

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.1

§ 3280.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in group child day care home and to support families by providing care that promotes the emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.1, 55 PA ADC § 3280.1

55 Pa. Code § 3280.2

§ 3280.2. Purpose.

The propose 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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.2, 55 PA ADC § 3280.2

55 Pa. Code § 3280.3

§ 3280.3. Applicability.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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).

Credits

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.3, 55 PA ADC § 3280.3

55 Pa. Code § 3280.3a

§ 3280.3a. Applicability--statement of policy

This chapter is not applicable to a part-day school-age program for children who attend kindergarten or older but under 16 years of age as follows:

(1) A part-day school-age program that operates for less than 90 consecutive days per calendar year from the date the program opens to the date the program closes. This clarification does not apply to a legal entity that has a certificate of compliance to operate a child care center or group child care home and that increases its enrollment to include school-age children in the summer and on school holidays.

(2) A part-day school-age program that operates 2 hours or less per day for 3 or fewer days per week.

(3) A part-day school-age program that has a single purpose for the children's attendance and that purpose is the only focus of the program. For example, basketball or art class.

(4) Tutoring programs that are licensed by or approved and funded by the Pennsylvania Department of Education (PDE), for example:

(i) Tutoring centers and educational testing and remedial centers licensed by PDE under 22 Pa. Code Chapters 61 and 63 (relating to tutoring centers; and educational testing and remedial centers).

(ii) Educational assistance programs operated by school districts directly or by contract with an outside provider

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approved by PDE.

(iii) Classroom Plus Programs.

(iv) Supplemental Education Services Programs.

(5) A drop-in program where the child may come and go at will. grams).

Credits

Adopted Sept. 15, 2007.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.3a, 55 PA ADC § 3280.3a

Orange
& Yellow

55 Pa. Code § 3280.4

§ 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.

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(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.

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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 noncommunicable diseases).

Department--The Department of Human Services of the Commonwealth.

Facility--A group child day care home.

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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.

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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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.4, 55 PA ADC § 3280.4

55 Pa. Code § 3280.11

§ 3280.11. Application for and issuance of a certificate of compliance.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(a) A legal entity shall obtain a valid certificate of compliance to operate at a specific location. The certificate of compliance will be issued by the Department to a legal entity prior to commencement of operation at a specified location.

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the group child day care home. The orientation does not count toward the annual minimum of 6 hours of child care training required in § 3280.31(e) (relating to age and training).

(c) Application for a certificate of compliance shall be submitted to the appropriate regional day care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

(d) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

(e) A facility will be inspected at least once every 12 months by an agent of the Department.

(f) The facility is subject to announced and unannounced inspections in accordance with § 3280.23 (relating to Departmental access).

(g) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

(h) A facility whose certificate of compliance is current as of September 22, 2008, will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.11, 55 PA ADC § 3280.11

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.12

§ 3280.12. Appeals.

(a) Appeals related to the Department's approval or licensure decisions shall be made under 2 Pa.C.S. §§ 501--508 and 701--704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(b) Appeals related to the Department's approval or licensure shall be made by filing a petition within 30 days after service of notice of the action.

(c) An operator may appeal a Departmental decision relating to the status of a certificate of compliance of a facility owned or operated by the legal entity.

(d) The Department will include information relative to appeal procedures when notifying operators of one or more of the following decisions:

(1) The denial of a certificate of compliance.

(2) The nonrenewal of a certificate of compliance.

(3) The revocation of a certificate of compliance.

(4) The issuance of a provisional certificate of compliance.

(5) The establishment of a period for which a provisional certificate of compliance is issued.

(6) The reduction of the maximum facility capacity.

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(7) The denial of an increase in facility capacity.

(8) The limiting or precluding admission of persons into the facility.

(e) Subsection (b) supersedes the appeal period of 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

Credits

Amended Nov. 3, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.12, 55 PA ADC § 3280.12

55 Pa. Code § 3280.13

§ 3280.13. Waivers.

(a) A waiver excuses an operator from meeting a regulatory standard and substitutes another standard which the operator shall meet. The substituted standard has the same effect as the regulatory standard.

(b) The operator shall submit the request for waiver to the regional office before the facility is inspected for issuance or renewal of a certificate of compliance.

