment shall facilitate the child's emotional, cognitive, communicative, perceptual-motor, physical and social development.			
(c) Play equipment and materials shall include items from the following categories: (1) Materials for dramatic role playing. (2) Toys and materials for cognitive development. (3) Toys and materials for visual development. (4) Toys and materials for auditory development. (5) Toys to handle and manipulate and art materials for tactile development. (6) Toys and equipment for large muscle development.			
§ 3270.102. Condition of play equipment.	Met	Plan of Action	Date for Correction
(a) Toys, play and other indoor and outdoor equipment used by the children must be clean, in good repair and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.			

(b) Toys soiled by secretion or excretion shall be cleaned with soap and water, rinsed and sanitized before being used by a child.			
(c) Outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the United States Consumer Product Safety Commission. The equipment must be anchored firmly and be in good repair.			
(d) Slides that are over 4 feet high must have guards along both sides of the ladder.			
(e) Pea gravel and other materials with a diameter of less than 1 inch may not be used in spaces where infants or toddlers receive care.			
(f) Indoor play equipment for climbing shall be installed or used over a protective surface covering which does not interfere with the stability of the equipment.			
(g) Children's toys and equipment, including furniture and rest equipment, described as hazardous by the United States Consumer Product Safety Commission may not be used by children at the facility and may not be on the premises at the facility. At the time of inspection, the operator shall submit to the Department written affirmation on a form provided by the Department stating that the facility is in compliance with this requirement.			
§ 3270.102b. Playground protective surface covering—statement of policy.	Met	Plan of Action	Date for Correction
The requirement for playground protective surface covering in § 3270.102(c) (relating to condition of play equipment) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's <i>Public Playground Safety Handbook</i> , Publication 325. This publication is available on the Internet at http://www.cpsc.gov/cpscpub/pubs/325.pdf or by calling the Consumer Public Safety Commission at (800) 638-2772.			
§ 3270.103. Small toys and objects.	Met	Plan of Action	Date for Correction
Toys and objects with a diameter of less than 1 inch, objects with removable parts that have a diameter of less than 1 inch, plastic bags and styrofoam objects may not be accessible to children who are still placing objects in their mouths.			
§ 3270.104. Furniture.	Met	Plan of Action	Date for Correction
(a) Furniture must be durable, safe, easily cleaned and appropriate for the child's size, age and special needs.			

(b) Study space, tables, chairs, paper and pencils shall be provided for school-age children in care, if necessary for the program offered by the facility.			
§ 3270.105. High chairs.	Met	Plan of Action	Date for Correction
High chairs shall have a wide base and a T-shaped safety strap.			
§ 3270.106. Rest equipment.	Met	Plan of Action	Date for Correction
(a) Individual, clean, age-appropriate rest equipment shall be provided for preschool, toddler and infant children as agreed between the child's parent and the operator. The rest equipment must be labeled for the use of a specific child and used only by the specified child.			
(b) Bed linens may not be used alone as age-appropriate rest equipment.			
(c) Stacked cribs may not be used.			
(d) Crib and playpen slats may be no more than 2 3/8 inches apart.			
(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the child's parent and the operator.			
(f) At least 2 feet of space is required on three sides of a bed, cot, crib or other rest equipment while the equipment is in use.			
(g) Linens, blankets and rest equipment shall be cleaned monthly, at a minimum. The operator shall arrange a cleaning schedule with the parent.			
(h) Soiled bedding shall be cleaned before it is reused.			
(i) The upper level of double-deck beds may not be used for children 8 years of age or younger.			
(j) Toys, bumper pads or pillows may not be present in a crib while an infant is sleeping in the crib.			
§ 3270.107. Refrigerator.	Met	Plan of Action	Date for Correction
A facility shall have an operable, clean refrigerator used to store potentially hazardous foods. The refrigerator shall be capable of maintaining food at 45° F or below. An operating thermometer shall be placed in the refrigerator.			
§ 3270.108. Utensils.	Met	Plan of Action	Date for Correction
(a) Eating and drinking utensils shall be free from cracks and chips.			
(b) Disposable cups, plates and eating utensils may be used if discarded after each use.			
(c) Styrofoam cups and plates may not be used.			

