

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF GENERAL COUNSEL

ORIGINAL: 2539

DATE: June 21, 2006

SUBJECT: Public Comment
Child Care Facilities- # 14-506
Proposed Regulation

TO: Kim Kaufman
Executive Director
Independent Regulatory Review Commission

FROM: Ruth D. O'Brien *R. O'Brien*
Senior Assistant Counsel

Attached is public comment received regarding the above proposed regulation.

Attachments

cc: Scott Johnson
Norris Benms
Jamie Buchenauer
Tom Hiller

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2006 JUN 21 PM 3:43
INDEPENDENT REGULATORY
REVIEW COMMISSION



lehigh valley **RECEIVED** child care, inc.

June 13, 2006

2006 JUN 21 PM 3:43

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INDEPENDENT REGULATORY
REVIEW COMMISSION

JUN 19 2006

Jennifer Lau
Bureau of Certification Services
Office of Child Development
Department of Public Welfare
1401 North Seventh Street
PO Box 2675
Harrisburg, PA 17105

OFFICE OF CHILD DEVELOPMENT

Re: Comments regarding the proposed amendments to child care regulations

Dear Ms. Lau:

First, I commend the Bureau for recognizing the need for updating the current regulations for minimum child care standards. With the increasing recognition of the documented value of quality early learning and care for young children in this Commonwealth, it is particularly important that standards be scrutinized and be more aligned with the quality initiatives. That said, until the value of the profession and the increasing responsibilities early childhood educators working in early learning and care programs are being held accountable to, are given more equity in pay to colleagues in public education, the entire quality initiative including more stringent standards will back-fire. This issue will not go away and will in fact continue to plague our profession. I urge you to recognize this reality and take steps to address the inequity if the education and care of our young children is a top priority.

Pertaining to the regulations:

- I applaud the Bureau for defining a kindergarten child as a young school-age child; for exempting a school-age program located in a school building from the physical site requirements in accordance with section 776.1 of the Public School Code of 1949, and for permitting a school bus driver to be counted in the ratio when only school-age children are being transported. I strongly support these changes.
- I express concern about the proposed requirement that a program plan be prepared for each child in care. Do our colleagues in public education have this requirement for their general education students? Excluding the mandate for children with special needs or gifted to have an IEP or IFSP, this requirement may pose significant financial cost and time for child care programs that are having to implement curriculums that are aligned with local school districts and State Standards as part of Keystone Stars and NAEYC accreditation. It is unclear how detailed this plan will be or whether developmental progress reports required

by standardized curriculums will be acceptable. To add an additional layer will be burdensome and over-taxing to the staff.

You are urged to re-think this requirement and what is being asked of early learning and care professionals.

The additional cost identified seems low. In addition to extra manpower hours to complete a plan, a substitute may be needed to fill in while a staff member completes the plan and attempts to meet with a parent.

This is an additional cost that an operator will need to absorb.

- The inclusion of all children and the elimination of special regulations for children with special needs are commendable. In 1989, I opened a totally inclusive early learning and care center for children with and without disabilities in this Commonwealth. It was a wonderful and model program financially viable only due to the major effort of a development staff that worked tirelessly to raise dollars to support the program. Regrettably, after a merger the new CEO eliminated the inclusive center. Then as now, I commented on the increased cost such a wonderful program was and urged the Commonwealth to adjust rate reimbursements accordingly. Unfortunately it fell on deaf ears then. I hope it does not again. All children deserve attention. Staff who are asked to work with children with special needs and children without frequently must give too much attention to the child with a special need, depriving the other children of their attention. Lower child to staff ratios are required to adequately meet all children's needs. The additional cost to accomplish this cannot be denied.
- Lehigh Valley Child Care operates 21 centers. Will the requirement of a legal entity or a legal entity's representative to participate in pre-certification orientation training within 12 months prior to issuance of a certificate of compliance or registration be held locally and timely? Furthermore, due to the large number of centers we operate, if one or two key administrative personnel attend this training, will it suffice for any center we open within a 12-month period? Will the orientation content change enough to warrant a 12-month requirement? When needed, will the training be scheduled at a convenient time within reasonable driving distance? Not permitting attendance at this required training of unspecified length, to count toward the annual training requirement is not supported.

This is an additional cost that an operator will need to absorb.

- The proposal that the surface covering under outdoor play equipment that requires embedded mounting must meet the guidelines for loose-fill or unitary playground

- protective surface covering established by the US Consumer Product Safety Commission is understandable but a significant cost for compliance.

You are urged to allocate funds for those operators serving a large subsidized population that already lack adequate reimbursement rates, to make it viable to come into compliance with this proposed regulation.

This is an additional significant cost that an operator will need to absorb.

- The proposed requirement that a facility must self-certify at the time of certificate renewal that there are no recalled children's products or toys in the facility, by subscribing to product recall alerts on the CPSC website, assumes that all facilities have access to a computer and internet, and the time to access and disseminate such information.

Although we agree that dangerous toys and child products that are recalled must be removed from a facility, we urge you to recognize the potential problems facilities may have in accessing such information, the time requirement and

unidentified cost. We urge the Bureau to take responsibility for the timely dissemination of this information about product and toy recall.

- We applaud the Bureau for recognizing the cost and redundancy of annual staff health appraisals and support the change to biannual. Furthermore, we support the elimination of the TB test.

This change in requirement will have some costs savings to those operators that reimburse staff for physicals and TB test.

Lastly and to reiterate once again, we applaud you for reviewing and updating the regulations which should be done on a regular schedule, but object to the continued increase in cost and staff time to comply without adequate and just compensation.

Thank you for providing the opportunity to comment on the proposed regulation changes.

Sincerely,



Susan M. Williams, Ed.M
Executive Director

Cc: IRRC – ID#14-506 (#2539)