(c) An operator may request a waiver of only the regulatory standards set forth in the following sections:

(1) Accreditation requirements which apply to § 3280.34 (relating to primary staff person qualifications and responsibilities).

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(2) Physical site requirements in §§ 3280.61--3280.81 (relating to physical site).

(3) Equipment requirements in §§ 3280.101--3280.108 (relating to equipment).

(4) Program requirements in §§ 3280.111--3280.118 (relating to program).

(d) The Department will grant a waiver only if the following conditions are met:

(1) The waiver is not requested as a substitute for correcting a Departmental citation of noncompliance.

(2) The request for waiver does not alter the applicability or purpose of a regulation.

(3) The request shows evidence that the operator has a plan to achieve the objective of the regulation.

(4) The request certifies that the operator will meet all regulatory standards related to the health, safety and rights of children.

(5) The request for waiver does not violate or condone noncompliance with another Federal or State statute or regulation.

(6) The request for waiver does not jeopardize Federal or State funding.

(e) A waiver previously granted for staff person qualifications remains in effect for the staff person at the location specified.

Credits

Adopted Apr. 4, 1992.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.13, 55 PA ADC § 3280.13

55 Pa. Code § 3280.14

§ 3280.14. Pertinent laws and regulations.

A facility shall be operated in conformity with applicable Federal and State laws and regulations. State agencies whose regulations may relate to the operation of a facility include the Department of Environmental Resources, the Department of Labor and Industry, the Department of Health, the Department of Education and the Department of Transportation.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.14, 55 PA ADC § 3280.14

55 Pa. Code § 3280.15

§ 3280.15. Building codes.

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).

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.15, 55 PA ADC § 3280.15

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.16

§ 3280.16. Service to a child with special needs.

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.16, 55 PA ADC § 3280.16

55 Pa. Code § 3280.17

§ 3280.17. Liability insurance.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.17, 55 PA ADC § 3280.17

55 Pa. Code § 3280.18

§ 3280.18. Child abuse reporting.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.18, 55 PA ADC § 3280.18

55 Pa. Code § 3280.19

§ 3280.19. Reporting injury, death or fire.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.19, 55 PA ADC § 3280.19

55 Pa. Code § 3280.19a

§ 3280.19a. Reporting injury, death or fire--statement of policy.

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.

Credits

Adopted Apr. 22, 2009.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.19a, 55 PA ADC § 3280.19a

55 Pa. Code § 3280.20

§ 3280.20. General health and safety.

Conditions at the facility may not pose a threat to the health or safety of the children.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.20, 55 PA ADC § 3280.20

55 Pa. Code § 3280.20a

§ 3280.20a. (Reserved).

Credits

Adopted Dec. 27, 2003; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.20a, 55 PA ADC § 3280.20a

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.21

§ 3280.21. Communication with parents.

The operator shall establish either oral or written communication in the language or mode of communication which is understandable to the parent.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.21, 55 PA ADC § 3280.21

55 Pa. Code § 3280.22

§ 3280.22. Parent access and participation.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.22, 55 PA ADC § 3280.22

55 Pa. Code § 3280.23

§ 3280.23. Departmental access.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.23, 55 PA ADC § 3280.23

55 Pa. Code § 3280.23a

§ 3280.23a. (Reserved).

Credits

Adopted July 27, 1996; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.23a, 55 PA ADC § 3280.23a

55 Pa. Code § 3280.24

§ 3280.24. Availability of certificate of compliance and applicable regulations.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.24, 55 PA ADC § 3280.24

55 Pa. Code § 3280.24a

§ 3280.24a. (Reserved).

Credits

Adopted July 27, 1996; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.24a, 55 PA ADC § 3280.24a

55 Pa. Code § 3280.25

§ 3280.25. Compliance with nondiscrimination statutes.

(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:

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

- (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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.25, 55 PA ADC § 3280.25

55 Pa. Code § 3280.26
§ 3280.26. Emergency plan.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Sept. 22, 2008.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.26, 55 PA ADC § 3280.26

55 Pa. Code § 3280.31

§ 3280.31. Age and training.

- (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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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) *First-aid training.* 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) *Lifeguard training.* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(iii) *Water safety instruction.* 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.

