

## **101179 Capacity Determination**

### **(a)**

A license shall be issued for a specific capacity, which shall be the maximum number of children that can be cared for at any given time. The Department may issue a license for fewer children than requested.

### **(b)**

The number of children for which the child care center is licensed to provide care and supervision shall be determined on the basis of the Department's application review, which shall take into consideration the following: (1) The fire clearance specified in Section 101171. (2) The licensee's/administrator's ability to comply with applicable laws and regulations. (3) Physical features of the child care center, including available space, that are necessary to comply with this chapter. (4) Number of available staff to meet the care and supervision needs of the children. (5) Any restrictions pertaining to the specific category of child care center.

#### **(1)**

The fire clearance specified in Section 101171.

#### **(2)**

The licensee's/administrator's ability to comply with applicable laws and regulations.

#### **(3)**

Physical features of the child care center, including available space, that are necessary to comply with this chapter.

**(4)**

Number of available staff to meet the care and supervision needs of the children.

**(5)**

Any restrictions pertaining to the specific category of child care center.

**(c)**

When the license is issued for fewer children than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 101205.

**(d)**

The Department has the authority to decrease existing licensed capacity with the licensee's agreement, when there is a change in any of the factors specified in (b) above. (1) If the licensee does not agree to the decrease in capacity, the Department has the authority to initiate revocation action as specified in Section 101206.

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**(e)**

The Department is authorized to restrict care to specific individuals. (1) If care and supervision are limited to specific individuals, the Department shall specify the names of the individuals in a letter to the licensee. (2) Except where the limitation is requested by the licensee, the licensee shall be notified in writing of the reasons for such limitation and of the licensee's right to appeal the decision as specified in Section 101205.

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