Rhode Island Department of Children, Youth & Families

Division of Child Care Licensing

101 Friendship Street, Providence, RI 02903

401-528-3624

Measurement of Centers and Issuance of Licensed Capacity Numbers

July, 2014

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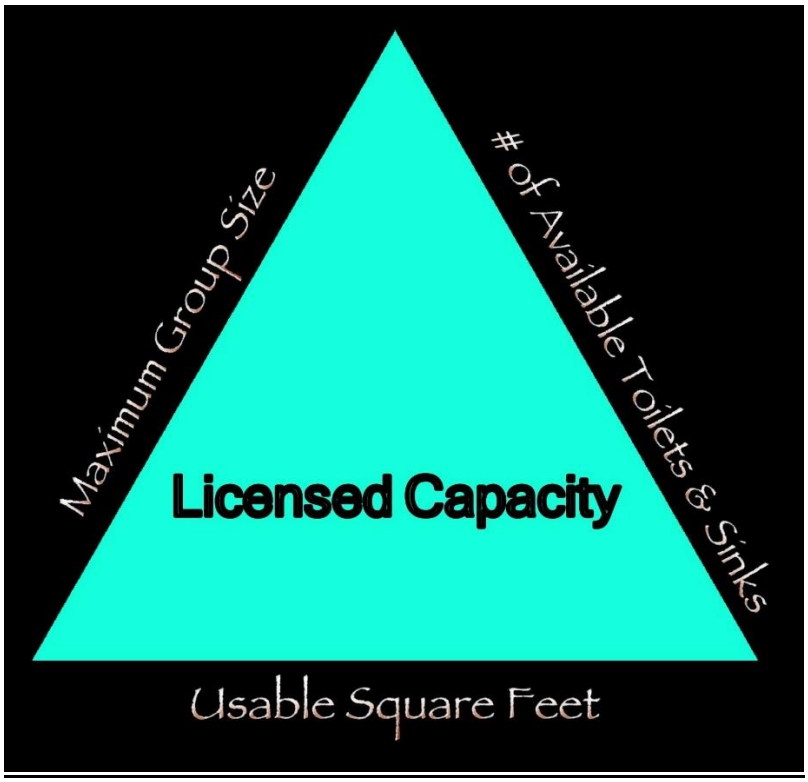
OVERVIEW:

Revised Child Care Program Standards for Licensure went into effect in November of 2013. As part of the process of rolling out these revised regulations, all centers in the state will be re-measured using a standard and consistent protocol and new licenses will be issued to centers in November of 2014. It is important that centers understand the regulations being used to determine licensed capacity and the steps that DCYF will take to make capacity determinations.

CALCULATING LICENSED CAPACITY:

In calculating the licensed capacity for each child care facility, the following three key variables will be considered: usable square footage, maximum allowable group size and the number of available toilets and sinks.



The relevant regulations to reference are:

SQUARE FOOTAGE:

I.D-1 There is a minimum of 45 square feet of usable space for each child in activity rooms or classrooms used for infants and toddlers

I.D-2 There is a minimum of 35 square feet of usable space for each child in activity rooms or classrooms used for preschool children

GROUP SIZE:

I.D-3 Program licensing capacity is determined by adding up the total capacity of approved groups for that program. (page 8)

I.E-1 Classrooms are separate areas with floor to ceiling walls. (page 8)

I.E-2 If floor to ceiling walls are not possible, then classroom areas may be partitioned with dividers, cubbies or bookcases of at least four feet in height, which are securely fastened to the floor or wall and completely separate groups of children. (page 8)

I.F-1 Children under the age of three years have rooms or areas physically separate from those used by children three years and over. (page 8)

3.C-3.a. Maximum group size is determined by the number of children cared for by a caregiver or group of caregivers in a classroom or designated area. (page 20)

3.C-3.b. Physical barriers divide groups and completely separate the children. (page 20)

PLUMBING:

I.M-1 Children under the age of 36 months – one toilet and one sink for every group of 20 children. (page 8)

I.M-2 Children three years and older – one toilet and one sink for every group of 10 children. (page 8)

I.M-5 At least one diaper changing area and adjacent hand-washing sink with hot and cold running water (separate from food preparation area) for every 20 children under the age of three. (page 8)

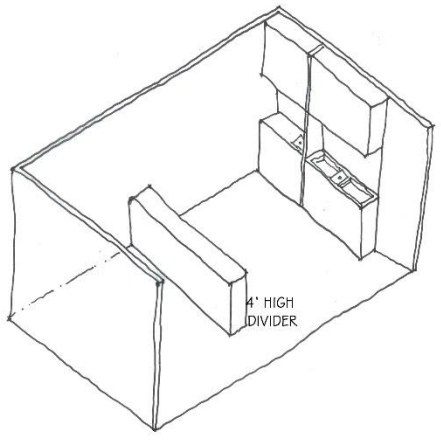
All three previously described factors; usable square footage, group size, and plumbing features, work together in order to calculate the licensed capacity. Consider these examples.