Credits

Amended Sept. 22, 2008; Amended May 24, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.31, 55 PA ADC § 3280.31

55 Pa. Code § 3280.31a

§ 3280.31a. (Reserved).

Credits

Adopted Nov. 4, 1995; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.31a, 55 PA ADC § 3280.31a

55 Pa. Code § 3280.32

§ 3280.32. Suitability of persons in the facility.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.32, 55 PA ADC § 3280.32

55 Pa. Code § 3280.33

§ 3280.33. General requirements for facility persons.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.33, 55 PA ADC § 3280.33

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.34

§ 3280.34. Primary staff person qualifications and responsibilities.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.34, 55 PA ADC § 3280.34

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.35

§ 3280.35. Secondary staff person qualifications and responsibilities.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.35, 55 PA ADC § 3280.35

55 Pa. Code § 3280.51

§ 3280.51. Maximum number of children.

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.

Credits

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.51, 55 PA ADC § 3280.51

55 Pa. Code § 3280.52

§ 3280.52. Ratio requirements.

(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 similar age levels, the following child group sizes and ratios of staff persons apply:

	<i>Staff</i>	<i>Children</i>	<i>Maximum Group Size</i>	<i>Total Number of Staff Required for the Maximum Group Size</i>
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

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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).

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.52, 55 PA ADC § 3280.52

55 Pa. Code § 3280.53

§ 3280.53. Children of an operator or a facility person.

(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).

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.53, 55 PA ADC § 3280.53

55 Pa. Code § 3280.61

§ 3280.61. Measurement and use of indoor child care space.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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:

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Apr. 4, 1992; Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.61, 55 PA ADC § 3280.61

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.61a

§ 3280.61a. (Reserved)

Credits

Adopted Aug. 20, 1994; Amended June 1, 2000; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.61a, 55 PA ADC § 3280.61a

55 Pa. Code § 3280.62

§ 3280.62. Measurement and use of play space.

(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.

Credits

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.62, 55 PA ADC § 3280.62

55 Pa. Code § 3280.63

§ 3280.63. Unsafe areas in outdoor space.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.63, 55 PA ADC § 3280.63

55 Pa. Code § 3280.64

§ 3280.64. Outside walkways.

Outside walkways shall be free from ice, snow, leaves, equipment and other hazards.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.64, 55 PA ADC § 3280.64

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.65

§ 3280.65. Protective electrical covers.

Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.65, 55 PA ADC § 3280.65

55 Pa. Code § 3280.66

§ 3280.66. Toxics.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.66, 55 PA ADC § 3280.66

55 Pa. Code § 3280.67

§ 3280.67. Sanitation.

- (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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.67, 55 PA ADC § 3280.67

55 Pa. Code § 3280.68

§ 3280.68. Smoking.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.68, 55 PA ADC § 3280.68

55 Pa. Code § 3280.69

§ 3280.69. Water.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.69, 55 PA ADC § 3280.69

55 Pa. Code § 3280.70

§ 3280.70. Indoor temperature.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.70, 55 PA ADC § 3280.70

55 Pa. Code § 3280.71

§ 3280.71. Hot water pipes and other sources of heat.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.71, 55 PA ADC § 3280.71

55 Pa. Code § 3280.72

§ 3280.72. Ventilation.

(a) Natural or mechanical ventilation shall be provided in child care spaces.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.72, 55 PA ADC § 3280.72

55 Pa. Code § 3280.73

§ 3280.73. Telephone.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.73, 55 PA ADC § 3280.73

55 Pa. Code § 3280.74

§ 3280.74. Emergency telephone numbers.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center shall be posted by each telephone in the facility.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.74, 55 PA ADC § 3280.74

55 Pa. Code § 3280.75

§ 3280.75. First-aid kit.

(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).

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.75, 55 PA ADC § 3280.75

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.75a

§ 3280.75a. (Reserved).

Credits

Adopted Dec. 10, 2005; Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.75a, 55 PA ADC § 3280.75a

55 Pa. Code § 3280.76

§ 3280.76. Building surface requirements.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.76, 55 PA ADC § 3280.76

55 Pa. Code § 3280.77

§ 3280.77. Paint.

