

# Regulatory Analysis Form

(Completed by Promulgating Agency)



# IRRC

Independent Regulatory Review Commission

## SECTION I: PROFILE

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

(1) Agency:

Department of Public Welfare

(2) Agency Number:

14-519

Identification Number:

IRRC Number:

2854

(3) Short Title:

Child Care Facilities

(4) PA Code Cite:

55 Pa. Code Chapters 3270, 3280 and 3290

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Jennifer Lau, 717-346-9320; 333 Market Street, 6<sup>th</sup> Floor, Harrisburg, PA 17126; 717-787-1529; jlau@state.pa.us

Secondary Contact: Amanda Dorris, 717-346-9320; 333 Market Street, 6<sup>th</sup> Floor, Harrisburg, PA 17126; 717-787-1529; adorris@state.pa.us

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

Primary Contact: Amanda Dorris, 717-346-9320; 333 Market Street, 6<sup>th</sup> Floor, Harrisburg, PA 17126; 717-787-1529; adorris@state.pa.us

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification

Regulation;

Certification by the Governor

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Certification by the Attorney

General

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The child care facility regulations at 55 Pa. Code Chapters 3270, 3280 and 3290 provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers, group child day care homes and family child day care homes. The purpose of this regulation is to amend the child care facility regulations relating to professional development for facility staff in order to strengthen the child care work force and provide staff with the knowledge and competencies needed to provide safe and healthy care to children.

(9) Include a schedule for review of the regulation including:

- |  |   |
|--|---|
| A. The date by which the agency must receive public comments:                                  | 30 calendar days<br>after date of<br>publication as<br>proposed<br>rulemaking |
| B. The date or dates on which public meetings or hearings<br>will be held:                     | None  |
| C. The expected date of promulgation of the proposed<br>regulation as a final-form regulation: | 12/18/2010  |
| D. The expected effective date of the final-form regulation:                                   | 4/17/2011   |
| E. The date by which compliance with the final-form<br>regulation will be required:            | 4/17/2011   |
| F. The date by which required permits, licenses or other<br>approvals must be obtained:        | ongoing   |

(10) Provide the schedule for continual review of the regulation.

The regulation will be reviewed annually.

**SECTION II: STATEMENT OF NEED**

(11) State the statutory authority for the regulation. Include specific statutory citation.

Articles IX and X of the Public Welfare Code (62 P. S. §§ 901-922 and 1001-1087).

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The proposed rulemaking is not mandated by a Federal or state law, court order or regulation.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Since 1992, Pennsylvania's regulations for child care facilities have required a minimum of 6 hours annual training for staff working in facilities. Over the past 18 years, research has shown that staff training is key to maintaining and increasing the health and safety protections to children in care. Additionally, national standards advocate for minimum staff training requirements higher than the 6 hours required by Pennsylvania regulation.

The proposed rulemaking increases the minimum number of training hours over a 5-year period to a total of 24 hours at the end of the 5 years and ongoing, requires orientation training for staff new to working in child care and for persons new to positions of operating facilities i.e., new directors, primary staff persons in charge of group child day care homes and new family child day care home operators. The proposed rulemaking also requires that staff have training in pediatric first aid rather than general first aid in order to better meet the needs of children in care.

Children, parents, providers and staff will benefit from the regulation.

The regulation will improve health and safety for all children in care and, as a result, will benefit approximately 340,000 children statewide.

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(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

The primary resources used relating to best practice and recommendations are as follows:

American Academy Of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care and Early Education (2002). *Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs, 2nd edition*. Elk Grove Village, IL: American Academy of Pediatrics and Washington, DC: American Public Health Association. Also available at <http://nrckids.org>.

National Association of Child Care Resource and Referral Agencies (NACCRA): "Training the Child Care Work Force" at [http://www.naccra.org/policy/background\\_issues/supporting\\_ccwf.php](http://www.naccra.org/policy/background_issues/supporting_ccwf.php).

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

Although the proposed rulemaking will increase costs to facilities, the phased-in increase in minimum annual professional development requirements will strengthen the child care work force and provide staff with the knowledge and competencies needed to provide safe and healthy care to children.