Example #1: A preschool space has floor to ceiling walls and no further types of division. The center wants to use this space for a mixed-age preschool classroom of threes and fours. This space has a total of 875 usable square feet. Divided by 35 square feet per child, this equals 25 children. However, the maximum group size for three year olds is 18. In addition, the space only has two toilets and two sinks. Therefore, even though there is sufficient square footage for 25 children, the space as currently configured, can only be licensed for 18.

Example #2: A toddler room has floor to ceiling walls separating it from other age groups. There is a stable four-foot partition built down the middle of the space. The total space measures 1,125 square feet. Divided by 45 square feet per child, this equals 25 children. The maximum allowable group size for toddlers is 12. Because the room has a stable four-foot divider it can accommodate 2 groups. However, the room only has one sink available for diaper changing and there is only one toilet available for the group. Therefore, although there is sufficient square footage for 25 children and 24 children could be allowed according to group size standards, the plumbing features currently available for this space will only accommodate 20 total children (see drawing on the next page), therefore, as configured, the space would be licensed for 20.

Toddler Room= 1,125sf
1,125sf divided by 45sf per child = 25 children
Max allowable group size is 12. With the 4' divider, it can accommodate 2 groups.

But, as described above, the plumbing features available within this space will only accommodate 20 total children.



Example #3: An infant room has floor to ceiling walls and low, movable, two-foot toy shelves partially dividing activity and feeding areas from sleeping areas. The square footage of the room is 675. This square footage divided by 45 square feet per child, equals 15 children. However, the maximum group size for infants is 8. While this space could probably be reconfigured in the future to accommodate additional children, as currently configured it would be licensed for 8.

The Department recognizes that spaces can often times be reconfigured allowing more, or different age groups of children to be served. Licensed capacity will be based on the space as it exists at the time of the visit. If modifications are made to the space after the visit, a team will return to re-measure and re-calculate capacity.

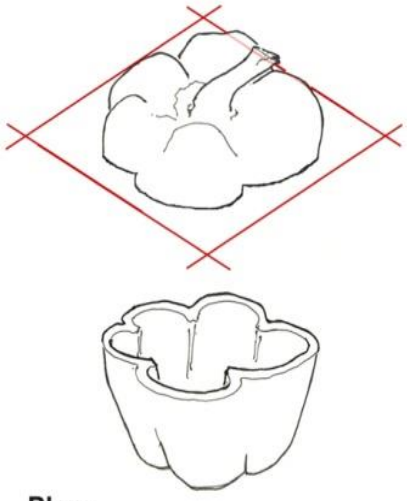
Measuring Your Space:

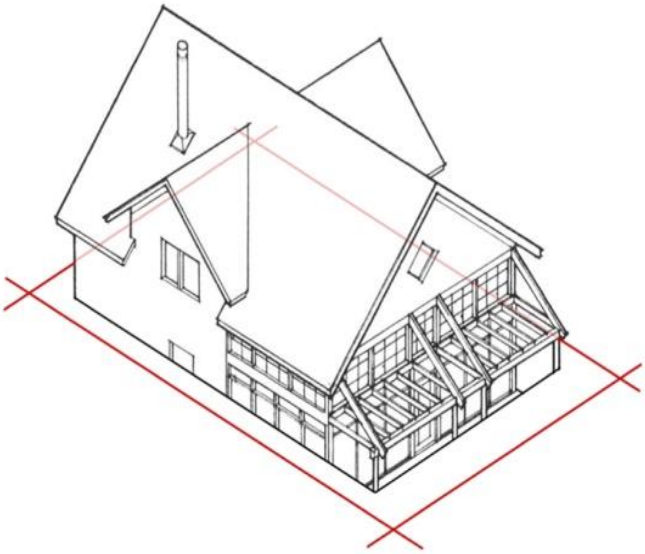
Teams visiting centers will be using laser measuring devices. They have been fully trained in the use of these instruments which offer extremely accurate measurements of spaces. The teams will ask for site plans/drawings which will be used to identify spaces in the center. Room dimensions will be recorded and provided to centers as part of these measurement visits. The techniques outlined on the following pages will be used in measuring classrooms. Only USABLE space will be factored into the measurements. "Usable space" is a standard licensing term used to describe space which is available for use BY CHILDREN FOR ACTIVITIES throughout the day.