(a) Peeled or damaged paint or damaged plaster is not permitted on indoor or outdoor surfaces in the child care facility.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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 and local regulations.

(g) Child care may resume when the removal process is completed and when accompanying debris is removed.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.77, 55 PA ADC § 3280.77

55 Pa. Code § 3280.78

§ 3280.78. Lighting.

Rooms, hallways, stairways, outside steps, porches and ramps shall be lighted by artificial or natural light.

Credits

Adopted Apr. 4, 1992.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.78, 55 PA ADC § 3280.78

55 Pa. Code § 3280.79

§ 3280.79. Firearms.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.79, 55 PA ADC § 3280.79

55 Pa. Code § 3280.80

§ 3280.80. Glass.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.80, 55 PA ADC § 3280.80

55 Pa. Code § 3280.81

§ 3280.81. Toilet area.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.81, 55 PA ADC § 3280.81

55 Pa. Code § 3280.91

§ 3280.91. Exits.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.91, 55 PA ADC § 3280.91

55 Pa. Code § 3280.92

§ 3280.92. Space heaters.

(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 firesafety professional. Written approval of the installation and written approval for use shall be on file at the facility.

Credits

Adopted Apr. 4, 1992.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.92, 55 PA ADC § 3280.92

55 Pa. Code § 3280.93

§ 3280.93. Fireplaces and woodburning and coalburning stoves.

Fireplaces, fireplace inserts or woodburning and coalburning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.93, 55 PA ADC § 3280.93

55 Pa. Code § 3280.94

§ 3280.94. Fire drills.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.94, 55 PA ADC § 3280.94

55 Pa. Code § 3280.101

§ 3280.101. Type of play equipment.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.101, 55 PA ADC § 3280.101

55 Pa. Code § 3280.102

§ 3280.102. Condition of play equipment.

(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 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

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

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.

Credits

Amended Sept. 22, 2008; Amended Sept. 22, 2010.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.102, 55 PA ADC § 3280.102

55 Pa. Code § 3280.102a

§ 3280.102a. (Reserved).

Credits

Adopted June 14, 1997; Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.102a, 55 PA ADC § 3280.102a

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.102b

§ 3280.102b. Playground protective surface covering--statement of policy.

(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 *Public Playground Safety Handbook*, Publication 325. This publication is available on the Internet at <http://www.cpsc.gov/cpsc/pub/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 *Outdoor Home Playground Safety Handbook*, Publication 324. This publication is available on the Internet at <http://www.cpsc.gov/cpsc/pub/pubs/324.pdf> or by calling the Consumer Public Safety Commission at (800) 638-2772.

Credits

Adopted May 9, 2009.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.102b, 55 PA ADC § 3280.102b

55 Pa. Code § 3280.103

§ 3280.103. Small toys and objects.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.103, 55 PA ADC § 3280.103

55 Pa. Code § 3280.104

§ 3280.104. High chairs.

High chairs shall have a wide base and a T-shaped safety strap.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.104, 55 PA ADC § 3280.104

55 Pa. Code § 3280.105

§ 3280.105. Rest equipment.

(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 $2 \frac{3}{8}$ inches apart.

(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the child's parent and the

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.105, 55 PA ADC § 3280.105

55 Pa. Code § 3280.106

§ 3280.106. Refrigerator.

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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.106, 55 PA ADC § 3280.106

55 Pa. Code § 3280.107

§ 3280.107. Utensils.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.107, 55 PA ADC § 3280.107

55 Pa. Code § 3280.108

§ 3280.108. Furniture.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.108, 55 PA ADC § 3280.108

55 Pa. Code § 3280.111

§ 3280.111. Daily activities.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.111, 55 PA ADC § 3280.111

55 Pa. Code § 3280.112

§ 3280.112. Infant and toddler stimulation.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Infants and toddlers shall be provided stimulation by being held, rocked, talked to, played with and carried.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.112, 55 PA ADC § 3280.112

55 Pa. Code § 3280.113

§ 3280.113. Supervision of children.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.113, 55 PA ADC § 3280.113

55 Pa. Code § 3280.113a

§ 3280.113a. (Reserved).

