

**Small Group, Large Group and School Age Child Care Licensing**

**POLICY STATEMENT: Determining Activity Space**

*606 CMR 7.07(10) The indoor space must be clean, safely maintained, well- ventilated and well-lit, of sufficient size for the children served, and must encourage play and learning*

*606 CMR 7.07(16)(c)1. The licensee must provide a minimum of 35 square feet of activity space per child*

Child Care Licensing Regulations provide that a program must have a minimum of 35 square feet of activity space per child, exclusive of hallways, lockers, wash and toilet rooms, isolation rooms, kitchens, closets, offices or areas regularly used for other purposes. In the use of the space, the Department recognizes the reality of programming needs which could restrict a child at certain times of the day to less than 35 square feet of activity space (for example, during circle, lunch, or rest time.) However, each child must have the full use of 35 square feet of activity space within the room he or she is assigned to for more than half the time he or she spends indoors at the center.

Rooms included as required activity space must be used by children for the majority of the hours the center is in operation and must be available for the children’s use during the entire program day. Additionally, each room must be equipped at all times with materials and equipment appropriate to the educational and developmental needs of the children using the room and for the activities scheduled within it. Gymnasia and rooms for large motor muscle activities are considered part of the required activity space if they meet these conditions.

Additional activity space may be approved for use by children provided that it appears on the indoor sketch of the center required for licensure. Such additional activity space must be equipped with appropriate materials and furnishings whenever it is being used for children’s activities. It will not be included as required activity space (necessary to determine licensed capacity) unless it is available and used by children during the majority of the program day.

When calculating the amount of activity space available to children, licensors must determine whether or not the area occupied by certain furnishings and equipment can be included. Two primary considerations in making this determination are how the item in question is used by children in their play and learning and the frequency of its use by the children. In all cases space used by children must be adequate to meet the health, safety and educational needs of the children using it.

**Equipment/Furnishings Included in Activity Space**

* Although bathrooms are not considered part of a center’s activity space, diapering surfaces or hand-washing sinks that are located in the classroom are included in the center’s activity space, unless the diapering surface is on a counter that is primarily used by staff for storage
* Cots, mats and cribs stored in a classroom area are included in the center’s activity space
* Counter tops that are accessible to children and used on a regular basis for children’s activities (water play or art activities, for example) are included in activity space.
* Children’s cubbies located in the classroom are included in activity space.
* Hallways that are wide enough to accommodate a child’s activity may be included in the center’s activity space if this use of the hallway meets the approval of the local building inspector.
* The area of a kitchen that is designed to facilitate its use by children for daily activities may be included in the activity space, if approved by the building inspector.
* Areas of the classroom that are used for feeding children as well as for table top activities and projects are included in activity space.
* Storage units that house materials directly related to the children’s activities (toys, art supplies, science equipment, etc.) are included in activity space if children can remove and replace play materials from the storage unit on their own.

**Equipment/Furnishings Not Included in Activity Space**

* The space occupied by equipment and furnishings that are stored in the center by another organization sharing their space (for example, a Sunday School) that are not used by the program is not included in the center’s activity space.
* Closets are not considered part of the center’s activity space.
* Cubbies (“lockers”) are not considered activity space if they are located in a single purpose cubby or locker room or area.
* Hallways are not considered to be activity space unless they are wide enough to accommodate children’s activities and are regularly used for this purpose, as noted above. If equipment or furnishings are arranged to create a corridor or a hallway, the hallway will not be included in the center’s required activity space.
* Kitchens that are not appropriately arranged and regularly used by children are not included in required activity space. The space occupied by kitchen appliances that are located in classrooms (for examples, refrigerators, stoves) is not included in required activity space.
* Gymnasia or rooms for large muscle activities that are used infrequently (for example, when inclement weather prevents outdoor play) are not included in required activity space.
* The upper area of a loft will not be added to the room’s activity space.
* Rooms used for the single purpose of feeding children are not considered part of the center’s activity space.
* Offices are not considered to be activity space. Similarly, teacher’s desks and areas of the classroom regularly used for purposes other than children’s activities are not included in required activity space.
* Staff rooms are not included as activity space
* Storage units that house materials like children’s files, paper goods, food, cleaning equipment or supplies that are not readily available and accessible for use by children are not included in the required activity space.