

**CHAPTER 53. NURSERY SCHOOLS AND KINDERGARTENS****AGE**

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**Authority**

The provisions of this Chapter 53 issued under the act of June 25, 1947 (P. L. 951, No. 401) (24 P. S. §§ 2731—2743), unless otherwise noted.

**AGE****§ 53.1. Age groups.**

(a) The age groups within the scope of nursery and kindergarten education shall be classified as follows:

- (1) Three and four-year-olds—nursery school.
- (2) Five-year-olds—kindergarten.

(b) The minimum age for entrance into nursery school may not be less than 2 years 7 months before the first day of the school year.

(c) The minimum age for entrance into kindergarten may not be less than 4 years 7 months before the first day of the school year.

**Authority**

The provisions of this § 53.1 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.1 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30552).

## SCHOOL PLANT

### § 53.11. Floor space.

(a) *Indoor.* There shall be a minimum of 35 square feet of floor space per child in the indoor classrooms, exclusive of offices, sanitary facilities, storage spaces and other auxiliary rooms. Classrooms shall have a minimum height of 8-foot ceilings.

(b) *Outdoor.* There shall be a minimum of 60 square feet of accessible space per child in the outdoor activity area, which shall be free of hazards. Outdoor play areas which are adjacent to traffic, steep banks, water or other unsafe areas shall be fenced.

**Authority**

The provisions of this § 53.11 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.11 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial pages (30552) to (30553).

### § 53.12. Restrooms.

There shall be at least one flush toilet and one washbowl for every 15 children. If the toilet and washbowl facilities are not child size, platforms or steps of proper size shall be provided.

**Authority**

The provisions of this § 53.12 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.12 adopted June 11, 1968, effective June 26, 1969; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30553).

**§ 53.13. Heating.**

Radiators, fireplaces and heating and cooling devices within the indoor classrooms shall be equipped with shields or guards for providing protection against contact injuries. Kerosene, electric or other types of portable heaters may not be used as heating devices in classrooms.

**Authority**

The provisions of this § 53.13 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.13 adopted June 11, 1968, effective June 26, 1969; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30553).

**§ 53.14. Furnishings.**

Wall and floor coverings and furniture shall be of such type and quality as will assure safe and sanitary conditions.

**Source**

The provisions of this § 53.14 adopted June 11, 1968, effective June 26, 1969.

**PROFESSIONAL STAFF**

**§ 53.21. Teachers.**

In addition to the general requirements of §§ 51.31 and 51.34 (relating to general requirements; and certification for teachers), to be certificated by the Board as a nursery school or kindergarten teacher, a prospective teacher shall comply with one of the following requirements:

- (1) Be a graduate of an approved 4-year college or university with a Pennsylvania teaching certificate in early childhood education.
- (2) Be a graduate of an approved 4-year college or university and submit documentary evidence of the successful completion of a minimum of 24 semester hours in the theory of child development, early childhood or elementary education.
- (3) Be a graduate of an approved 4-year college or university and submit documentary evidence of at least 2 years successful experience as a teacher in a public, nonpublic nonlicensed or accredited nursery or kindergarten school.

**Authority**

The provisions of this § 53.21 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.21 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30554).

**Cross References**

This section cited in 22 Pa. Code § 53.26 (relating to teaching load); 22 Pa. Code § 61.21 (relating to teachers); and 22 Pa. Code § 63.12 (relating to teachers).

**§ 53.22. Assistant teachers.**

(a) To be certificated as an assistant teacher, a prospective teacher shall comply with one of the following requirements:

(1) Be a graduate of an approved 2-year college or university having specialized in child development, early childhood or elementary education.

(2) Be a graduate of an approved 2-year college or university and submit documentary evidence of successful completion of a minimum of 24 semester hours in the theory of child development, early childhood or elementary education.

(3) Have completed a minimum of 2 years of college or university credit, totaling 60 credits, in an approved institution and submit documentary evidence of successful completion of a minimum of 24 semester hours in the theory of child development, early childhood and elementary education.

(b) Assistant teachers may become certificated as teachers upon submitting documentary evidence of the completion of 2 years of teaching on the assistant teacher certificate in a nonpublic nonlicensed, a licensed or accredited nursery school or kindergarten, and a minimum of an additional 24 semester hours in the theory of child development, early childhood and elementary education at an approved college or university.

**Authority**

The provisions of this § 53.22 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.22 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial pages (30554) to (30555).

**§ 53.23. Aide.**

(a) An aide may be employed by a school to assist the teacher.