EXAMPLES OF USABLE SPACE	EXAMPLES OF NON-USABLE SPACE
• Children's Cubbies • Bookshelves • Toy Shelves • Art/Activity Sinks (not used to meet the required bathroom sink number) • Soft Furnishings	• Storage Closets • Teacher Work Stations • Closed Storage Cabinets • Refrigerators • Bathroom areas, including sinks and toilets

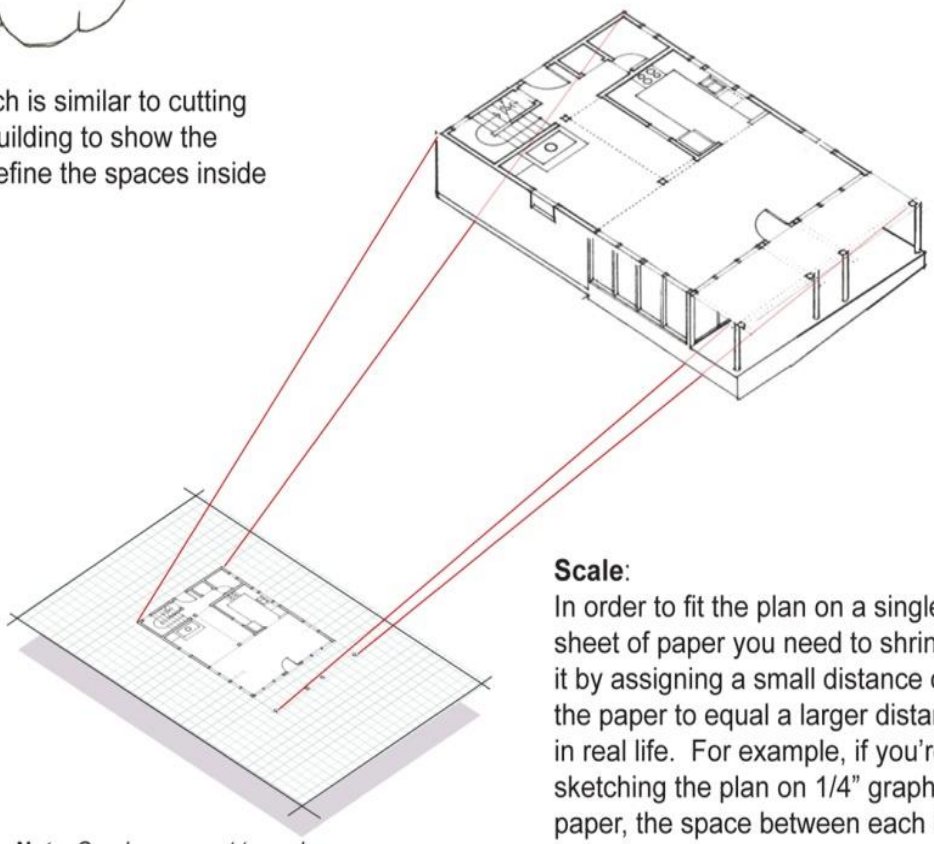
Please note the following: Crib Rooms (separate rooms/spaces that are used for the sole purpose of sleeping) are not considered part of usable square footage since they do not meet the definition of being ***available to children for activities throughout the day***. Designated crib/sleep rooms and spaces may be used as part of a program's philosophy, so long as an appropriate supervision plan is in place; however, the area taken up by the crib room/space will not be factored in to the overall licensed capacity.

- Sketching the Space: Plan and Scale



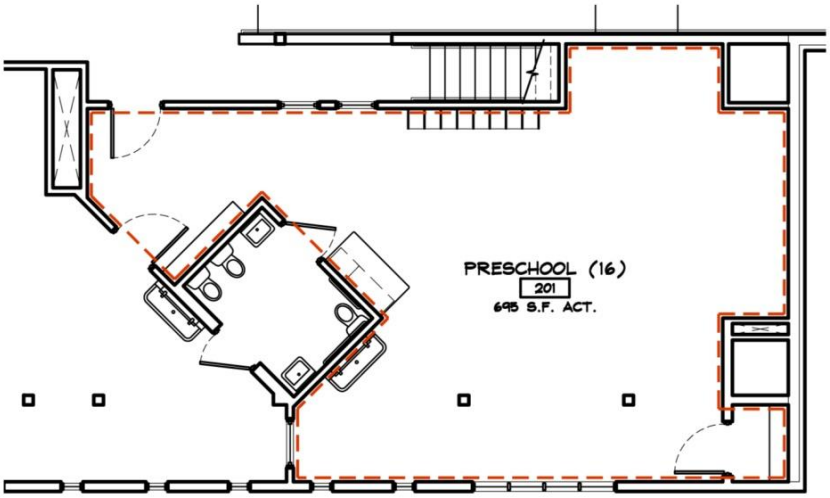


Plan:
A plan sketch is similar to cutting through a building to show the walls that define the spaces inside



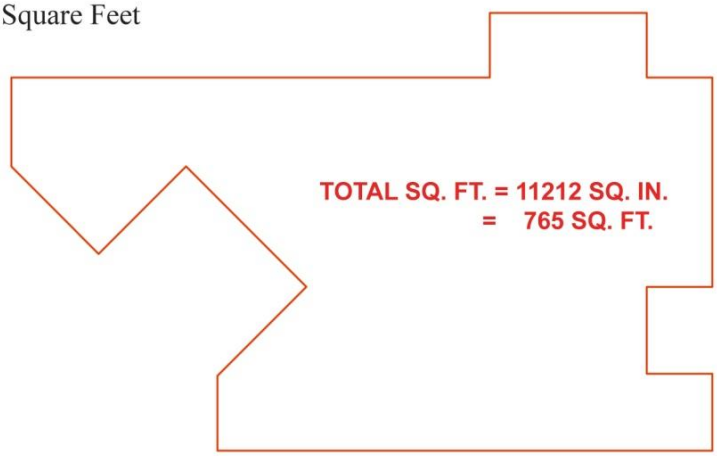
Scale:
In order to fit the plan on a single sheet of paper you need to shrink it by assigning a small distance on the paper to equal a larger distance in real life. For example, if you're sketching the plan on 1/4" graph paper, the space between each line on the paper might equal one foot in the building.

