

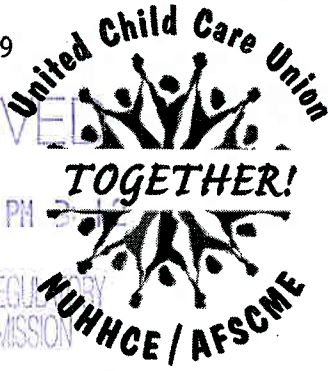
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INDEPENDENT REGULATORY  
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OFFICE OF CHILD DEVELOPMENT

Child Care Providers United  
1319 Locust Avenue  
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June 30, 2006

Jennifer Lau  
Bureau of Certification Services  
Office of Child Development  
Department of public Welfare  
1401 North Seventh Street  
P.O. Box 2675  
Harrisburg, PA 17105

**RE: Proposed Rulemaking, Department of Public Welfare [55 PA.CODE  
CHS. 3270,3280, 3290 and 3300] 35 Pa.B 2686, issued June 3, 2006.**

Dear Ms. Lau:

I am submitting these comments on behalf of the members of Child Care Providers United/UCCU-NUHHCE-AFSCME/SEIU. Child Care Providers United represents certified group and family child day care providers throughout the State of Pennsylvania. United Child Care Union (UCCU-NUHHCE-AFSCME) represents over a thousand child care and Head Start workers in Southeastern Pennsylvania. We appreciate the opportunity to offer our comments on these proposed rules. We support many of the proposed rules and some, such as infant sleep position, already are part of the practice of homes and centers. However, we have some grave concerns on specific proposals because they would impose unnecessary and burdensome requirements on child care centers, and group and family child day care homes.

**Sections 3270.119; 3280.119 and 3290.118 – Program Plan:**

This proposed rule would require that child care centers, and group and family child day care homes prepare an individual plan for each child in care.

Current rules require that children with special needs have an Individual Education Plan (IEP), and this is consistent with what is required in public schools for school-age children with special needs. However, imposing a similar requirement to each child in these settings is unreasonable, unnecessary, and unduly burdensome. The proposed rule would require the plan to include a documented observation of the child's development, the unique needs and recommendations or referrals. The plan would have to be reviewed every 6 months for infants, toddlers and preschool children, and every 12 months for school-age children, and provided to parents.

A requirement for an individual plan should only be applicable to children with special needs. We are not aware of any public school district in the Commonwealth that requires teachers to develop individual educational plans for every child in the classroom. The concept of an individual plan was developed for children with special needs specifically because they have educational needs that would not be addressed by the regular educational curriculum. Centers, and group and family child day care homes develop a general educational plan that is appropriate for the age of the children in their homes and that is based on sound, well-established educational early child education curricula. They should not be required to develop an educational plan for each child, something that is not required of teachers in K through 12 educational system. We urge you not to adopt this requirement in the final rules.

**Recommendation:**

As an alternative, we propose that the Department require providers to take the Basics of Observing Children course, a training opportunity already offered by the State, and require them to complete a written observation and a developmental checklist for each child. The state should provide a standard developmental checklist for each age group that all providers could use. Centers, and group and family child day care homes could be required to place the written observation and developmental check list in each child's file. Additionally, group and family home providers should be required to have one parent conference a year. These requirements would fulfill the goals of this proposal without unduly burdening providers and would mirror the requirements in the Keystone Stars Program. The standards for Two Stars require the Basics of Observing Children training and that documentation of observations be maintained in a file. The standards for Three Stars further require documented observations within 45 days of entering the program and one parent conference a year.

Sections 3290.31 and 3290.213 Training requirement

The proposed rule would require that family child day care home operators have a high school diploma or a GED at the time of renewal of a certification of registration. The rationale for this is that it would give providers two years to get the credential.

However, two years may not be sufficient time for providers to get this credential due to the need to take preparatory courses while providing care. Some providers may have language access problems or difficulties getting substitutes so they can prepare for the test. Registered providers already providing quality care and in compliance with the other registration requirements should have four years to complete this requirement.

**Recommendation:**

We recommend that registered family child day care homes have four years to complete the high school diploma or GED training requirement.

We support the proposal to grandfather in those who already have been providing family child care in their homes, but recommend that a provision should be added that would extend the grandfather provision if providers relocate and have to reapply for new certification. Section 3290.213 provides that current operators of family child day care homes are permanently qualified at their current registered home; however, if they move to a new location, it is unclear whether they would qualify. This section should be clarified and state that operators are permanently qualified under the training section, even if they move to a new location. Otherwise, providers with many years of service moving to another location might not be able to continue working as providers. This is especially important for older providers with many years of providing day care who could be denied certification without this guarantee.