PROGRAM

§ 3270.111. Daily activities.	Met	Plan of Action	Date for Correction
(a) A written plan of daily activities and routines, including a time for free play shall be established for each group. The plan shall be flexible to accommodate the needs of individual children and the dynamics of the group.			
(b) The written plan shall be posted in the group space.			
(c) Daily activities shall promote the development of skills, social competence and self-esteem. Daily experiences shall recognize the child as an individual and give some choice of activities that respect personal privacy, lifestyle and cultural background.			
§ 3270.112. Infant and toddler stimulation.	Met	Plan of Action	Date for Correction
Infants and toddlers shall be provided stimulation by being held, rocked, talked to, played with and carried.			
§ 3270.113. Supervision of children.	Met	Plan of Action	Date for Correction
(a) Children on the facility premises and on facility excursions off the premises shall be supervised by a staff person at all times. Outdoor play space used by the facility is considered part of the facility premises.			
(1) Each staff person shall be assigned the responsibility for supervision of specific children. The staff person shall know the names and whereabouts of the children in his assigned group. The staff person shall be physically present with the children in his group on the facility premises and on facility excursions off the facility premises.			
(2) The requirement for supervision on and off the facility premises includes compliance with the staff:child ratio requirements in § § 3270.51—3270.55 (relating to staff:child ratio).			
(b) A facility person may not use any form of physical punishment, including spanking a child.			
(c) A facility person may not single out a child for ridicule, threaten harm to the child or the child's family and may not specifically aim to degrade the child or the child's family.			
(d) A facility person may not use harsh, demeaning or abusive language in the presence of children.			
(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against			

restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.			
§ 3270.114. Outdoor activity.	Met	Plan of Action	Date for Correction
Weather permitting, children shall be taken out doors daily.			
§ 3270.115. Water activity.	Met	Plan of Action	Date for Correction
(a) <i>Swimming.</i>			
(1) A swimming pool must conform to 28 Pa. Code Chapter 18 (relating to public swimming and bathing places).			
(2) An in-ground swimming pool accessible to children must be fenced with a locked gate.			
(3) An aboveground swimming pool which is not in use must be made inaccessible to children in accordance with the swimming pool barrier guidelines of the United States Consumer Product Safety Commission.			
(4) An indoor swimming pool which is not in use must be made inaccessible to children.			
(5) The following staff:child ratios apply while children are swimming: <div> <div>Similar Age Level</div> <div>Staff</div> <div>Children</div> </div> <div> <div>Infant</div> <div>1</div> <div>1</div> </div> <div> <div>Young or older toddler</div> <div>1</div> <div>2</div> </div> <div> <div>Preschool</div> <div>1</div> <div>5</div> </div> <div> <div>Young school-age</div> <div>1</div> <div>6</div> </div> <div> <div>Older school-age</div> <div>1</div> <div>8</div> </div>			
(6) When children are swimming, supervision shall include one person certified in lifeguard training, as described in § 3270.31(e)(4)(iii) (relating to age and training).			
(7) The person certified in lifeguard training may not be included in the staff:child ratio.			
(8) A facility person who is counted in the staff:child swimming ratio shall annually complete water safety instruction.			

(b) <i>Wading.</i> (1) Staff persons shall supervise day care children using wading pools. Staff:child ratios in subsection (a) apply when children are wading. (2) A sanitizing solution shall be added to water in a wading pool. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water. (3) A wading pool shall be emptied daily.			
(c) <i>Water play tables.</i> A water play table or a container used for water play that contains unfiltered water shall be emptied daily.			
§ 3270.116. School-age children.	Met	Plan of Action	Date for Correction
When a facility serves a school-age child, homework supervision shall be provided in accordance with arrangements determined by the parent and the operator.			
§ 3270.117. Release of children.	Met	Plan of Action	Date for Correction
(a) A child shall be released only to the child's parent or to an individual designated in writing by the enrolling parent. A child shall be released to either parent unless a court order on file at the facility states otherwise.			
(b) In an emergency, a child may be released to an individual upon the oral designation of the parent, if the identity of the individual can be verified by a staff person.			
(c) If a child is released upon the oral designation of the parent, the following information shall be logged in the child's record: (1) The name of the parent making the request. (2) The date and time of the request. (3) The name of the individual to whom the child is to be released. (4) The name of the staff person taking the call. (5) The name of the staff person releasing the child.			
§ 3270.118. Pets.	Met	Plan of Action	Date for Correction
(a) A pet or animal present at the facility, indoors or outdoors, shall be in good health and known to be friendly to children.			
(b) Contact with pets by the children is permitted only when a staff person is physically present.			
(c) A veterinarian's certificate of current rabies immunization is required for a cat or dog at the facility. The certificate shall be on file when the cat or dog is present.			