***Note**: Graph paper not to scale*

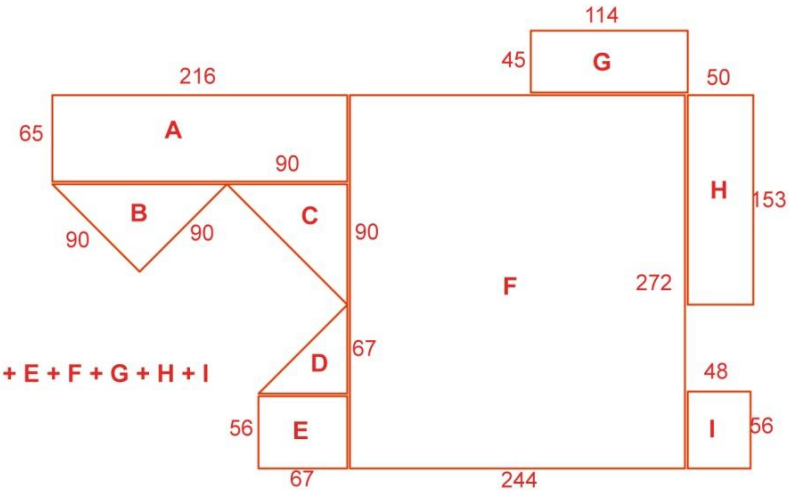


- Measuring and Calculating **Total** Square Feet

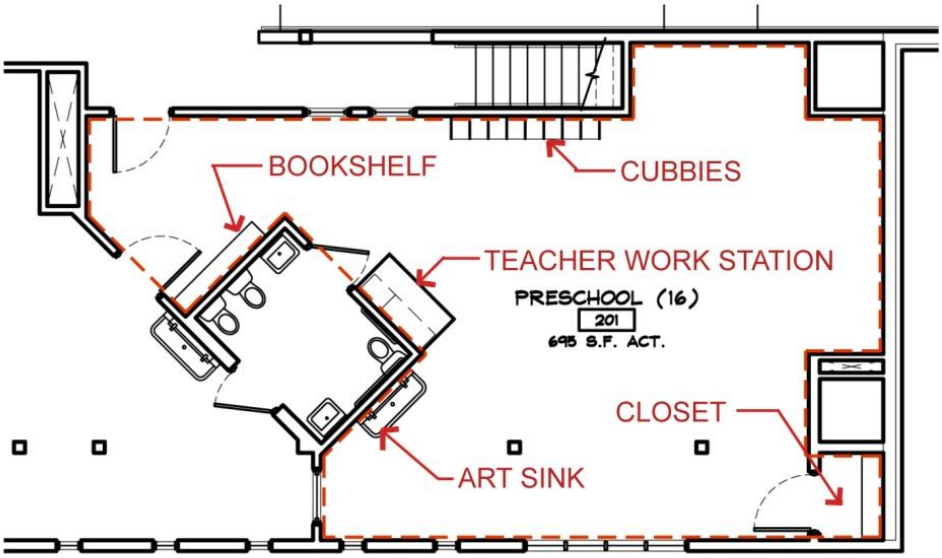
With drafting software you can trace around the perimeter walls of a space and let the computer calculate the **Total Square Feet** within the resulting shape.



You can do the same thing manually by breaking the space into simpler shapes (rectangles and triangles), calculating the area of each, and adding them all together:

