

PA 3270.121 – 3270.241 Child Day Care Centers

PROCEDURES FOR ADMISSION

§ 3270.121. Application.

(a) The operator shall review with the parent, at the time of application, the facility's general daily schedule, hours for which care is provided, fees, responsibilities for meals, clothing, health policies, supervision policies, night care policies, dismissal policies, transportation and pick-up arrangements.

(b) At the time of enrollment, a parent shall receive in writing the information described in subsection (a).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.122. 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 about the service being planned as he can understand. **If the parent indicates that the child has a special need, the operator shall discuss the condition with the parent, refer to § 3270.4 (relating to definitions), and comply with §§ 3270.17, 3270.124 and 3270.131 (relating to service to a child with special needs; emergency contact information; and health information).**

Authority

The provisions of this § 3270.122 amended under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1087).

Source

The provisions of this § 3270.122 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (228699).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.123. Agreement.

(a) An agreement signed by the operator and the parent must specify the following:

(1) The amount of the fee to be charged per day or per week.

(2) The date on which the fee is to be paid.

(3) The services to be provided to the family and the child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in § 3270.124(f) (relating to emergency contact information).

(4) The child's arrival and departure times.

(5) The persons designated by a parent to whom the child may be released as specified in § 3270.117 (relating to release of children).

(6) The date of the child's admission.

(7) The services which are to be considered as extra.

(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.

Authority

The provisions of this § 3270.123 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.123 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial pages (228699) to (228700).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.124. Emergency contact information.

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

Authority

The provisions of this § 3270.124 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.124 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (228700) and (312151).

Cross References

This section cited in 55 Pa. Code § 3270.122 (relating to admission interview); 55 Pa. Code § 3270.123 (relating to agreement); and 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

CHILD HEALTH

§ 3270.131. 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).

(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 need and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning.
 - (5) A review of the child's immunized status according to recommendations of the ACIP.
 - (6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency.
 - (7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease.
 - (8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section.
- (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 shall be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record.

(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.

Authority

The provisions of this § 3270.131 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.131 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (312151).

Cross References

This section cited in 55 Pa. Code § 3041.46 (relating to immunization); 55 Pa. Code § 3270.122 (relating to admission interview); and 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.131a. [Reserved].

Source

The provisions of this § 3270.131a adopted March 28, 1997, effective March 29, 1997, 27 Pa.B. 1579; reserved May 23, 2008, effective September 22, 2008, 38 Pa.B. 2469. Immediately preceding text appears at serial page (312152).

§ 3270.132. 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 § 3270.20(c) (relating to reporting injury, death or fire).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.133. 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 that is prescribed by a physician, physician's assistant or CRNP as treatment related to the child's special needs. Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:

- (1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.
- (2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medicine. Instructions for administration contained on a prescription label are acceptable.
- (3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.
- (4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.
- (5) Medication shall be stored in accordance with the manufacturer's or health professional's instructions on the original label.
- (6) A parent shall provide written consent for administration.
- (7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information:
 - (i) The name of the medication.
 - (ii) The name of the child receiving the medication.
 - (iii) A requirement for refrigeration.
 - (iv) The amount of medication administered.

- (v) The date of administration.
- (vi) The time of administration.
- (vii) The initials of the staff person who administered the medication.
- (viii) Special notes related to problems of administration.

(8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.

Authority

The provisions of this § 3270.133 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.133 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial pages (312152) and (228703).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.134. 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 director shall arrange a laundry schedule with the parent.

(c) Paper towels may be used as towels and washcloths. Paper towels shall be discarded after each use.

(d) Liquid or powdered soap shall be used for handwashing.

(e) A child shall have a labeled toothbrush if brushing teeth is a program activity.

(f) Toothbrushes shall be stored with the bristles up and exposed to circulating air.

(g) Paper cups, discarded after one use, or water fountains shall be used for between-meal drinking by children who are not bottle-fed.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.135. 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 parent or by a facility, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.

(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.

(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.

(c) The diapering area may not be used for food preparation or food service.

(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.

(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.

Authority

The provisions of this § 3270.135 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.135 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (228704).

§ 3270.136. 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 Chapter 27, or to a local department of health.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.137. Children with symptoms of disease.

An operator who observes an enrolled child with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall exclude the child from attendance until the operator receives notification from a physician or a CRNP that the child is no longer considered a threat to the health of others. The notification shall be retained in the child's file. Diseases and conditions which require exclusion are specified in 28 Pa. Code Chapter 27 (relating to communicable and noncommunicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.138. Discrimination based on illness.

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

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

ADULT HEALTH

§ 3270.151. Health assessment.