§ 3270.119. Infant sleep position.	Met	Plan of Action	Date for Correction
Infants shall be placed in the sleeping position recommended by the American Academy of Pediatrics unless there is a medical reason an infant should not sleep in this position. The medical reason shall be documented in a statement signed by a physician, physician's assistant or CRNP and placed in the child's record at the facility			

PROCEDURES FOR ADMISSION

§ 3270.121. Application.	Met	Plan of Action	Date for Correction
(a) The operator shall review with the parent, at the time of application, the facility's general daily schedule, hours for which care is provided, fees, responsibilities for meals, clothing, health policies, supervision policies, night care policies, dismissal policies, transportation and pick-up arrangements.			
(b) At the time of enrollment, a parent shall receive in writing the information described in subsection (a).			
§ 3270.122. Admission interview.	Met	Plan of Action	Date for Correction
A child shall be interviewed or observed by the operator and when possible shall have the opportunity to visit the facility prior to being admitted for care. The child shall be told as much about the service being planned as he can understand. If the parent indicates that the child has a special need, the operator shall discuss the condition with the parent, refer to § 3270.4 (relating to definitions), and comply with § § 3270.17, 3270.124 and 3270.131 (relating to service to a child with special needs; emergency contact information; and health information).			
§ 3270.123. Agreement.	Met	Plan of Action	Date for Correction
(a) An agreement signed by the operator and the parent must specify the following:			
(1) The amount of the fee to be charged per day or per week.			
(2) The date on which the fee is to be paid.			
(3) The services to be provided to the family and the child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding			

emergency contact information in § 3270.124(f) (relating to emergency contact information).			
(4) The child's arrival and departure times.			
(5) The persons designated by a parent to whom the child may be released as specified in § 3270.117 (relating to release of children).			
(6) The date of the child's admission.			
(7) The services which are to be considered as extra.			
(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.			
§ 3270.124. Emergency contact information.	Met	Plan of Action	Date for Correction
(a) Emergency contact information is required for each enrolled child. Emergency contact information must reference who shall be contacted in an emergency.			
(b) Emergency contact information must include the following: (1) The name and birth date of the child. (2) The name, address and telephone number of the child's physician or source of medical care. (3) The home and work addresses and telephone numbers of the enrolling parent. (4) The written consent signed by a parent for emergency medical care. (5) Information on the child's special needs, as specified by the child's parent, physician, physician's assistant or CRNP, which is needed in an emergency situation. (6) Health insurance coverage and policy number for a child under a family policy or Medical Assistance benefits, if applicable. (7) The name, address and telephone number of the individual designated by the parent to whom the child may be released.			
(c) When children are in the facility, emergency contact information must be present in a child care space for children receiving care in the space.			
(d) When children leave the facility on walking and riding excursions, emergency contact information specific to each child on the excursion accompany a staff person on the excursion.			
(e) A written plan identifying the means of transporting a child to emergency care and staffing provisions in the event of an emergency shall be displayed conspicuously in every child care space and accompany a staff person who leaves on an excursion with children.			
(f) The parent shall update in writing emergency contact information			

once in a 6-month period or as soon as there is a change in the information.

CHILD HEALTH

§ 3270.131. Health information.	Met	Plan of Action	Date for Correction
(a) The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than 60 days following the first day of attendance at the facility.			
(1) The initial health report for an infant must be dated no more than 3 months prior to the first day of attendance at the facility.			
(2) The initial health report for a young toddler must be dated no more than 6 months prior to the first day of attendance at the facility.			
(3) The initial health report for an older toddler or preschool child must be dated no more than 1 year prior to the first day of attendance at the facility.			
(4) The initial health report for a school-age child must be dated in accordance with the requirements for medical examinations for school attendance in 28 Pa. Code § 23.2 (relating to medical examinations).			
(b) The operator shall require the parent to provide an updated health report in accordance with the following schedules: (1) At least every 6 months for an infant or young toddler. (2) At least every 12 months for an older toddler or preschool child.			
(c) A health report must be written and signed by a physician, physician's assistant or a CRNP. The signature must include the individual's professional title.			

<p>(d) The health report must include the following information:</p> <ul style="list-style-type: none"> (1) A review of the child's health history. (2) A list of the child's allergies. (3) A list of the child's current medication and the reason for the medication. (4) An assessment of an acute or chronic health problem or special need and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning. (5) A review of the child's immunized status according to recommendations of the ACIP. (6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency. (7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease. (8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section. 			
<p>(e) The facility may not accept or retain an infant 2 months of age or older, a toddler or a preschool child at the facility for more than 60 days following the first day of attendance at the facility unless the parent provides written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of the dates (month, day and year) the child was administered immunizations in accordance with the recommendations of the ACIP.</p>			
<p>(1) The facility shall require the parent to provide updated written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of ongoing vaccines administered to an infant, toddler or preschool child in accordance with the schedule recommended by the ACIP.</p>			
<p>(2) Exemption from immunization must be documented as follows:</p> <ul style="list-style-type: none"> (i) Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record. (ii) Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record. 			
<p>(3) The facility shall implement dismissal policies in accordance with the Department of Health regulation in 28 Pa. Code § 27.77 (relating to</p>			

