

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective July 12, 1996.

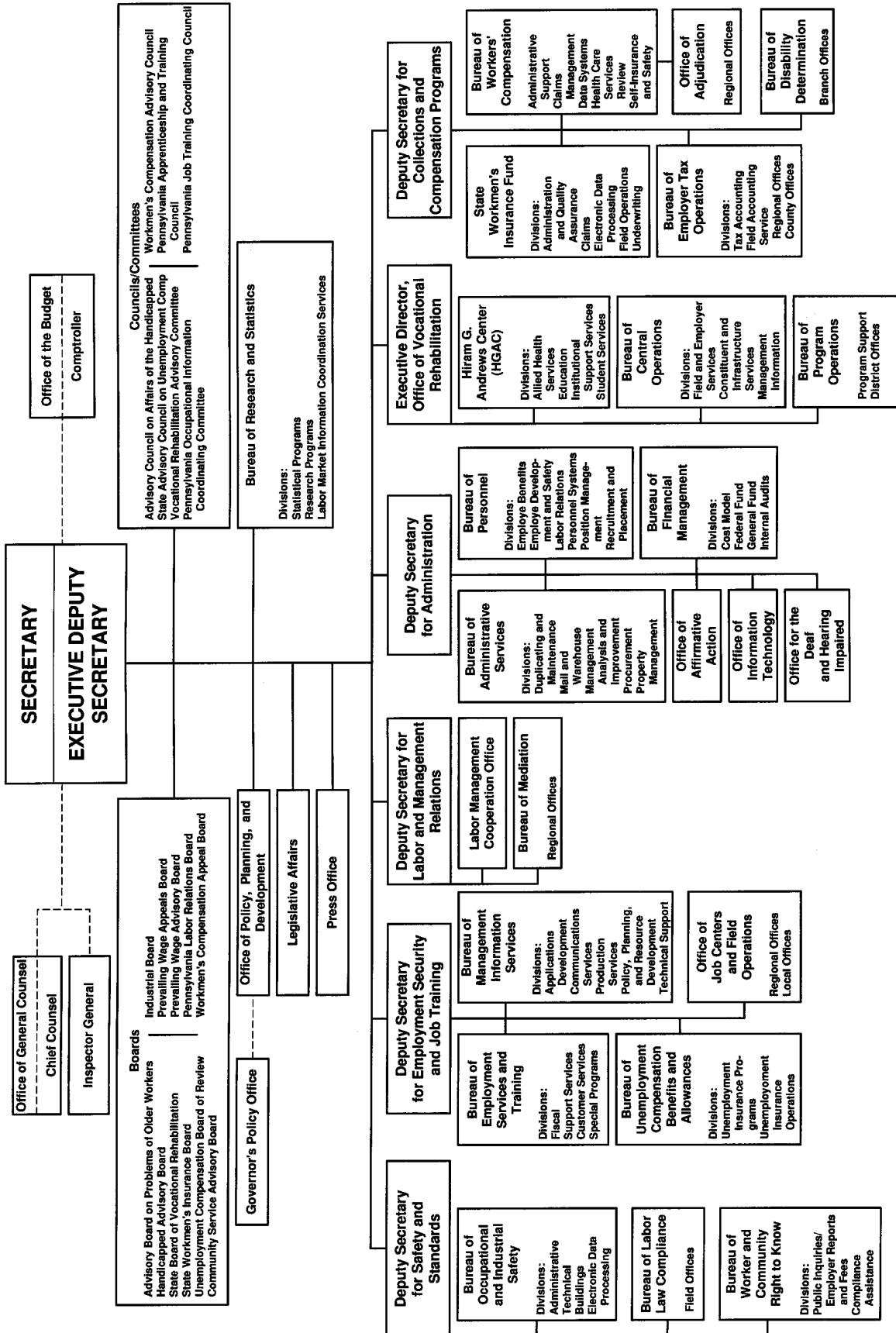
The organization chart at 26 Pa.B. 3551 (July 27, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 96-1208. Filed for public inspection July 26, 1996, 9:00 a.m.]

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DEPARTMENT OF LABOR AND INDUSTRY



## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270 AND 3280]

#### Supervision of Children

The purpose of this statement of policy is to clarify the requirement for supervision of children in child day care centers and group day care homes in order to assure that children in care are supervised at all times.

#### *Discussion*

The proper supervision of children in care is a critical health and safety issue. Children who are not properly supervised are more likely to be injured or wander into unsafe situations. Facilities are required to maintain staff: child ratios as specified in regulations at all times when children are in the care of the facility, including times when children are transported by the facility on a vehicle and when children are on a facility field trip.

The Department of Public Welfare (Department) reviewed the requirements relating to supervision of children in child day care centers and group day care homes and determined that it is necessary to issue policy clarifying the requirement to supervise children at all times (§§ 3270.113(a) and 3280.113(a)).

#### *Interpretation*

The phrase "supervised at all times" means that 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 must be physically present with the children in this group.

#### *Contact Person*

Comments and questions regarding this statement of policy should be directed to Jennifer Lau, Bureau of Child Day Care Services, 4th Fl. Bertolino Bldg., 1401 N. 7th St., Harrisburg, PA 17105-2675, (717) 787-8691.