(b) An aide shall meet the following qualifications:

- (1) Be a high school graduate, 18 years or older, with good physical and mental health, be of good character and possess personal qualifications for working with children.
- (2) Be under direct supervision of a teacher at all times and not be permitted to assume independent responsibilities for a group of children.
- (3) Be included in inservice training.

**Authority**

The provisions of this § 53.23 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.23 adopted June 11, 1968, effective June 26, 1969; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30555).

**§ 53.24. Directors.**

The director of a nursery school or kindergarten, in addition to the requirements identified in § 51.36 (relating to director), shall be certified in either early childhood education or private academic nursery/kindergarten. If a school is licensed only for kindergarten, the director may be certified in elementary education, early childhood education or private academic nursery/kindergarten.

**Authority**

The provisions of this § 53.24 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.24 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30555).

**§ 53.25. [Reserved].**

**Source**

The provisions of this § 53.25 adopted June 11, 1968, effective June 26, 1969; reserved October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665. Immediately preceding text appears at serial page (3138).

**§ 53.26. Teaching load.**

- (a) Each class of children shall be headed by a teacher certified under § 53.21 (relating to teachers).
- (b) There shall be a minimum of two adults present and available at all times when children are present at a school. Children may not be left unattended, indoors or outdoors, at any time.

(c) Classes may be organized to have separate or mixed age groupings. A school may group nursery and kindergarten ages 3, 4 and 5 together when the school's methodology, instructional materials and staff training are appropriate to the grouping.

(d) A school which has separate classes for ages 3, 4 and 5, which group ages 3 and 4 together or which group ages 3, 4 and 5 together shall follow the pupil-teacher ratios identified in the following chart.

*Pupil-Teacher Ratio*

<i>Teacher, assistant teacher, aides</i>	<i>Number of Pupils</i>				
	<i>3</i>	<i>4</i>	<i>5</i>	<i>3 &amp; 4</i>	<i>3,4,5</i>
<i>Age Groupings</i>					
Director or teacher	12	17	22	15	20
Director or teacher and one aide	17	21	27	19	26
Director or teacher and assistant teacher or two aides	22	25	30	23	28

(e) Exception to pupil-teacher ratios may be granted by the Board upon written request.

**Authority**

The provisions of this § 53.26 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.26 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30556).

## EQUIPMENT AND COURSE OF STUDY

### § 53.31. Instructional materials and equipment.

There shall be instructional materials and indoor/outdoor equipment compatible with the school's philosophy, objectives and teaching methodology which will accommodate the number of children enrolled in the school.

**Authority**

The provisions of this § 53.31 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.31 adopted June 11, 1968, effective June 26, 1969; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial pages (30556) to (30557).

**§ 53.32. [Reserved].****Source**

The provisions of this § 53.32 adopted June 11, 1968, effective June 26, 1969; reserved August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30557).

**§ 53.33. Program of instruction.**

(a) The program of instruction shall include those motor, creative, manipulative, imaginative, rhythmic, language and science activities and experiences which tend to promote effectively the physical, mental, social, emotional and aesthetic development of children of preschool age. Objectives and daily plans shall be kept on file and shall be available upon request.

(b) Learning experiences, both informal and planned, shall include:

- (1) Free play—outdoors, weather permitting.
- (2) Gross motor skill development.
- (3) Fine motor skill development.
- (4) Perceptual activities.
- (5) Language arts activities.
- (6) Mathematical activities.
- (7) Science activities.
- (8) Expressive arts including music, art and dramatic play.
- (9) Social science and intercultural activities.
- (10) Nutrition.
- (11) Health and safety.

(c) A kindergarten program shall be planned for a minimum of 2 1/2 hours of instruction per day for 180 school days. The hours of daily instruction shall be identified.

(d) A nursery program shall be planned for a minimum of 2 hours of instruction per day. The number of days a nursery school remains open shall be established by the school.

(e) A nursery or kindergarten school may provide 2 half-day planned programs of instruction. Students shall attend only one session.

(f) A nursery or kindergarten school may offer a full day planned academic program in which the starting and dismissal times are identified. The teachers and students are required to be in attendance for the full day program.

**Authority**

The provisions of this § 53.33 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 53.33 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial pages (30557) to (30558).

**Cross References**

This section cited in 22 Pa. Code § 59.21 (relating to program of instruction).

**§ 53.41. [Reserved].****Source**

The provisions of this § 53.41 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; reserved August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30558).

**§ 53.42. [Reserved].****Source**

The provisions of this § 53.42 adopted June 11, 1968, effective June 26, 1969; reserved August 26, 1988, effective August 27, 1988, 18 Pa.B. 3805. Immediately preceding text appears at serial page (30558).

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