immunization requirements for children in child care group settings).			
(4) The facility shall comply with the annual immunization reporting requirements in accordance with the Department of Health regulation in 28 Pa. Code § 27.77.			
§ 3270.132. Emergency medical care.	Met	Plan of Action	Date for Correction
(a) If emergency medical care is needed for a child, the parent shall be contacted as soon as practical in the best interest of the child. If the parent cannot be reached, the operator shall record in writing the reason emergency care was required and the attempts made to inform the parent.			
(b) A staff person shall accompany a child to a source of emergency care and shall remain with the child until the parent assumes responsibility for the child's care.			
(c) An operator shall document the manner in which emergency treatment was sought and obtained. File documentation shall include information referenced at § 3270.20(c) (relating to reporting injury, death or fire).			
§ 3270.133. Child medication and special diets.	Met	Plan of Action	Date for Correction
The operator shall make reasonable accommodation in accordance with applicable Federal and State laws to facilitate administration of medication or a special diet that is prescribed by a physician, physician's assistant or CRNP as treatment related to the child's special needs. Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:			
(1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.			
(2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medicine. Instructions for administration contained on a prescription label are acceptable.			
(3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.			
(4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.			

(5) Medication shall be stored in accordance with the manufacturer's or health professional's instructions on the original label.			
(6) A parent shall provide written consent for administration.			
(7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information: (i) The name of the medication. (ii) The name of the child receiving the medication. (iii) A requirement for refrigeration. (iv) The amount of medication administered. (v) The date of administration. (vi) The time of administration. (vii) The initials of the staff person who administered the medication. (viii) Special notes related to problems of administration.			
(8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.			
§ 3270.134. Child hygiene.	Met	Plan of Action	Date for Correction
(a) A staff person shall ensure that a child's hands are washed before meals and snacks, after toileting and after being diapered.			
(b) Cloth towels and washcloths shall be labeled with the child's name, used by only the named child and laundered weekly. The director shall arrange a laundry schedule with the parent.			
(c) Paper towels may be used as towels and washcloths. Paper towels shall be discarded after each use.			
(d) Liquid or powdered soap shall be used for hand washing.			
(e) A child shall have a labeled toothbrush if brushing teeth is a program activity.			
(f) Toothbrushes shall be stored with the bristles up and exposed to circulating air.			
(g) Paper cups, discarded after one use, or water fountains shall be used for between-meal drinking by children who are not bottle-fed.			
§ 3270.135. Diapering requirements.	Met	Plan of Action	Date for Correction
(a) When children are diapered, the facility shall use disposable diapers, a diaper service or arrange with the parent to provide a daily diaper supply.			
(1) If non-disposable diapers are provided by a parent, a soiled diaper shall be placed in an individual, securely-tied plastic bag and returned to the parent at the end of the day.			

(2) If non-disposable diapers from a diaper service are provided by a facility, a soiled diaper shall be placed in the container provided by the service or in a securely-tied plastic bag.			
(3) If disposable diapers are provided by a parent or by a facility, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.			
(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.			
(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.			
(c) The diapering area may not be used for food preparation or food service.			
(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.			
(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.			
§ 3270.136. Reporting diseases.	Met	Plan of Action	Date for Correction
(a) If an operator allows admission of an ill child, the operator shall receive instructions from the parent for care of the child to assure that the child's needs for rest, attention and administration of medication are met.			
(b) The operator shall inform parents of enrolled children when there is a suspected outbreak of a communicable disease or an outbreak of an unusual illness that represents a public health emergency in the opinion of the Department of Health.			
(c) If a child becomes ill at the facility, the operator shall notify the child's parent as soon as possible.			
(d) A facility person who knows of a communicable disease for which 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases) requires reporting, or who knows of a group expression of an illness which may be of public concern, whether or not it is known to be of a communicable nature, shall report it promptly to the appropriate division of the Department of Health as specified in Chapter 27, or to a local department of health.			

§ 3270.137. Children with symptoms of disease.	Met	Plan of Action	Date for Correction
An operator who observes an enrolled child with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall exclude the child from attendance until the operator receives notification from a physician or a CRNP that the child is no longer considered a threat to the health of others. The notification shall be retained in the child's file. Diseases and conditions which require exclusion are specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.			
§ 3270.138. Discrimination based on illness.	Met	Plan of Action	Date for Correction
Before, during and after the admission process, an operator or facility person may not discriminate against serving a child who has an illness which is not transmitted by casual contact.			

