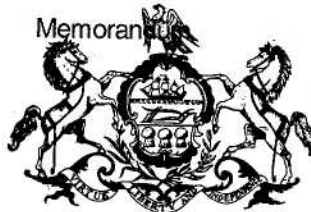


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Memorandum
House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

ORIGINAL: 2539

June 22, 2006

Mr. Alvin C. Bush, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Bush:

Pursuant to Section 5(d) of Act 181 of 1982, known as the Regulatory Review Act, the House Children and Youth Committee Majority Chairman submits the following comments under proposed rulemaking concerning 55 Pa Code, Chapters 3270, 3280, 3290 and 3300 (Regulation # 14-506).

§§ 3270.17, 3280.17, and 3290.17 (relating to service to child with special needs)

Provision of services within a facility and reasonable accommodations made for children with special needs is an understandable addition to the regulations given the American with Disabilities Act and Individuals with Disabilities Education Act. However, requiring child care program directors to advise parents on referrals for assessment may place directors in a difficult situation. Directors must determine if parents have or have not had their child evaluated and if it is prudent to advise them to evaluate their child. It would be preferable if this requirement was changed to a suggestion. Some providers may be uncomfortable referring children for evaluations as they may lack the appropriate knowledge or skills. The committee suggests the following language:

(1) When the director believes a child may need an assessment due to developmental, behavioral or health concerns, the director may inform the child's parent of the concern and may provide information to the parent regarding resources for referral and assistance.

The change suggested above will also protect providers who did not make the suggestion to the parent. Parents will not be able to hold the child care provider accountable if a referral was not suggested.

§§3270.1-4, 3280.1-4, 3290.1-4 (definition change of preschool and young school-age child)

The rationale for amending the definition of preschool and young school-age child is understandable. The committee is concerned that the reduced reimbursement rate provided for young school-child as opposed to a preschool child will negatively affect providers caring for children under the subsidized child care program. The committee would benefit from the knowledge of how many providers would be affected and the net result of the amended definitions.

§§ 3270.119, 3280.119 and 3290.118 (relating to program plan)

The regulations requiring a program plan for every child in care lack detail, resulting in numerous questions being raised by the committee about their function, purpose and value. The committee notes the following concerns:

- Are there licensing repercussions for a child care provider not following the program plan specified for the child?
- The burden of paperwork may be overwhelming for the staff assigned to write, implement and document program plans for each and every child.
- A majority of child care providers do not have education or training in the field of special education. Charging providers with developing a program plan that incorporates the IEP, IFSP or formal behavior plan is challenging. Child care providers often do not have access to the IEP, IFSP or behavioral plan.
- Lack of communication by the parents or early intervention personnel about services being provided to the child challenge the child care provider to create a program plan specific to the child.
- Writing program plans for children attending school-age program for less than two hours a day may be challenging and onerous for providers.
- Is there any complaint system for parents who disagree with program plans?

The committee recognizes the program plan represents a "best practice" in the field of child care. However, given the lack of clarity surrounding this new requirement the committee would recommend the removal of the requirement of program plans for children in child care.

§ 3290.31 (Age and training)

The committee was provided information by Department of Public Welfare officials containing the rationale for requiring family child day care providers to have a high school diploma or a GED. The committee maintains attainment of a high school diploma or GED by the provider is not necessary for the operation of a quality family child day care program. The committee recommends the deletion of the requirement that a family child day care provider must have a high school diploma or a GED.

If you have further questions concerning the Committee's comments, please feel free to contact me.

Sincerely,



REP. JERRY BIRMELIN, CHAIRMAN
HOUSE CHILDREN AND YOUTH COMMITTEE

cc: Estelle Richman, Secretary
Department of Public Welfare

Harriet Dichter, Deputy Secretary
Office of Child Development
Department of Public Welfare