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

Child day care centers, group child day care homes and family child day care homes are required to comply with the regulation. As of February 2010, 4,341 child day care centers, 856 group child day care homes and 3,400 family day care homes were certified or registered by the Department.

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### SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The child care facility staff salary information used in this analysis was obtained from the data provided in the document entitled "Pennsylvania Occupational Wages Statewide" available on the Department of Labor and Industry Website at <http://www.paworkstats.state.pa.us/gsipub/index.asp?docid=374>. The average hourly wages are based on the following information from that document. The wages were rounded to the nearest whole dollar for all calculations (see figure in parentheses):

Occupational Title	Corresponding Regulatory Position Title	Average hourly wage	Average annual wage
Education Administrators, Preschool and Child Care Center/Program	<ul style="list-style-type: none"> <li>• Director in a child day care center</li> <li>• Primary staff person in charge of group child day care home</li> <li>• Family child day care home operator</li> </ul>	19.27 (\$19)	\$40,090
Preschool Teachers, Except Special Education	<ul style="list-style-type: none"> <li>• Group supervisor in a child day care center</li> <li>• Assistant group supervisor in a child day care center</li> <li>• Primary staff person not in charge of group child day care home</li> </ul>	11.78 (\$12)	\$24,500
Teacher Assistants	<ul style="list-style-type: none"> <li>• Aide in a child day care center</li> <li>• Secondary staff person in a group child day care home</li> </ul>	10.64 (\$11)	\$22,150

#### A. Cost of Preparing the Annual Training Plan

The proposed amendment requiring an annual individual training plan for each staff person may result in increased costs for those facilities that do not participate in Keystone STARS at STAR 2, 3 and 4 levels. As of January 2010, 1,828 child care facilities or 21% of all facilities

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were at a STAR 2 level or higher and as a result are already developing individual training plans in order to meet the STAR standards.

For the remaining 6,769 facilities, the requirement for an individual training plan will take approximately 1 ½ hours of time for the staff person and the staff person's supervisor each year. The costs may vary depending on the position of the employee's immediate supervisor. The following is an estimate of annual costs per staff person.

### Child day care center:

Facility director: \$29 (the director typically does not have an immediate supervisor on site; therefore the cost of the supervisor's time is unknown.)

Group supervisor/assistant group supervisor:

Staff person's time	\$18
Supervisor's time	<u>\$18 to \$29</u>
Total cost per staff	\$36 to \$47

Aide:

Staff person's time	\$16
Supervisor's time	<u>\$18 to \$29</u>
Total cost per staff	\$34 to \$45

Estimated cost per child day care center:

Director 1 x \$29	\$ 29
Group sup/Assistant Group Sup 11x \$34 to \$45	\$374 to \$495
Aide 2 X \$34 to \$45	<u>\$ 68 to \$ 90</u>
Total	\$471 to \$614

Average: \$543

### Group child day care home:

Primary staff person in charge of the facility: \$29

If there are additional primary staff persons supervised by a primary staff person who is in charge of the facility:

Staff person's time	\$18
Supervisor's time	<u>\$29</u>
Total cost per staff	\$47

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### Secondary staff person:

Staff person's time	\$16
Supervisor's time	<u>\$29</u>
Total cost per staff	\$45

### Estimated cost per group child day care home:

Primary staff in charge 1 x \$29	\$ 29
Primary staff not in charge 1x \$47	\$ 47
Secondary staff 1 x \$45	<u>\$ 45</u>
Total	\$121

### Family child day care home:

Family child day care home operator: \$39

### B. Cost of Orientation for New Staff Who Operate a Facility

#### **New director in a child day care center/new primary staff person in charge of group child day care home**

The orientation curriculum for a new director in a child day care center and a new primary staff person in charge of a group child day care home is currently in development through a contractor, Better Kid Care of Pennsylvania State University. The number of hours required to complete the orientation training is estimated at 20 hours. The training will be distance education training that will not require the director or primary staff person to attend any sessions off site. This affords flexibility and permits the training to be accomplished during the work day over a one year period. The cost in terms of director/primary staff person salary is estimated as follows:

Salary	\$ 19
Hours of orientation training	<u>x 20</u>
Total	\$380
Estimated cost materials	\$ 50
Estimate cost of work review	<u>\$ 20</u>
Total cost	\$450

The orientation training will count toward the annual required training hours and therefore will be absorbed into the cost of annual training for that staff person. Additionally, the cost will be incurred only when a person is hired who has never served in the position of director or primary staff person in charge of a group child day care home.