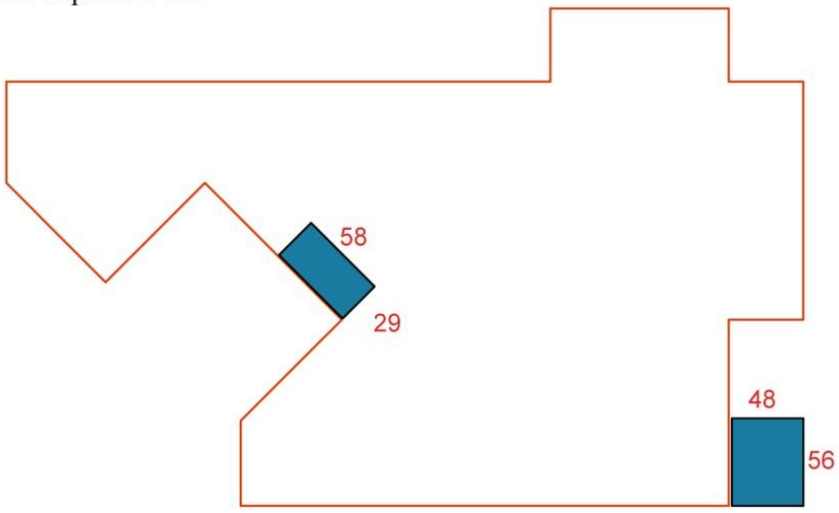


TOTAL SQ. FT. = A + B + C + D + E + F + G + H + I



- Measuring and Calculating **Usable** Square Feet

Usable Square Feet
is calculated by finding the areas of objects and spaces that are not accessible to children and subtracting them from the Total Square Feet



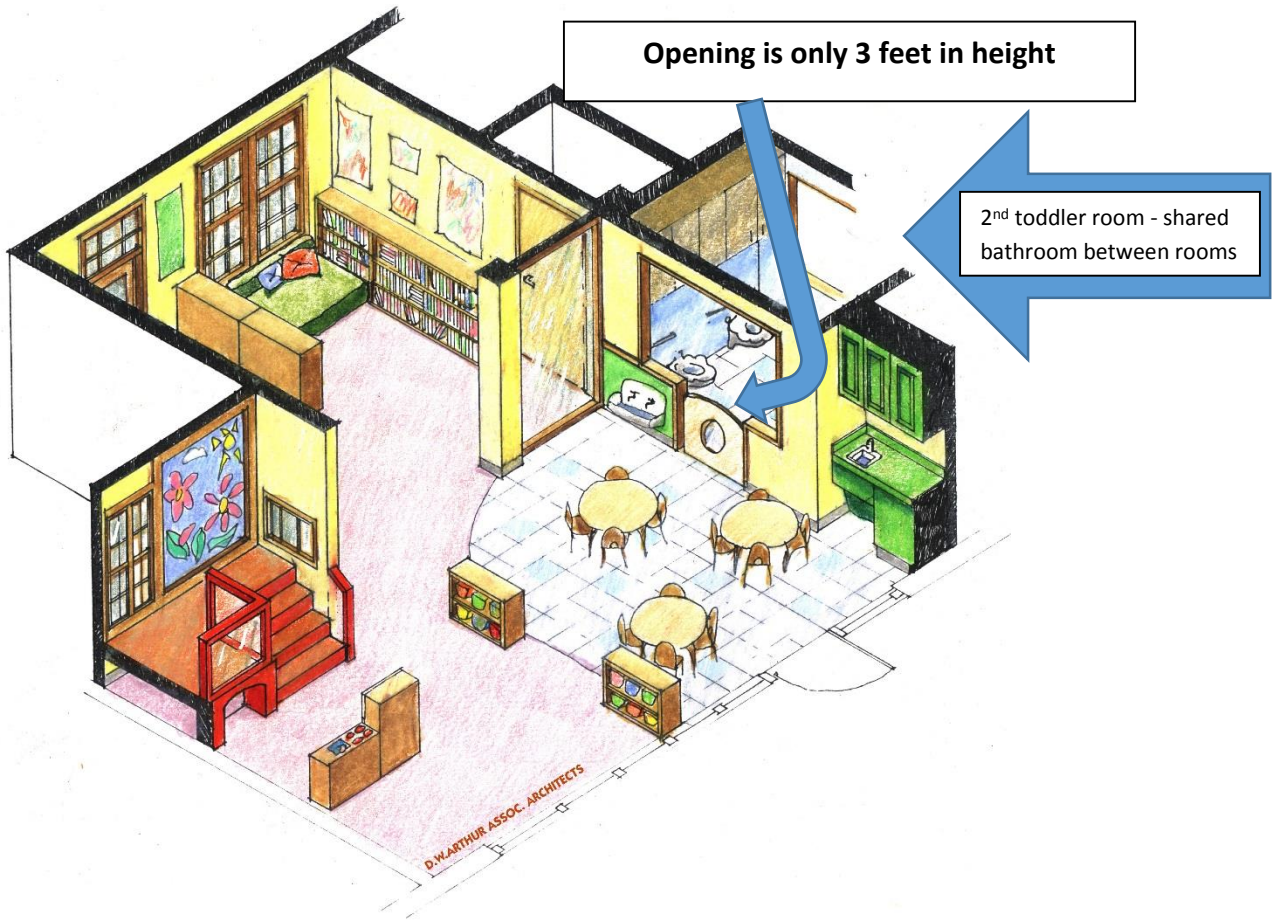
USABLE SQ. FT. = TOTAL SQ. FT. - TEACHER WORK STATION - CLOSET

MEASURING GROUP SIZE:

Allowable group size is clearly defined in the regulations:

