

LICENSING CAPACITY FOR FAMILY CHILD CARE HOMES-Effective 7/1/2022

1. What does your “licensed capacity” mean?

Your licensed capacity is the maximum number of children that you may care for together at any one time, including your own children under the age of twelve. This also includes those individuals under nineteen years of age, or under twenty-one years of age that have special needs that require the person to receive supplemental care, has an individualized education plan, and is attending school to earn a high school diploma.

2. How do I know what my capacity is?

When you receive your family child care license, the total number of children that you may care for together at any one time, including your own children, will be indicated on your license as your Regular Capacity. The number of additional school aged children that you may care for will be indicated on the license as the School Age Capacity.

3. What is the maximum capacity that I may be granted?

Most providers are granted a Regular Capacity of 6 children, including the provider’s own children, and a School Age Capacity of 3 children, including the provider’s own children. A Regular Capacity less than 6 children or a School Age Capacity less than 3 children may be granted due to the indoor and outdoor space and other accommodations available for child care and/or the provider’s qualifications.

4. Is there a limit on the number of younger children that I may care for?

Yes. Within a provider’s Regular Capacity, they may care for no more than 2 children under the age of eighteen months. In some cases, this approval may be further limited due to the indoor and outdoor space and other accommodations available for child care and/or the qualifications of the provider.

5. Is the limit on the number of younger children that I may care for increased if an OEC approved assistant or substitute is present and assisting?

Yes. Within a provider’s Regular Capacity, they may care for up to 6 children under the age of eighteen months when an OEC approved assistant or substitute is present and assisting provided the OEC has not otherwise limited the provider’s capacity.

6. How are kindergarten children counted in the capacity?

Kindergarten children attending school for a half day will be counted in the Regular Capacity. However, kindergarten children who attend school for a full day will be counted in the School Age Capacity with other school-aged children. A child who will be entering fulltime kindergarten in the fall is not considered school age until they begin school.



7. How are preschool age children who attend a full day preK program counted in capacity?

Preschool age children will be counted in the Regular Capacity.

8. May I care for more children if an OEC approved assistant or substitute is present and assisting?

Yes. When an OEC approved assistant or substitute is present and assisting, 6 children under the age of eighteen months may be in care together at the same time provided the OEC has not otherwise limited the provider's capacity. 3 additional children who are eighteen months or older, including the provider's own children, may also be in care when an OEC approved assistant or substitute is present and assisting, for a total of nine children.

9. Can I care for more than nine children if an approved assistant or substitute is present and assisting with the care of the children?

No. You may not care for more than 9 children unless you have more than 3 of your own children in school full time.

10. What if the approved staff in my child care is out sick or for some other reason is not present and/or not able to assist with the care of the children?

If an OEC approved assistant or substitute is not present and assisting, you may only care for the number of children identified on your license as your Regular Capacity and School Age Capacity. It is recommended that a provider who has approved staff in their program have a policy for unexpected staff absences and shall inform the parent(s) of enrolled children of such policies as this may result in an inability to provide care to some children.

11. How many children may I care for during the summer?

During the summer, a provider alone may only care for the number of children identified as your Regular Capacity on your license plus any school aged children of your own. If an OEC approved assistant or substitute is present and assisting, care may be provided to up to 9 children together at one time, including the provider's own children, but may not exceed 9 unless the provider has more than 3 of their own children who attend school full time. In this case, the number of children in excess of 9 would equal the number of school aged children of the provider's that exceed 3.

12. During a licensing inspection, what will the OEC staff be looking for?

The OEC staff will "count heads" of all the children who are present in the family child care home, including children of staff. The OEC staff will verify that you are within your licensed capacity at the time of the inspection. The OEC staff will also review your files regarding the



children's enrollment and attendance. Overlapping of the children's hours of care, which exceeds your capacity, is a violation of the Regulations.

To verify compliance with your Regular Capacity, all of the children who do not attend school full time and the school age children who receive three or more hours of care before or after school will be counted.

To verify compliance with School Age Capacity, the children who attend school full time and receive less than three hours of care before or after school will be counted. During the school year, the school aged children may attend for three or more hours in a day when schools are closed for weather, holidays, vacations and half days.