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### Orientation training for new family child day care home operators

The family child day care home operator orientation is currently available through Better Kid Care and requires 6 hours of time to complete the course. The training is distance education training that does not require the operator to attend any sessions off site. This affords flexibility and permits the training to be accomplished during the work day. The cost estimate is as follows;

Salary	\$ 19
Hours of orientation training	<u>x 6</u>
Total	\$114
Estimated cost materials	\$ 50
Estimate cost of work review	<u>\$ 20</u>
Total cost	\$184

The orientation training will count toward the annual required training hours and therefore will be absorbed into the cost of annual training.

### C. Cost of Orientation Training for Staff New to Child Care

The new staff orientation training for child day care centers and group child day care homes is distance education that is approved by the Department of Public Welfare. The training is distance education training that does not require the staff person to attend any sessions off site. This affords flexibility and permits the training to be accomplished during the work day.

The orientation curriculum for new staff is currently available through Better Kid Care and consists of 15 hours of training. The orientation training will count toward the annual required training hours.

The new staff orientation is required only when a staff person is hired who has not previously worked in a child care facility.

#### Cost of training materials

The purchase of the video portion of the materials represents a onetime cost to a child care facility. Because the training has been in use for several years, many facilities have already purchased and use the videos. Costs are as follows:

Videos	\$35
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A new workbook and review of coursework costs \$35 per staff person.

Workbook	\$15
Lesson review	<u>\$20</u>
Total materials per staff	\$35



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### Costs to child day care center:

Group supervisor/assistant group supervisor:

Staff person's salary	\$12
Hours of training	<u>x 15</u>
Salary	\$180
Materials	<u>\$ 35</u>
Cost per staff person	\$215

Aide:

Staff person's salary	\$11
Hours of training	<u>x 15</u>
Total cost per staff	\$165
Materials	<u>\$ 35</u>
Cost per staff person	\$200

### Costs to group child day care home:

Primary staff person who is not responsible for operating the facility:

Staff person's salary	\$12
Hours of training	<u>x 15</u>
Total cost per staff	\$180
Materials	<u>\$ 35</u>
Cost per staff person	\$215

Secondary staff person:

Staff person's salary	\$11
Hours of training	<u>x 15</u>
Total cost per staff	\$165
Materials	<u>\$ 35</u>
Cost per staff person	\$200

### D. Cost of Ongoing Annual Training

Facility staff have the option to attend training through classes, workshops, events or distance education. The actual costs of participating in training will vary depending on the type of training selected. The figures below are intended to provide average costs. For the purposes of estimates, training was broken down as follows:

- Half of the annual training will take place off site and may result in requiring overtime

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pay.

- Half of the annual training will be distance education that occurs during work hours and will not require any additional pay.

Training sessions vary in length, but two hours is an average. The costs of PQAS training workshops is generally based on the number of participants. The costs of distance education were reviewed and are estimated at \$20 for a two hour training. Using those figures, the average cost of training was broken down as follows:

- Average cost of a PQAS non-credit training workshop is \$7.50 per two hour training session
- Average cost of distance education is \$20 per two hour training lesson.

### Training costs by job title

The attached Charts 1, 2 and 3 show the work for determining the ongoing annual training cost for each staff position.