ADULT HEALTH

§ 3270.151. Health assessment.	Met	Plan of Action	Date for Correction
(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment conducted within 12 months prior to providing initial service in a child care setting and every 24 months thereafter. A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.			
(b) A health assessment shall be conducted and a report shall be written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.			
(c) The health assessment must include the following:			
(1) A physical examination.			
(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, physician's assistant, CRNP, the Department of Health or a local health department.			
(i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.			
(ii) A record of a person with a positive tuberculin skin test must			

include the results of a chest X-ray and evaluation for chemoprophylaxis.			
(iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing, unless one of the following occurs:			
(A) The person is exposed to an active case of tuberculosis.			
(B) The person develops a productive cough which does not respond to medical treatment within 14 days.			
(3) Examination for communicable diseases and the results of that examination.			
(4) Information on medical problems that might threaten the health of the children or prohibit a staff person from providing adequate care to children.			
(5) The physician's or CRNP's assessment of the person's suitability to provide child care.			
(d) An adult individual who is employed by a facility and who provides children with social, medical, psychological or psychiatric services in addition to this chapter is required to have a current health assessment on file at the facility. An adult individual or an employee of an agency who provides those services by contract with the child's parent or the facility is not required to have a current health assessment on file at the facility.			
§ 3270.151a. Tuberculosis testing—statement of policy.	Met	Plan of Action	Date for Correction
The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.			
§ 3270.152. Adult hygiene.	Met	Plan of Action	Date for Correction
A facility person shall wash his hands before meals and snacks, and after toileting and after diapering a child.			
§ 3270.153. Facility persons with symptoms of disease.	Met	Plan of Action	Date for Correction
A facility person with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall be excluded from attendance until the facility operator receives notification from a physician or CRNP that the person is no longer considered a threat to the health of others. The notification shall be retained in the facility person's file. Exclusion from the facility is required for diseases and conditions specified in 28 Pa. Code Chapter 27 (relating to communicable and non-communicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.			

§ 3270.154. Facility persons with skin disorders.	Met	Plan of Action	Date for Correction
(a) A facility person with a discharging or infected wound, sore or lesion on the hands, arms or an exposed portion of the body shall be excluded from child care and food preparation activities until the operator receives written notification from a physician or CRNP that the person may return to child care or food preparation. The notification shall be retained in the person's file.			
(b) A facility person with a herpes infection may not be present with infants younger than 3 months of age.			
§ 3270.154. Discrimination based on illness.	Met	Plan of Action	Date for Correction
A facility person or an individual seeking employment or placement who has an illness that is not transmitted by casual contact shall be permitted the right to continued employment, placement, employment opportunity or placement opportunity to the extent of the person's ability to perform the stated job function.			

NUTRITION

§ 3270.161. Food.	Met	Plan of Action	Date for Correction
(a) Food stored, prepared or served shall be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption.			
(b) Food handling practices shall conform to the requirements of the Department of Health or the Department of Environmental Resources or its delegate agency where the day care facility is located.			
(c) Food that has been previously served to a person or returned from a table shall be discarded.			
(d) Potentially hazardous food brought from the child's home or provided by the facility shall be refrigerated.			
(e) Fresh fruits and vegetables that are not used on the day of purchase shall be refrigerated.			
(f) The only canned foods permitted for children's consumption are those commercially preserved in airtight jars or cans.			
(g) A facility shall provide a sufficient number of refrigerators to contain foods which require refrigeration.			
§ 3270.162. Meals.	Met	Plan of Action	Date for Correction
(a) If a child receives care for 4 or more consecutive hours, nutritional, appropriately-timed meals and snacks shall be served.			

(b) Meals and snacks may be provided by the parent, upon agreement between the parent and the operator.			
(c) Food may not be withheld from a child for purposes of discipline.			
(d) A child may not be forced to eat food.			
§ 3270.163. Food groups.	Met	Plan of Action	Date for Correction
(a) A lunch or dinner prepared at the facility for children of toddler age or older shall have at least one item from each of the following food groups:			
(1) Dairy products—milk, milk products and cheese.			
(2) Protein group—meat, fish, poultry, eggs, cheese, peanut butter, dried beans, peas and nuts.			
(3) Fruits and vegetables—including a wide variety of green, white, yellow, red vegetables and fruits.			
(4) Grain group—whole grain and enriched products, such as breads, cereals, pastas, crackers and rice.			
(b) Breakfast prepared at the facility for children of toddler age or older shall have at least one item from three of the four food groups listed in subsection (a).			
§ 3270.164. Food servings.	Met	Plan of Action	Date for Correction
Food servings shall be portioned suitably for the size and age of the children in care. Additional food in reasonable amounts shall be made available to children upon the request of the parent or child.			
§ 3270.165. Menus.	Met	Plan of Action	Date for Correction
An operator shall conspicuously post the menu at least 1 week in advance or provide a menu to each family.			
§ 3270.166. Meals for infants.	Met	Plan of Action	Date for Correction
Meals for infants shall be provided in accordance with the following requirements:			
(1) A written statement giving formula and feeding schedule shall be obtained from the parent.			
(2) New foods shall be introduced only after consultation with the child's parent.			
(3) Disposable nursers shall be used unless bottles are provided by the parent or unless a commercial dishwasher is used by the facility.			
(4) Disposable nursers and bottles shall be labeled with the child's name.			
(5) An infant 6 months of age or younger shall be held while being bottle fed.			