**Recommendation:**

We recommend that the grandfather clause cover family child day care home operators permanently, even if they change locations.

Sections 3270.102; 3270.102; and 3280.102

The proposed regulations would require centers, group and family child day care providers to comply with the Consumer Product Safety Commission (CPSC) guidelines on surfacing for outdoor playground equipment. We oppose this requirement for several reasons. Home-based group and family child day care homes should not be made to comply with the regulations that apply to public playground operators. The CPSC guidelines should apply to playgrounds that have multi-use equipment, are open to the public and get frequent use by many children of all ages. It may be logical to require schools, shopping centers, restaurants, motels, and hotels etc. to comply with these requirements. However, imposing these requirements on home-based care will cause many to go out of business.

Current regulations require at least six inches of loose-fill material under equipment. This is a reasonable requirement to ensure the safety of children playing in the small equipment typically found outside the homes of providers. Most home-based providers would not be able to cover the cost of complying with the CPSC guidelines, which would require some providers to have at least 12 inches of surface that would have to extend at least six feet in all directions from the play equipment, depending on the critical height. Additionally, weather conditions may require frequent maintenance to insure adequate depth and to loosen packed materials.

Currently, no state requires small family child care homes to comply with the CPSC guidelines. Very few states mandate use the CPSC Guidelines for centers. Oregon and Mississippi are the only states that impose the CPSC guidelines on large family child care home playgrounds and enforcement has been difficult. California, Indiana, New Jersey, and Tennessee require child care centers to comply with the CPSC guidelines but exempt home-based care. Arkansas encourages but does not require centers and homes to comply with the CPSC playground recommendations. Not even the National Association for Family Child Care (NAFCC) requires compliance with the CPSC guidelines for accreditation. And the National Association for the Education of Young Children (NAEYCE) does not require compliance with the CPSC guidelines for center accreditation. Rather, NAEYCE requires: “The findings of an assessment by a Certified Playground Safety Inspector are documented and available on-site.”

Even if the Department were to institute this proposal, enforcement would be very difficult and the requirement would be ineffective because there is no mandatory inspection of family child day care homes.

**Recommendation:**

We recommend that the Department retain the existing requirements for home-based care (both group and family) that have worked to ensure a safe playground for children.

Sections 3270.4; 3280.4; and 3290.4 Definitions

The proposed change in the age level categories will change the reimbursement rate for many child care providers who take care of children attending half-day kindergarten. Changing the definition of “preschool children” to three years to kindergarten, from the current definition of three years to first grade, will cause some providers to lose the higher subsidy for preschool children. Many districts only offer part-time kindergarten and these children go to centers and homes for wrap around services. Therefore, some accommodation should be made for this circumstance so that centers and homes do not receive reduced subsidies as a result of this change.

**Recommendation:**

We recommend that where there is no full-day kindergarten, providers should be able to continue to get pre-school rate or a new rate should be established for part-day kindergarteners.

Sections 3270.11; 3280.11 and 3290.11 Application

We support the requirement for pre-certification orientation and urge the Department to hold the orientations at convenient times and in varied geographic areas.

Section 3270.151; 3280.151; and 3290.151 Health Assessment

We support the provisions extending the health assessment to once every 24 months and requiring tuberculosis screening only on initial employment.

We appreciate the opportunity to comment on these proposals. If you have any questions on our comments, you can contact Denise Dowell at 215-964-0984.

Very truly yours,

Vicki Milhouse, UCCU-NUHHCE-AFSCME

Bonnie Caldwell, UCCU-NUHHCE-AFSCME

Catherine Ponerros, SEIU

**Lau, Jennifer**

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**From:** Cecilia Perry [CPerry@afscme.org]  
**Sent:** Friday, June 30, 2006 3:41 PM  
**To:** jlau@state.pa.us  
**Cc:** Denise Dowell; Bonnie Caldwell; ponerosc@seiu.org; Romona Bordelon; msvickie401@aol.com  
**Subject:** Comments on proposed regs; Regulation reference No. 14-506

Ms. Lau:

Attached are comments from Child Care Providers United. I also am sending a hard copy in the U.S. mail. If you have any questions on our comments, please contact Denise Dowell, 215-964-0984.

Thank you very much.

Cecilia Perry  
AFSCME  
1625 L Street NW  
Washington, DC 20036