Credits

Adopted July 27, 1996; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.113a, 55 PA ADC § 3280.113a

55 Pa. Code § 3280.113b

§ 3280.113b. (Reserved)

Credits

Adopted July 2, 2005; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.113b, 55 PA ADC § 3280.113b

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.114

§ 3280.114. Outdoor activity.

Weather permitting, children shall be taken out of doors daily.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.114, 55 PA ADC § 3280.114

55 Pa. Code § 3280.115

§ 3280.115. Water activity.

(a) *Swimming.*

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(5) The following staff:child ratios apply while children are swimming:

<i>Similar Age Level</i>	<i>Staff</i>	<i>Children</i>
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) *Wading.*

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(3) A wading pool shall be emptied daily.

(c) *Water play tables.* A water play table or a container used for water play that contains unfiltered water shall be emptied daily.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.115, 55 PA ADC § 3280.115

55 Pa. Code § 3280.115a

§ 3280.115a. (Reserved).

Credits

Adopted July 27, 1996; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.115a, 55 PA ADC § 3280.115a

55 Pa. Code § 3280.116

§ 3280.116. School-age children.

When a facility serves a school-age child, homework supervision shall be provided in accordance with arrangements determined by the parent and the operator.

Credits

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.116, 55 PA ADC § 3280.116

55 Pa. Code § 3280.117

§ 3280.117. Release of children.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.117, 55 PA ADC § 3280.117

55 Pa. Code § 3280.117a

§ 3280.117a. (Reserved).

Credits

Adopted Sept. 7, 1999; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.117a, 55 PA ADC § 3280.117a

55 Pa. Code § 3280.118

§ 3280.118. Pets.

(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.

Credits

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.118, 55 PA ADC § 3280.118

55 Pa. Code § 3280.119

§ 3280.119. Infant sleep position.

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.

Credits

Adopted Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.119, 55 PA ADC § 3280.119

55 Pa. Code § 3280.121

§ 3280.121. Application.

(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).

Credits

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.121, 55 PA ADC § 3280.121

55 Pa. Code § 3280.122

§ 3280.122. Admission interview.

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).

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.122, 55 PA ADC § 3280.122

55 Pa. Code § 3280.123

§ 3280.123. Agreement.

(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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.123, 55 PA ADC § 3280.123

55 Pa. Code § 3280.124

§ 3280.124. Emergency contact information.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.124, 55 PA ADC § 3280.124

55 Pa. Code § 3280.131

§ 3280.131. Health information.

(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).

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

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.

Credits

Amended Sept. 22, 2008.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.131, 55 PA ADC § 3280.131

55 Pa. Code § 3280.131a

§ 3280.131a. (Reserved).

Credits

Adopted Mar. 29, 1997; Reserved Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.131a, 55 PA ADC § 3280.131a

55 Pa. Code § 3280.132

§ 3280.132. Emergency medical care.

(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).

Credits

Adopted Apr. 4, 1992.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.132, 55 PA ADC § 3280.132

55 Pa. Code § 3280.133

§ 3280.133. Child medication and special diets.

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.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

(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.

Credits

Amended Sept. 22, 2008.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

55 Pa. Code § 3280.133, 55 PA ADC § 3280.133

55 Pa. Code § 3280.134

§ 3280.134. Child hygiene.

(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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.134, 55 PA ADC § 3280.134

55 Pa. Code § 3280.135

§ 3280.135. Diapering requirements.

(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 nondisposable 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 nondisposable 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.

Credits

Amended Sept. 22, 2008.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.135, 55 PA ADC § 3280.135

55 Pa. Code § 3280.136

§ 3280.136. 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 noncommunicable 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.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.136, 55 PA ADC § 3280.136

55 Pa. Code § 3280.137

§ 3280.137. Children with symptoms of disease.

55 PA. Code, Chapter 3280. (Group Child Day Care Homes, §§ 3280.1—3280.138)

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 noncommunicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.137, 55 PA ADC § 3280.137

55 Pa. Code § 3280.138

§ 3280.138. Discrimination based on illness.

Before, during and after the admission process, an operator may not discriminate against serving a child who has an illness which is not transmitted by casual contact.

Credits

Adopted Apr. 4, 1992.

Current through Pennsylvania Bulletin, Vol. 45, Num. 19, dated May 9, 2015.

55 Pa. Code § 3280.138, 55 PA ADC § 3280.138