(6) Neither an infant nor a toddler is permitted to sleep with a bottle in his mouth.			
(7) Bottled formula may not be heated in a microwave oven.			

TRANSPORTATION

§ 3270.171. Pick-up and drop-off points.	Met	Plan of Action	Date for Correction
(a) An operator shall notify local traffic safety authorities annually in writing of the location of the facility and the program's use of pedestrian and vehicular routes around the day care facility.			
(b) Safe pedestrian crossways, pick-up and drop-off points and bike routes shall be appropriately determined in the vicinity of the facility and communicated to the children and parents in writing.			
(c) Written notification of safe routes shall be posted by the operator at a conspicuous location in the child care facility.			
(d) Children shall be picked up and discharged only at locations specified by the facility as safe locations.			
§ 3270.172. Consent.	Met	Plan of Action	Date for Correction
(a) Transportation by the facility requires written parental consent, except for transportation of school-age children who are transported to or from a child care facility in vehicles owned or operated by the school district. See § 3270.241(b)(13)(i) (relating to requirements specific to school-age programs).			
(b) If a child has a problem or special need such as seizures or motion sickness that may require special care during transportation, written parental instructions regarding treatment of the problem or special need shall accompany the child being transported.			
(c) Written information required in subsections (a) and (b) shall be given to the operator or attendant of a vehicle transporting the child.			
§ 3270.173. Transportation ratios.	Met	Plan of Action	Date for Correction
(a) The staff-child ratios specified in § § 3270.51 and 3270.52 (relating to similar age level; and mixed age level) apply when infant, young or older toddler and preschool children are transported. The maximum group size requirements in § § 3270.51 and 3270.52 do not apply during transportation.			
(b) The driver may not be considered part of the staff-child ratio when infant, young or older toddler or preschool children are transported.			

(c) When school-age children are transported, the driver may be considered part of the staff-child ratio required in § 3270.51.			
§ 3270.174. Age of driver.	Met	Plan of Action	Date for Correction
The operator of the vehicle shall be 18 years of age or older and shall have a valid operator's license.			
§ 3270.175. Safety restraints.	Met	Plan of Action	Date for Correction
(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).			
(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by all occupants.			
(c) Manufacturers' instructions for use of safety restraints shall be kept in the vehicle at all times.			
(d) A school bus with a seating capacity of 16 or more children used in transporting preschool or school-age children is exempt from the requirements established under subsections (a)—(c).			
§ 3270.176. Vehicles.	Met	Plan of Action	Date for Correction
(a) A vehicle shall be insured in accordance with 75 Pa.C.S. § § 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).			
(b) Doors on a vehicle shall be locked when the vehicle is in motion.			
(c) No more than three persons may occupy the front seat of an automobile.			
(d) The back of a pick-up truck may not be used to transport children.			
(e) The cargo area of a station wagon may not be used to transport children.			
(f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11—15 passenger van.			
§ 3270.177. Supervision.	Met	Plan of Action	Date for Correction
(a) Children may not be left unattended in a vehicle.			
(b) Children shall be supervised during boarding and exiting vehicles by an adult who remains outside the vehicle.			
§ 3270.178. Transportation first-aid kit.	Met	Plan of Action	Date for Correction
A first-aid kit, including the contents as specified in § 3270.75 (relating to first-aid kit) shall be in the vehicle when children are being transported. The kit may be the same kit described in § 3270.75.			

CHILD RECORDS

§ 3270.181. Individual records.

(a) An operator shall establish and maintain an individual record for each child enrolled in the facility.

(b) Information in a child's record shall be kept current by the operator.

(c) A parent is required to review and update the emergency contact information and the financial agreement at least once in a 6-month period or as soon as there is a change in the information.

(d) Following review, a parent shall attest to the accuracy of information in subsection © by affixing a dated signature to the record.

(e) If emergency information is updated in a master file, it shall be updated accordingly in other facility records.

§ 3270.182. Content of records.

Met

Plan of Action

Date for
Correction

A child's record must contain the following information:

(1) Initial and subsequent health reports.

(2) The dates of application, admission and withdrawal of the child.

(3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.

(4) Signed parental consent for administration of medications or special dietary needs.

(5) Signed parental consent for administration of minor first-aid procedures by facility staff. Written consent is required prior to admission.

(6) Signed parental consent for transportation, walking excursions, swimming and wading.

(7) Reports of accidents, injuries and illnesses involving a child in care at the facility. The original report shall be given to the parent on the day of the incident. The second copy of the report shall be retained at the facility in an accident file. The third copy of the report shall be retained at the facility in the child's file.

(8) A copy of the initial agreement and subsequent written agreements between the parent and the operator. The parent shall receive the original agreement.