#### *Effective Date*

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270 and 3280, are amended by adding statements of policy at §§ 3270.113a and 3280.113a to read as set forth in Annex A.)

**Fiscal Note:** 14 BUL-44. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 55. PUBLIC WELFARE

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

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

#### ARTICLE I. LICENSING/APPROVAL

#### CHAPTER 3270. CHILD DAY CARE CENTERS PROGRAM

#### § 3270.113a. Supervision of children—statement of policy.

The phrase "supervised at all times" means that 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.

#### CHAPTER 3280. GROUP DAY CARE HOMES PROGRAM

#### § 3280.113a. Supervision of children—statement of policy.

The phrase "supervised at all times" means that 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.

[Pa.B. Doc. No. 96-1209. Filed for public inspection July 26, 1996, 9:00 a.m.]

### DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

#### Departmental Access to the Facility Premises

The purpose of this statement of policy is to inform child day care facility operators that agents of the Department of Public Welfare (Department) will inspect all areas of the facility premises that are accessible to children.

#### *Discussion*

Current regulations require that a staff person shall provide to agents of the Department immediate access to the facility, children, files and records (§§ 3270.24, 3280.23 and 3290.21). The Department's inspection has been confined to areas of the facility identified by the operator for use by the children in care.

Following a child's death in a pool that was declared by the operator to be off-limits for children in care, the Department has determined to clarify its position regarding the extent of its inspection. The Department determines that an area of the facility not identified for use by children in care may nonetheless be accessed by a child. Conditions in that area may pose a hazard to a child who enters the area. The Department's agents are responsible to determine the hazardous condition of any area of a premise that may be accessible to children.

#### *Interpretation*

Agents of the Department will inspect the safety of all areas of the child day care facility premises that are accessible to children.

#### *Contact Person*

Comments and questions regarding this statement of policy should be directed to Jennifer Lau, Bureau of Child Day Care Services, 4th Fl., Bertolino Bldg., 1401 N. 7th St., Harrisburg, PA 17105-2675, (717) 787-8691.

#### *Effective Date*

The statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by

adding statements of policy at 55 Pa. Code §§ 3270.24a, 3280.23a and 3290.21a, to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-47. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

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

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

**ARTICLE I. LICENSING/APPROVAL**

**CHAPTER 3270. CHILD DAY CARE CENTERS  
GENERAL REQUIREMENTS**

**§ 3270.24a. Departmental access—statement of policy.**

Agents of the Department will inspect the safety of all areas of the child day care facility premises that are accessible to children.

**CHAPTER 3280. GROUP DAY CARE HOMES  
GENERAL REQUIREMENTS**

**§ 3280.23a. Departmental access—statement of policy.**

Agents of the Department will inspect the safety of all areas of the child day care facility premises that are accessible to children.

**CHAPTER 3290. FAMILY DAY CARE HOMES  
GENERAL REQUIREMENTS**

**§ 3290.21a. Departmental access—statement of policy.**

Agents of the Department will inspect the safety of all areas of the child day care facility premises that are accessible to children.

[Pa.B. Doc. No. 96-1210. Filed for public inspection July 26, 1996, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE**

**[55 PA. CODE CHS. 3270, 3280 AND 3290]**

**Inaccessibility of Aboveground Swimming Pools**

The purpose of this statement of policy is to clarify the Department of Public Welfare's (Department) policy regarding inaccessibility of aboveground swimming pools.

*Discussion*

Swimming pools are inherently hazardous and children are inherently curious. They are often unaware of the potential drowning dangers associated with pools. In the summer of 1995, a child in care in a group day care home drowned in a swimming pool at the facility. As a result of that incident, the Department has determined it is necessary to clarify the current regulations that require that an above-ground pool which is not in use shall be made inaccessible to children (§§ 3270.115(a)(3), 3280.115(a)(3) and 3290.115(a)(2)).

The operator's assertion that an aboveground swimming pool is off-limits or inaccessible to children is not sufficient to constitute compliance with these regulations. Training has been provided to day care licensing representatives regarding assessing the potential for children

to access an aboveground swimming pool. If a licensing representative determines that a child can access a pool, the pool will be considered accessible to children and therefore not in compliance with the Department's regulations. The operator will be required to render the pool inaccessible to children. The Department must be satisfied that as the result of the correction, no child will be able to access the pool. All aboveground pools will be inspected according to this clarification.

*Interpretation*

The operator's representation that an above-ground swimming pool is off-limits or inaccessible to children is not sufficient to ensure compliance with the regulation. At the time of a facility inspection, the Department's licensing representative will determine whether an above-ground swimming pool is accessible to children. If the pool is accessible, the operator will be required to make the swimming pool inaccessible to children.

*Contact Person*

Comments and questions regarding this statement of policy should be directed to Jennifer Lau, Bureau of Child Day Care Services, 4th Fl., Bertolino Bldg., 1401 N. 7th St., Harrisburg, PA 17105-2675, (717) 787-8691.