(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment conducted within 12 months prior to providing initial service in a child care setting and every 24 months thereafter. A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.

(b) A health assessment shall be conducted and a report shall be written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.

(c) The health assessment must include the following:

(1) A physical examination.

(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, physician's assistant, CRNP, the Department of Health or a local health department.

(i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.

(ii) A record of a person with a positive tuberculin skin test must include the results of a chest X-ray and evaluation for chemoprophylaxis.

(iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing, unless one of the following occurs:

(A) The person is exposed to an active case of tuberculosis.

(B) The person develops a productive cough which does not respond to medical treatment within 14 days.

(3) Examination for communicable diseases and the results of that examination.

(4) Information on medical problems that might threaten the health of the children or prohibit a staff person from providing adequate care to children.

(5) The physician's or CRNP's assessment of the person's suitability to provide child care.

(d) An adult individual who is employed by a facility and who provides children with social, medical, psychological or psychiatric services in addition to this chapter is required to have a current health assessment on file at the facility. An adult individual or an employe of an agency who provides those services by contract with the child's parent or the facility is not required to have a current health assessment on file at the facility.

Authority

The provisions of this § 3270.151 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.151 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial pages (204581) to (204582).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.151a. Tuberculosis testing—statement of policy.

The Department will accept an interferongamma release assay blood test instead of the Mantoux skin test for an adult health assessment.

Source

The provisions of this § 3270.151a adopted February 3, 2012, effective immediately, 42 Pa.B. 675.

§ 3270.152. Adult hygiene.

A facility person shall wash his hands before meals and snacks, and after toileting and after diapering a child.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.153. Facility persons with symptoms of disease.

A facility person with symptoms of a communicable disease or infection that can be transmitted directly or indirectly and which may threaten the health of children in care shall be excluded from attendance until the facility operator receives notification from a physician or CRNP that the person is no longer considered a threat to the health of others. The notification shall be retained in the facility person's file. Exclusion from the facility is required for diseases and conditions specified in 28 Pa. Code Chapter 27 (relating to communicable and noncommunicable diseases). The Department of Health will provide, upon request, a list of communicable diseases.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.154. Facility persons with skin disorders.

(a) A facility person with a discharging or infected wound, sore or lesion on the hands, arms or an exposed portion of the body shall be excluded from child care and food preparation activities until the operator receives written notification from a physician or CRNP that the person may return to child care or food preparation. The notification shall be retained in the person's file.

(b) A facility person with a herpes infection may not be present with infants younger than 3 months of age.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.155. Discrimination based on illness.

A facility person or an individual seeking employment or placement who has an illness that is not transmitted by casual contact shall be permitted the right to

continued employment, placement, employment opportunity or placement opportunity to the extent of the person's ability to perform the stated job function.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

NUTRITION

§ 3270.161. Food.

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

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.162. Meals.

(a) If a child receives care for 4 or more consecutive hours, nutritional, appropriately-timed meals and snacks shall be served.

(b) Meals and snacks may be provided by the parent, upon agreement between the parent and the operator.

(c) Food may not be withheld from a child for purposes of discipline.

(d) A child may not be forced to eat food.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.163. Food groups.

(a) A lunch or dinner prepared at the facility for children of toddler age or older shall have at least one item from each of the following food groups:

(1) Dairy products—milk, milk products and cheese.

(2) Protein group—meat, fish, poultry, eggs, cheese, peanut butter, dried beans, peas and nuts.

(3) Fruits and vegetables—including a wide variety of green, white, yellow, red vegetables and fruits.

(4) Grain group—whole grain and enriched products, such as breads, cereals, pastas, crackers and rice.

(b) Breakfast prepared at the facility for children of toddler age or older shall have at least one item from three of the four food groups listed in subsection (a).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.164. Food servings.

Food servings shall be portioned suitably for the size and age of the children in care. Additional food in reasonable amounts shall be made available to children upon the request of the parent or child.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.165. Menus.

An operator shall conspicuously post the menu at least 1 week in advance or provide a menu to each family.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.166. Meals for infants.

Meals for infants shall be provided in accordance with the following requirements:

- (1) A written statement giving formula and feeding schedule shall be obtained from the parent.
- (2) New foods shall be introduced only after consultation with the child's parent.
- (3) Disposable nursers shall be used unless bottles are provided by the parent or unless a commercial dishwasher is used by the facility.
- (4) Disposable nursers and bottles shall be labeled with the child's name.
- (5) An infant 6 months of age or younger shall be held while being bottle fed.
- (6) Neither an infant nor a toddler is permitted to sleep with a bottle in his mouth.
- (7) Bottled formula may not be heated in a microwave oven.