§ 3270.183. Confidentiality of records.

Met

Plan of Action

Date for
Correction

(a) Child records are confidential and shall be stored in a locked cabinet.

(b) A facility person may not disclose information concerning a child or

family, except in the course of inspections and investigations by agents of the Department.			
§ 3270.184. Release of information.	Met	Plan of Action	Date for Correction
(a) The parent shall have access to the child's complete child day care record.			
(b) Except as provided in § 3270.183(b) (relating to confidentiality of records), release or dissemination of information in a child's record may be made by the operator and only with written parental consent. When file material is released, the person who authorized the release shall record the following information in the child's file: 1) The name and position of the individual to whom the information was released. 2) The date the information was released. 3) The portions of the record that were released. 4) The purpose of the release. 5) The signature of the person who authorized the release.			
§ 3270.185. Record retention.	Met	Plan of Action	Date for Correction
A copy of the child's record shall be retained at the facility for at least 1 year after termination of service, unless the entire record is transferred by the operator to the parent or guardian or to another agency at the request of the parent or guardian.			

ADULT RECORDS

§ 3270.191. Individual records.	Met	Plan of Action	Date for Correction
An individual record is required for each facility person.			
§ 3270.192. Content of records.	Met	Plan of Action	Date for Correction
A record shall include a copy of the following:			
(1) The name, address and telephone number of the facility person.			
(2) Verification as follows:			
(i) Verification of age.			
(ii) Verification of child care experience, education and training prior to service at the facility.			
(iii) Verification of child care experience, education and training following the outset of service at the facility.			
(iv) Acceptable verification of experience, education or training is a transcript or a diploma or a letter signed by a representative of the			

experiential, educational or training entity.			
(3) A written report of initial and subsequent health assessments, including the results of initial and subsequent tuberculin skin tests, x-rays or other medical documentation necessary to confirm freedom from communicable tuberculosis.			
(4) A copy of requests for the criminal history record and child abuse registry clearance information, a copy of the disclosure statement and a copy of the completed clearance information required under the CPSL.			
(5) Two written, nonfamily references from individuals attesting to the person's suitability.			
§ 3270.193. Confidentiality of records.	Met	Plan of Action	Date for Correction
(a) Facility persons' records are confidential and shall be stored in a locked cabinet.			
(b) A facility person may not disclose information concerning another facility person or adult providing a service at the facility, except in the course of investigations or inspections by the Department.			

HEAD START PROGRAMS

§ 3270.221. Certificate of compliance.	Met	Plan of Action	Date for Correction
Child day care programs that meet the requirements of this chapter are issued a certificate of compliance. When child day care services are operated before or after the Head Start Program, that portion of the extended day which meets the definitions of this chapter shall receive a certificate of compliance.			

SPECIAL EXCEPTIONS

§ 3270.231. Staff qualifications.	Met	Plan of Action	Date for Correction
(a) Staff persons employed in a day care center prior to April 2, 1978, permanently qualify for their position, as long as staff qualifications in effect as of Sept 1, 1977 are met.			
(b) Promotions prior to July 1, 1978 are permitted according to the staff qualifications in effect as of September 1, 1977, for Director, Group Supervisor, Assistant Group Supervisor and Aide. If promoted prior to July 1, 1978, according to the staff qualifications in effect as of September 1, 1977, these staff permanently qualify for their promoted			

position.			
(c) A staff person previously granted a waiver of staff qualification is permanently qualified at the position level specified by the waiver.			
§ 3270.232. Indoor and outdoor space and capacity.	Met	Plan of Action	Date for Correction
(a) Facilities licensed or approved prior to April 2, 1978, that comply with the indoor space requirements effective Sept. 1, 1977, permanently satisfy the indoor space requirements specified in § 3270.61 (relating to measurement and use of indoor space).			
(b) Infant and toddler indoor or outdoor play space capacity established prior to April 4, 1992, shall remain in effect.			
(c) A facility certified by the Department which does not provide play space as described at § 3270.62(a) (relating to measurement and use of play space) as of April 4, 1992, is exempt from the requirement, if the facility location remains unchanged.			

SCHOOL-AGE PROGRAMS

§ 3270.241. Requirements specific to school-age programs.	Met	Plan of Action	Date for Correction
(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P. S. § § 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child day care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.			
(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following sections:			
(1) <i>General provisions.</i> Sections 3270.1—3270.4 (relating to general provisions).			
(2) <i>General requirements.</i> Sections 3270.11—3270.27 (relating to general requirements).			
(3) <i>Staff persons and volunteers.</i> Sections 3270.31, 3270.32 and 3270.33(a), (b) and (d) (relating to age and training; suitability of persons in the facility; and general requirements for facility persons). Special requirements for director, group supervisor and assistant group supervisor are set forth in subsection (c).			
(4) <i>Staff-child ratio.</i> Sections 3270.51, 3270.53 and 3270.54 (relating to similar age level; children of an operator or a staff person; and minimum number of facility persons in the child care facility).			