*Effective Date*

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding statements of policy at §§ 3270.115a, 3280.115a and 3290.115a, to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-46. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

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

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

**ARTICLE I. LICENSING/APPROVAL**

**CHAPTER 3270. CHILD DAY CARE CENTERS  
PROGRAM**

**§ 3270.115a. Water activity—statement of policy.**

The operator's representation that an aboveground swimming pool is off-limits or inaccessible to children is not acceptable to ensure compliance with the regulation. At the time of a facility inspection, the Department's licensing representative will determine whether an above-ground swimming pool is accessible to children. If the pool is accessible, the operator will be required to make the swimming pool inaccessible to children.

**CHAPTER 3280. GROUP DAY CARE HOMES  
PROGRAM**

**§ 3280.115a. Water activity—statement of policy.**

The operator's representation that an aboveground swimming pool is off-limits or inaccessible to children is not acceptable to ensure compliance with the regulation. At the time of a facility inspection, the Department's licensing representative will determine whether an above-ground swimming pool is accessible to children. If the

pool is accessible, the operator will be required to make the swimming pool inaccessible to children.

**CHAPTER 3290. FAMILY DAY CARE HOMES PROGRAM**

**§ 3290.115a. Water activity—statement of policy.**

The operator's representation that an aboveground swimming pool is off-limits or inaccessible to children is not acceptable to ensure compliance with the regulation. At the time of a facility inspection, the Department's licensing representative will determine whether an aboveground swimming pool is accessible to children. If the pool is accessible, the operator will be required to make the swimming pool inaccessible to children.

[Pa.B. Doc. No. 96-1211. Filed for public inspection July 26, 1996, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE  
[55 PA. CODE CHS. 3270, 3280 AND 3290]  
Posting Department Inspection Summaries**

The purpose of this statement of policy is to inform child day care facility operators that a copy of the Department of Public Welfare (Department) inspection summary shall be posted in the facility next to the facility's certificate of compliance or registration.

*Discussion*

Current Department regulations require that a facility's certificate of compliance or registration and the child day care service regulations applicable to the facility shall be posted in a conspicuous location used by parents (§§ 3270.25, 3280.24 and 3290.22). The certificate of compliance or registration reflects the Department's approval of facility operation and the status of the facility compliance with Department regulations.

Following an inspection, the Department issues an inspection summary to the operator to provide information regarding the facility's compliance with regulations. By citing regulatory noncompliance on an inspection summary, the Department notes failure to approve specific regulated or regulatory aspects of the facility operation. It is misleading to consumers to post only a certificate of compliance or registration indicating the Department's approval of a facility when noncompliance has been cited. The Department cannot permit an operator to display only a certificate indicating approval by the Department when noncompliance has been cited. Posting the inspection summary gives a true picture of the status of the facility.

*Contact Person*

Comments and questions regarding this statement of policy should be directed to Jennifer Lau, Bureau of Child Day Care Services, 4th Floor, Bertolino Building, 1401 N. 7th St., Harrisburg, PA 17105-2675, (717) 787-8691.

*Interpretation*

To accurately reflect the status of the Department's approval, the operator of a child day care facility is required to post each inspection summary issued by the Department next to the facility's certificate of compliance or registration in a conspicuous location used by parents. The inspection summary shall remain posted until a Department representative verifies that each noncompliance item noted on the inspection summary has been corrected.

*Effective Date*

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

FEATHER O. HOUSTOUN,  
*Secretary*

(*Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding statements of policy at §§ 3270.25a, 3280.24a and 3290.22a, to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-45. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

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

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

**ARTICLE I. LICENSING/APPROVAL**

**CHAPTER 3270. CHILD DAY CARE CENTERS**

**GENERAL REQUIREMENTS**

**§ 3270.25a. Availability of certificate of compliance and applicable regulations—statement of policy.**

To accurately reflect the status of the Department's approval, the operator of a child day care center is required to post each inspection summary issued by the Department next to the facility's certificate of compliance in a conspicuous location used by parents. The inspection summary shall remain posted until a Department representative verifies that each noncompliance item noted on the inspection summary has been corrected.

**CHAPTER 3280. GROUP DAY CARE HOMES**

**GENERAL REQUIREMENTS**

**§ 3280.24a. Availability of certificate of compliance and applicable regulations—statement of policy.**

To accurately reflect the status of the Department's approval, the operator of a group day care home is required to post each inspection summary issued by the Department next to the facility's certificate of compliance in a conspicuous location used by parents. The inspection summary shall remain posted until a Department representative verifies that each noncompliance item noted on the inspection summary has been corrected.

**CHAPTER 3290. FAMILY DAY CARE HOMES**

**GENERAL REQUIREMENTS**

**§ 3290.22a. Availability of certificate of registration and applicable regulations—statement of policy.**

To accurately reflect the status of the Department's approval, the operator of a family day care home is required to post each inspection summary issued by the Department next to the facility's certificate of registration in a conspicuous location used by parents. The inspection summary shall remain posted until a Department representative verifies that each noncompliance item noted on the inspection summary has been corrected.

[Pa.B. Doc. No. 96-1212. Filed for public inspection July 26, 1996, 9:00 a.m.]