TRANSPORTATION

§ 3270.171. Pick-up and drop-off points.

(a) An operator shall notify local traffic safety authorities annually in writing of the location of the facility and the program's use of pedestrian and vehicular routes around the day care facility.

(b) Safe pedestrian crossways, pick-up and drop-off points and bike routes shall be appropriately determined in the vicinity of the facility and communicated to the children and parents in writing.

(c) Written notification of safe routes shall be posted by the operator at a conspicuous location in the child care facility.

(d) Children shall be picked up and discharged only at locations specified by the facility as safe locations.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.172. Consent.

(a) Transportation by the facility requires written parental consent, except for transportation of school-age children who are transported to or from a child care facility in vehicles owned or operated by the school district. See § 3270.241(b)(13)(i) (relating to requirements specific to school-age programs).

(b) If a child has a problem or special need such as seizures or motion sickness that may require special care during transportation, written parental instructions regarding treatment of the problem or special need shall accompany the child being transported.

(c) Written information required in subsections (a) and (b) shall be given to the operator or attendant of a vehicle transporting the child.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.173. Transportation ratios.

(a) The staff-child ratios specified in §§ 3270.51 and 3270.52 (relating to similar age level; and mixed age level) apply when infant, young or older toddler and preschool children are transported. The maximum group size requirements in §§ 3270.51 and 3270.52 do not apply during transportation.

(b) The driver may not be considered part of the staff-child ratio when infant, young or older toddler or preschool children are transported.

(c) When school-age children are transported, the driver may be considered part of the staff-child ratio required in § 3270.51.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.174. Age of driver.

The operator of the vehicle shall be 18 years of age or older and shall have a valid operator's license.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.175. Safety restraints.

(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).

(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by all occupants.

(c) Manufacturers' instructions for use of safety restraints shall be kept in the vehicle at all times.

(d) A school bus with a seating capacity of 16 or more children used in transporting preschool or school-age children is exempt from the requirements established under subsections (a)—(c).

Authority

The provisions of this § 3270.175 amended under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1087).

Source

The provisions of this § 3270.175 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (204586).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.176. Vehicles.

- (a) A vehicle shall be insured in accordance with 75 Pa.C.S. § § 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).
- (b) The doors on a vehicle shall be locked whenever the vehicle is in motion.
- (c) No more than three persons may occupy the front seat of an automobile.
- (d) The back of a pick-up truck may not be used to transport children.
- (e) The cargo area of a station wagon may not be used to transport children.
- (f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11—15 passenger van.

Authority

The provisions of this § 3270.176 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.176 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (204586) to (204587).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.177. Supervision.

- (a) Children may not be left unattended in a vehicle.
- (b) Children shall be supervised during boarding and exiting vehicles by an adult who remains outside the vehicle.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.178. Transportation first-aid kit.

A first-aid kit, including the contents as specified in § 3270.75 (relating to first-aid kit) shall be in the vehicle when children are being transported. The kit may be the same kit described in § 3270.75.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

CHILD RECORDS

§ 3270.181. Individual records.

- (a) An operator shall establish and maintain an individual record for each child enrolled in the facility.
- (b) Information in a child's record shall be kept current by the operator.
- (c) A parent is required to review and update the emergency contact information and the financial agreement at least once in a 6-month period or as soon as there is a change in the information.
- (d) Following review, a parent shall attest to the accuracy of information in subsection (c) by affixing a dated signature to the record.
- (e) If emergency information is updated in a master file, it shall be updated accordingly in other facility records.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.182. Content of records.

A child's record must contain the following information:

- (1) Initial and subsequent health reports.
- (2) The dates of application, admission and withdrawal of the child.
- (3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.
- (4) Signed parental consent for administration of medications or special dietary needs.

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

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

Blue, pale yellow

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

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

Authority

The provisions of this § 3270.182 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.182 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial pages (204587) to (204588).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.183. Confidentiality of records.

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

(b) A facility person may not disclose information concerning a child or family, except in the course of inspections and investigations by agents of the Department.

Cross References

This section cited in 55 Pa. Code § 3270.184 (relating to release of information); and 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.184. Release of information.

(a) The parent shall have access to the child's complete child day care record.

(b) Except as provided in § 3270.183(b) (relating to confidentiality of records), release or dissemination of information in a child's record may be made by the operator and only with written parental consent. When file material is released, the person who authorized the release shall record the following information in the child's file:

- (1) The name and position of the individual to whom the information was released.
- (2) The date the information was released.
- (3) The portions of the record that were released.
- (4) The purpose of the release.
- (5) The signature of the person who authorized the release.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.185. Record retention.