(5) <i>Physical site.</i>			
(i) Physical site requirements do not apply for a school-age program located in a school building that is under section 776.1 of the Public School Code of 1949 (24 P. S. § 7-776.1); specifically, a program operated for school-age children in a public or private school building, a building used by an intermediate unit, or an area vocational-technical school building which meets the physical site requirements acceptable to the Department of Education.			
(ii) A school-age program not located in a school building referenced in subparagraph (i) must comply with requirements in §§ 3270.61, 3270.62, 3270.64, 3270.67, 3270.69, 3270.72(a), 3270.73, 3270.74, 3270.76, 3270.78, 3270.79 and 3270.82(a), (b) and (h).			
(6) <i>Fire safety.</i> Sections 3270.91(a), 3270.92—3270.94 (relating to fire safety).			
(7) <i>Equipment.</i> Sections 3270.101, 3270.102(a)—(c) and (g), 3270.104, 3270.107 and 3270.108.			
(8) <i>Program.</i> Sections 3270.111, 3270.113, 3270.115(a) and (b), 3270.116 and 3270.118.			
(9) <i>Procedures for admission.</i> Sections 3270.121—3270.124 (relating to procedures for admission). When a school-age child attends the facility 15 hours or less per week, the operator is not required to complete the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided referenced in § 3270.124(a)(3).			
(10) <i>Child health.</i> Sections 3270.131—3270.134(a) and 3270.136—3270.138. An equivalent health report completed by a school is acceptable as documentation of child health for a school-age child.			
(11) <i>Adult health.</i> Sections 3270.151—3270.154(a) and 3270.155.			
(12) <i>Nutrition.</i> (i) In a facility operating a school-age program for fewer than 4 consecutive hours, none of the nutrition requirements applies. (ii) If a program operates for 4 or more consecutive hours or if a program provides meals or snacks, the facility director shall comply with §§ 3270.161—3270.165.			
(13) <i>Transportation.</i> (i) A facility is exempt from transportation requirements when children attending care at the facility are transported in vehicles owned and operated by the school district in which the facility is located. (ii) A facility not operating under the provisions referenced in subparagraph (i) shall comply with §§ 3270.171—3270.178 (relating to transportation).			

(14) <i>Child records.</i> Sections 3270.181—3270.185 (relating to child records).			
(15) <i>Adult records.</i> Sections 3270.191—3270.193 (relating to adult records).			
(16) <i>Special exemptions.</i> Sections 3270.231—3270.233 (relating to staff qualifications; indoor and outdoor space and capacity; and play surfaces).			
(17) <i>Telephone.</i> Staff persons shall have immediate access to a working telephone on the facility premises. If a land-line telephone is not accessible to staff persons during the hours of facility operation, a wireless telephone is acceptable.			
(c) Special requirements for staff persons in school-age programs or in school-age spaces.			
<p>(1) <i>Director.</i></p> <p>(i) In a program operating 30 or fewer hours a week, a director or director/group supervisor shall be present at a facility as required at § 3270.34 (relating to director qualifications and responsibilities) at least 20% of the program's operational hours.</p> <p>(ii) In a program operating 31 to 45 hours a week, a director or director/group supervisor shall be present at a facility site at least 35% of the program's operational hours.</p> <p>(iii) In a program operating 46 or more hours a week, a director or director/group supervisor shall be present at a facility site as described at § 3270.34(c) and (d).</p> <p>(iv) A responsible designee shall be appointed by a director as described at § 3270.34.</p>			
(2) <i>Group supervisor.</i> In a program in which 46 or more school-age children are enrolled, a group supervisor shall be present at a facility site as described at § 3270.35 (relating to group supervisor qualifications and responsibilities).			
<p>(3) <i>Assistant group supervisor.</i></p> <p>(i) In a program in which 45 or fewer school-age children are enrolled, assistant group supervisors shall be present at a facility site during the program's operational hours.</p> <p>(ii) In a program in which 45 or fewer school-age children are enrolled, one assistant group supervisor is required to be present at a facility site for each group of 12 young school-age or 15 older school-age children in attendance.</p> <p>(iii) In a program of 45 or fewer enrolled children, an assistant group supervisor is responsible for the following minimum duties:</p>			
(A) Planning and implementing, with the director, daily program			

activities.			
(B) Coordinating activities with other assistant group supervisors.			
(C) Assisting the director as needed.			
(4) <i>Aides</i> . In a program in which 46 or more school-age children are enrolled, the responsibility of an aide is described at § 3270.37 (relating to aide qualifications and responsibilities).			