AGE	STAFF | CHILD RATIO	MAXIMUM GROUP SIZE
6 weeks to 18 months	1 to 4	8
18 months to 3 years	1 to 6	12
3 years	1 to 9	18
4 years	1 to 10	20
5 years	1 to 12	24
School Age	1 to 13	26

Also per regulation, groups must be divided by either floor to ceiling walls or by stable four-foot partitions. Note that the four-foot partitions must be permanently affixed (bolted to floors or walls). The department will allow one exception to the absolute minimum partition height of four feet: spaces in which greater than 60% of the wall space is floor to ceiling and where these walls clearly divide the space into two separate groups of children, but, where the two classrooms share some common space (such as a child bathroom, changing area or food prep area), and where the walls of the shared space are not the full four feet but rather are more typical counter height (generally 36 – 39 inches). This is a common design in newer centers and this design meets the ***intent of the regulation*** (to physically and permanently separate groups of children in a way that is not distracting or disruptive to either group). Therefore, spaces meeting this criteria shall be allowed and are determined to be in compliance with the ***intent of the regulation***. See drawing below as an example:



Defining Below Grade:

Rhode Island Child Care Program Regulations for Licensure state that "Facilities used by the children are not located below grade" (page 7 – item I. B-5). The term "below grade" in the field of real estate is considered to mean a level of the building which is located below ground. This is typically considered to be an inferior space because it often does not have good natural light, it may be damp and prone to mold or other environmental concerns and is generally considered less than ideal for use by young children.

In determining what is meant by "below grade," DCYF will be utilizing the definition used in the ***International Building Code (IBC), Chapters 2 and 5,*** currently in use in Rhode Island. Adherence to this already established and enforced code ensures consistency across centers and across regulatory bodies. The definition as established in the IBC is easily measured at most sites. However, at some sites it may be impossible for the team to secure an accurate measurement due to site conditions, or a situation may arise where a center disagrees with the team's findings on this. In that case, the center may secure the services of an independent civil engineer to conduct a site survey which may be submitted to DCYF for consideration.

According to the 2012 International Building Code (IBC) (used in the State of Rhode Island), Chapter 2 and 5 Definitions,

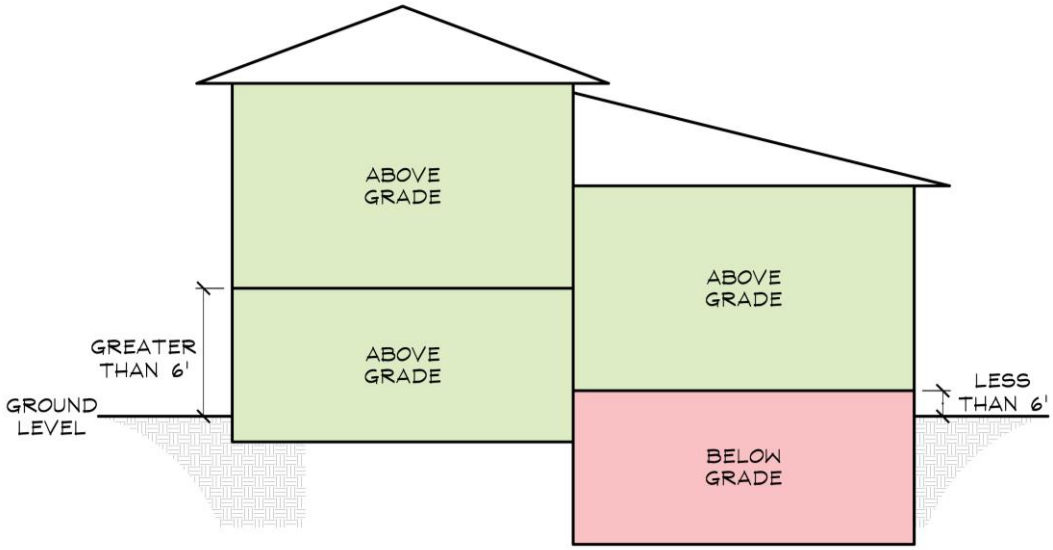
International Building Code Definition of Above/Below Ground

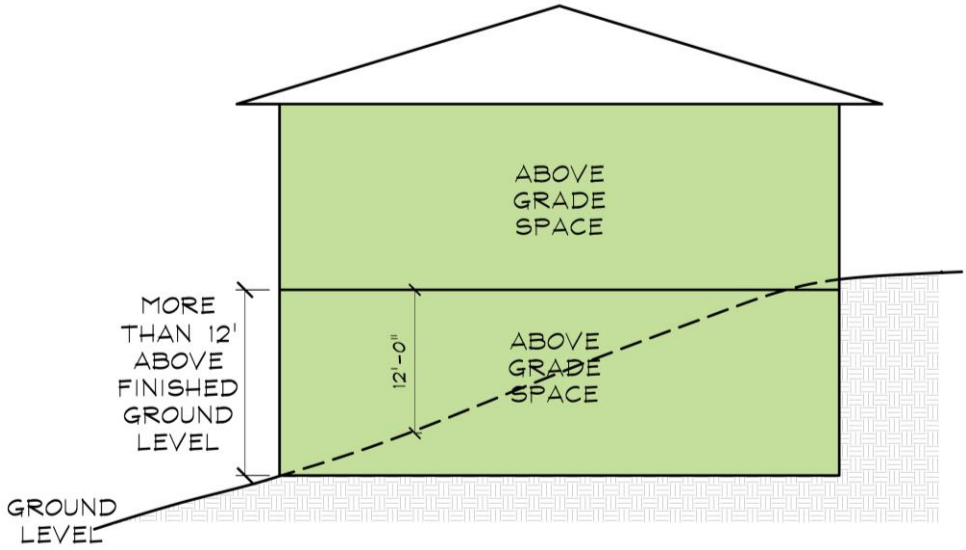
BASEMENT: A *story* that is not a *story above grade plane*.