A copy of the child's record shall be retained at the facility for at least 1 year after termination of service, unless the entire record is transferred by the operator to the parent or guardian or to another agency at the request of the parent or guardian.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

ADULT RECORDS

§ 3270.191. Individual records.

An individual record is required for each facility person.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.192. Content of records.

A record shall include a copy of the following information:

- (1) The name, address and telephone number of the facility person.
- (2) Verification as follows:
 - (i) Verification of age.
 - (ii) Verification of child care experience, education and training prior to service at the facility.
 - (iii) Verification of child care experience, education and training following the outset of service at the facility.
 - (iv) Acceptable verification of experience, education or training is a transcript or a diploma or a letter signed by a representative of the experiential, educational or training entity.
- (3) A written report of initial and subsequent health assessments, including the results of initial and subsequent tuberculin skin tests, x-rays or other medical documentation necessary to confirm freedom from communicable tuberculosis.
- (4) A copy of requests for the criminal history record and child abuse registry clearance information, a copy of the disclosure statement and a copy of the completed clearance information required under the CPSL.
- (5) Two written, nonfamily references from individuals attesting to the person's suitability to serve as a facility person.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.193. Confidentiality of records.

- (a) Facility persons' records are confidential and shall be stored in a locked cabinet.
- (b) A facility person may not disclose information concerning another facility person or adult providing a service at the facility, except in the course of investigations or inspections by agents of the Department.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.201—3270.210. [Reserved].

Source

The provisions of these § § 3270.201—3270.210 reserved May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial pages (204590) to (204592).

HEAD START PROGRAMS

§ 3270.221. Certificate of compliance.

Child day care programs that meet the requirements of this chapter are issued a certificate of compliance. When child day care services are operated before or after the Head Start Program, that portion of the extended day which meets the definitions of this chapter shall receive a certificate of compliance.

SPECIAL EXCEPTIONS

§ 3270.231. Staff qualifications.

(a) Staff persons employed in a day care center prior to April 2, 1978, permanently qualify for their position, as long as the staff qualifications in effect as of September 1, 1977 are met.

(b) Promotions prior to July 1, 1978 are permitted according to the staff qualifications in effect as of September 1, 1977, for Director, Group Supervisor, Assistant Group Supervisor and Aide. If promoted prior to July 1, 1978, according to the staff qualifications in effect as of September 1, 1977, these staff permanently qualify for their promoted position.

(c) A staff person previously granted a waiver of staff qualification is permanently qualified at the position level specified by the waiver.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.232. Indoor and outdoor space and capacity.

(a) Facilities licensed or approved prior to April 2, 1978, that comply with the indoor space requirements effective September 1, 1977, permanently satisfy the indoor space requirements specified in § 3270.61 (relating to measurement and use of indoor child care space).

(b) Infant and toddler indoor or outdoor play space capacity established prior to April 4, 1992, shall remain in effect.

(c) A facility certified by the Department which does not provide play space as described at § 3270.62(a) (relating to measurement and use of play space) as of April 4, 1992, is exempt from the requirement, if the facility location remains unchanged.

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.233. Play surfaces.

(a) A facility lawfully operating as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement described in § 3270.102(c) (relating to condition of play equipment).

(b) A facility lawfully operating as of September 22, 2008, which has a play surface not in compliance with § 3270.102(e) has until September 22, 2010, to comply with the requirement described in § 3270.102(e).

Authority

The provisions of this § 3270.233 amended under Articles IX and X of the Public Welfare Code (62 P. S. § § 901—922 and 1001—1087).

Source

The provisions of this § 3270.233 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial page (204593).

Cross References

This section cited in 55 Pa. Code § 3270.241 (relating to requirements specific to school-age programs).

§ 3270.234. Stacked cribs and crib slats.

A facility certified by the Department as of April 4, 1992, will be permitted until April 4, 1993, to comply with requirements relating to stacked cribs and crib slats, as described at § 3270.106 (relating to rest equipment).

SCHOOL-AGE PROGRAMS

§ 3270.241. Requirements specific to school-age programs.

(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P. S. § § 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child day care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following sections:

(1) General provisions. Sections 3270.1—3270.4 (relating to general provisions).

(2) General requirements. Sections 3270.11—3270.27 (relating to general requirements).

(3) Staff persons and volunteers. Sections 3270.31, 3270.32 and 3270.33(a), (b) and (d) (relating to age and training; suitability of persons in the facility; and general requirements for facility persons). Special requirements for director, group supervisor and assistant group supervisor are set forth in subsection (c).

(4) Staff-child ratio. Sections 3270.51, 3270.53 and 3270.54 (relating to similar age level; children of an operator or a staff person; and minimum number of facility persons in the child care facility).

(5) Physical site.

(i) Physical site requirements do not apply for a school-age program located in a school building that is under section 776.1 of the Public School Code of 1949 (24 P. S. § 7-776.1); specifically, a program operated for school-age children in a public or private school building, a building used by an intermediate unit, or an area vocational-technical school building which meets the physical site requirements acceptable to the Department of Education.

(ii) A school-age program not located in a school building referenced in subparagraph (i) must comply with requirements in § § 3270.61, 3270.62, 3270.64, 3270.67, 3270.69, 3270.72(a), 3270.73, 3270.74, 3270.76, 3270.78, 3270.79 and 3270.82(a), (b) and (h).

(6) Fire safety. Sections 3270.91(a), 3270.92—3270.94 (relating to fire safety).

(7) Equipment. Sections 3270.101, 3270.102(a)—(c) and (g), 3270.104, 3270.107 and 3270.108.

(8) Program. Sections 3270.111, 3270.113, 3270.115(a) and (b), 3270.116 and 3270.118.

(9) Procedures for admission. Sections 3270.121—3270.124 (relating to procedures for admission). When a school-age child attends the facility 15 hours or less per week, the operator is not required to complete the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided referenced in § 3270.124(a)(3).

(10) Child health. Sections 3270.131—3270.134(a) and 3270.136—3270.138. An equivalent health report completed by a school is acceptable as documentation of child health for a school-age child.

(11) Adult health. Sections 3270.151—3270.154(a) and 3270.155.

(12) Nutrition.

(i) In a facility operating a school-age program for fewer than 4 consecutive hours, none of the nutrition requirements applies.

(ii) If a program operates for 4 or more consecutive hours or if a program provides meals or snacks, the facility director shall comply with § § 3270.161—3270.165.

(13) Transportation.

(i) A facility is exempt from transportation requirements when children attending care at the facility are transported in vehicles owned and operated by the school district in which the facility is located.

(ii) A facility not operating under the provisions referenced in subparagraph (i) shall comply with § § 3270.171—3270.178 (relating to transportation).

(14) Child records. Sections 3270.181—3270.185 (relating to child records).

(15) Adult records. Sections 3270.191—3270.193 (relating to adult records).

(16) Special exemptions. Sections 3270.231—3270.233 (relating to staff qualifications; indoor and outdoor space and capacity; and play surfaces).

(17) Telephone. Staff persons shall have immediate access to a working telephone on the facility premises. If a land-line telephone is not accessible to staff persons during the hours of facility operation, a wireless telephone is acceptable.

(c) Special requirements for staff persons in school-age programs or in school-age spaces.

(1) Director.

(i) In a program operating 30 or fewer hours a week, a director or director/group supervisor shall be present at a facility as required at § 3270.34 (relating to director qualifications and responsibilities) at least 20% of the program's operational hours.

(ii) In a program operating 31 to 45 hours a week, a director or director/group supervisor shall be present at a facility site at least 35% of the program's operational hours.

(iii) In a program operating 46 or more hours a week, a director or director/group supervisor shall be present at a facility site as described at § 3270.34(c) and (d).

(iv) A responsible designee shall be appointed by a director as described at § 3270.34.

(2) Group supervisor. In a program in which 46 or more school-age children are enrolled, a group supervisor shall be present at a facility site as described at § 3270.35 (relating to group supervisor qualifications and responsibilities).

(3) Assistant group supervisor.

(i) In a program in which 45 or fewer school-age children are enrolled, assistant group supervisors shall be present at a facility site during the program's operational hours.

(ii) In a program in which 45 or fewer school-age children are enrolled, one assistant group supervisor is required to be present at a facility site for each group of 12 young school-age or 15 older school-age children in attendance.

(iii) In a program of 45 or fewer enrolled children, an assistant group supervisor is responsible for the following minimum duties:

(A) Planning and implementing, with the director, daily program activities.

(B) Coordinating activities with other assistant group supervisors.

(C) Assisting the director as needed.

(4) Aides. In a program in which 46 or more school-age children are enrolled, the responsibility of an aide is described at § 3270.37 (relating to aide qualifications and responsibilities).

Authority

The provisions of this § 3270.241 amended under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1087).

Source

The provisions of this § 3270.241 amended May 23, 2008, effective September 22, 2008, 38 Pa.B. 2437. Immediately preceding text appears at serial pages (204593) to (204596).

Cross References

This section cited in 55 Pa. Code § 3270.3 (relating to applicability); and 55 Pa. Code § 3270.172 (relating to consent).