STORY ABOVE GRADE PLANE: Any *story* having its finished floor surface entirely above *grade plane*, or in which the finished surface of the floor next above is: (1.) More than 6 feet above grade plane; or (2.) More than 12 feet above the finished ground level at any point.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at *exterior walls*. Where the finished ground level slopes away from the *exterior walls*, the reference plane shall be established by the lowest points within the area between the building and the *lot line* or, where the *lot line* is more than 6 feet from the building, between the building and a point 6 feet from the building.

Refer to the diagrams on the next page for further explanation.





It is important, however, to also note the following as it relates to infants and toddlers. According to DCYF regulations, under no circumstances can space be licensed for infants or toddlers if any portion is below grade and/or if stairs must be used to access the space. Reference RI Child Care Program Regulations for Licensure, page 7, Section Three, I. PHYSICAL SPACE AND SAFETY, B. Location of Child Care Rooms, "1. Program rooms for infants and/ or toddlers are located on the ground level where there is direct access to the outside ***without the use of stairs.***" Any use of stairs (up or down) to access an infant/toddler space will be considered a disqualifying variable in licensing that space for use by the infant/toddler age group, though the space may be eligible for use by an older age group.

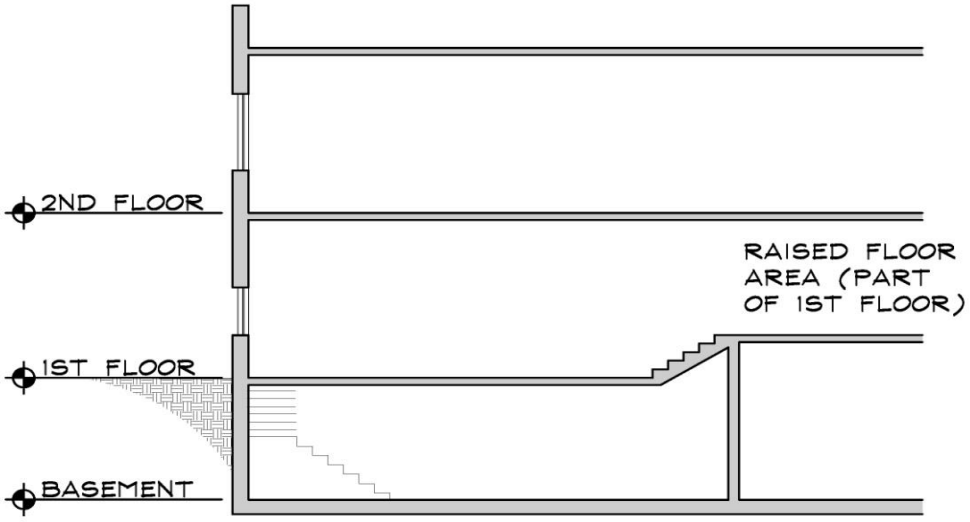
Defining Different Level:

Rhode Island Child Care Program Regulations for Licensure state that "all facilities, including classrooms, bathrooms, gross motor spaces and libraries used by the children, are located on the same floor level as the activity rooms or classrooms." Reference Section Three of the Regulations, page 7, I.B-4 (under Location of Child Care Rooms). Because gross motor spaces and libraries are typically not measured or considered in licensing calculations, it is the location of bathrooms in relationship to classrooms that will be considered most relevant. It will be required that the toilets and sinks utilized as part of licensing calculations be located on the same level as the classroom space. Should that not be the case at the time of the licensing visit, centers may be given until November of 2014 to make modifications or submit a suitable plan to DCYF.

In determining what is meant by "different level," 2009 International Building Code (IBC), currently in use in Rhode Island, will be used. Different level/floor/story is defined in Chapter 2 and 5 (pages 20 and 79):

> MEZZANINE: An intermediate level or levels between the floor and ceiling of any *story* in accordance to Section 505.
>
> STORY: The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost *story*, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

A building level is generally considered to be the equivalent of a building story or floor. To be on a different level in a building you should envision having one person be able to stand ***directly above*** another person. Many buildings also have intermediate or half levels, often referred to as mezzanines. These half levels are typically not considered different stories or levels in a building. Therefore, in the case of existing centers that have bathrooms located up or down a few stairs, but ***not on an entirely different level***, these bathrooms will be used as part of the licensing calculations ***as long as the center has an acceptable plan for supervision***.

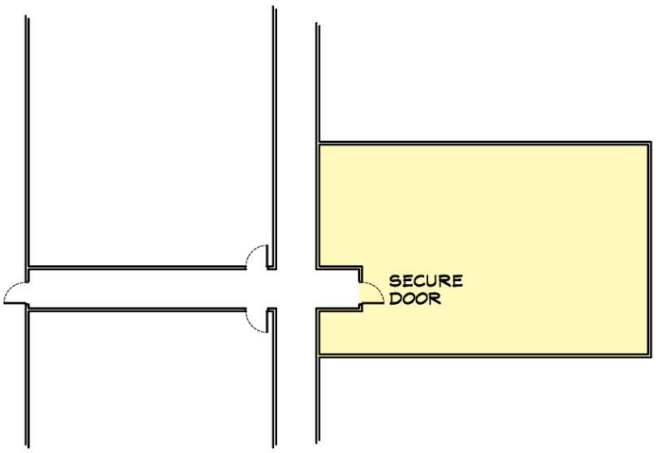


Additional Facility Areas to Be Reviewed:

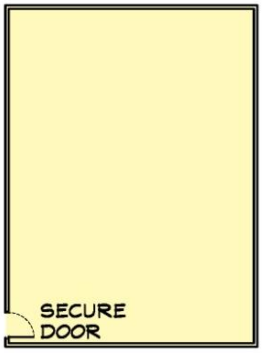
The following three areas will be reviewed during the measurement visits. They will not factor into licensed capacity at the time of the visit, however, they will require a plan to bring the space into compliance. These include secure entry, natural light and non-classroom plumbing features. Details follow:

Secure Entry

When considering whether an entry is secure, DCYF will be focused on the intent of the regulation, which is to ensure that the ***perimeter of the center is secured***. Particular issues may arise in shared use buildings with multiple entrances.



PLAN OF CHILD CARE
CENTER WITHIN
MULTI-PURPOSE BUILDING



PLAN OF CHILD CARE
CENTER IN
A STAND ALONE BUILDING

In addition, please note that the presence of a locked door alone does not create a secure entry. If a staff member must open a locked door that leads directly to an area where children are present in order to be able to see who is at the door then the perimeter of the center is not secure and the intent of the regulation is not met. In cases where the exterior doors are not locked or cannot be locked, the regulations do allow for a staff member to be stationed at the door at all times to monitor traffic into the center. Refer to Section Three of the Regulations, page 7, I.A-4b, Un-locked doors are monitored at all times by a staff person.

Required Additional Plumbing Features

In addition to the required numbers of child toilets and sinks outlined previously in this document, the following plumbing features are required by regulation to be present in the center. If the features do not exist at the time of the licensing measurement visit, they will be noted on your site visit report as items requiring modification or a suitable plan, prior to November of 2014. Specific items in this category include:

- Separate toilet facilities for adults (I. M-7)
- Food prep area separate from diaper changing area (I.M-6)
- Utility room separate from kitchen with hot and cold running water and space for storage of cleaning supplies (I.J)

Natural Light

Rhode Island Child Care Program Regulations for Licensure state that “There is adequate ventilation and lighting throughout the program" (Section Three, page 7, I.C-1). Regulations also state that, "All activity rooms used for children have natural lighting through a window or a skylight directly to the outdoors” (Section Three, page 7, I.C-2).

For purposes of implementing this standard in existing, already licensed facilities, any room in which there is a window or skylight directly to the outdoors shall be considered in compliance. In addition, classrooms that “borrow” light from a nearby, adjacent space may also be considered in compliance as long as the space can achieve a light meter reading of at least 1 foot candle averaged by taking five readings in the space. One foot candle is an extremely low and thereby very achievable threshold for any space that has the presence of any natural light.

Newly licensed centers and spaces will be required to comply with the regulations as written, meaning that the room must have a window or skylight, in that room, that leads directly to the outdoors.

Presence or absence of appropriate natural light will be noted on the site visit worksheets and report. Each center will receive a copy of the report.

Conclusion:

The Rhode Island Department of Children Youth and Families (DCYF) Division of Child Care Licensing hopes that this guidance has been helpful to you. If you have additional questions or would like additional clarification please contact your licensing worker. Be assured that DCYF will make every possible effort to implement these standards fairly and uniformly across all center locations.

If you are presently operating in a space that does not comply with all applicable regulations, DCYF will entertain time-limited variance requests to allow you to take the necessary steps to bring your space into compliance. Through its Race to the Top efforts, DCYF is working in partnership with the Department of Education to ensure that centers will be able to access resources and supports that help them work towards full compliance in their facilities.

We look forward to working in partnership with you to continue offering safe, quality care to our state’s youngest children.