Chart 1: Director, primary staff person in charge of a facility and family child care home operator. The chart displays the estimated ongoing annual training costs from the current requirement through the five year phase in of increased training requirements. In summary, the costs are as follows:

Current:	\$128
Year 1:	\$193, an increase of \$65 over previous year
Year 2:	\$256, an increase of \$63 over previous year
Year 3:	\$385, an increase of \$129 over previous year
Year 4:	\$449, an increase of \$64 over previous year
Year 5:	\$513, an increase of \$64 over previous year

Chart 2: Group supervisor, assistant group supervisor and a primary staff person who is not in charge of a facility. The chart displays the estimated ongoing annual training costs through the five year phase in of increased training requirements. In summary, the costs are as follows:

Current:	\$95
Year 1:	\$143, an increase of \$48 over previous year
Year 2:	\$190, an increase of \$47 over previous year
Year 3:	\$286, an increase of \$96 over previous year
Year 4:	\$333, an increase of \$47 over previous year
Year 5:	\$381, an increase of \$48 over previous year

Chart 3: Aide and secondary staff person. The chart displays the estimated ongoing annual training costs through the five year phase in of increased training requirements. In summary, the costs are as follows:

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Current: \$89  
Year 1: \$134, an increase of \$45 over previous year  
Year 2: \$178, an increase of \$44 over previous year  
Year 3: \$268, an increase of \$90 over previous year  
Year 4: \$312, an increase of \$44 over previous year  
Year 5: \$357, an increase of \$45 over previous year

### Training costs by facility type

The attached Charts 4, 5 and 6 show the work for determining the training cost of each facility type.

Chart 4: Child day care center estimated training costs. The staffing for a child care center was determined based on an average enrollment of 60 children.

Current: \$1,351  
Year 1: \$1,681, an increase of \$330 over previous year  
Year 2: \$2,233, an increase of \$552 over previous year  
Year 3: \$3,361, an increase of \$1,128 over previous year  
Year 4: \$3,914, an increase of \$553 over previous year  
Year 5: \$4,478, an increase of \$564 over previous year

Chart 5: Group child day care home estimated training costs. The staffing for a group child care home was determined based on a capacity of 12 children.

Current: \$312  
Year 1: \$422, an increase of \$110 over previous year  
Year 2: \$529, an increase of \$107 over previous year  
Year 3: \$796, an increase of \$267 over previous year  
Year 4: \$928, an increase of \$132 over previous year  
Year 5: \$1,061, an increase of \$133 over previous year

Chart 6: Family child day care home estimated training costs. Family child care homes are typically staffed by the operator.

Current: \$128  
Year 1: \$193, an increase of \$65 over previous year  
Year 2: \$256, an increase of \$63 over previous year  
Year 3: \$385, an increase of \$129 over previous year  
Year 4: \$449, an increase of \$64 over previous year  
Year 5: \$513, an increase of \$64 over previous year

It is important to note that during year 4, for the first time, staff will be able to count pediatric first aid training and firesafety training toward meeting the annual training requirement. In year

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5 and ongoing, staff will also be able to count water safety training toward the annual minimum training requirement. Currently and in years 1 through 3, these trainings are required for some staff, but are not counted in the annual minimum training requirement.

### Facilities with STAR 2, 3 and 4 designations

Those facilities that currently hold STAR 2, 3 or 4 designations are required to obtain more training than the minimum regulatory requirement of 6 hours. Those facilities will not incur the same amount of additional costs as those facilities that do not hold STAR 2, 3 or 4 designations.

Chart 7: Estimated Cost of Annual Training for Child Day Care Centers STAR 2, 3 and 4. The staffing for a child care center was determined based on an average enrollment of 60 children.

STAR 2 child day care center – 757 facilities:

Current:	\$2,591
Year 1:	\$2,636, an increase of \$45 over previous year
Year 2:	\$2,680, an increase of \$44 over previous year
Year 3:	\$3,571, an increase of \$891 over previous year
Year 4:	\$4,010, an increase of \$439 over previous year
Year 5:	\$4,477, an increase of \$467 over previous year

STAR 3 child day care center – 352 facilities:

Current:	\$3,949
Year 1:	\$3,949, no increase over previous year
Year 2:	\$3,949, no increase over previous year
Year 3:	\$4,039, an increase of \$90 over previous year
Year 4:	\$4,412, an increase of \$373 over previous year
Year 5:	\$4,857, an increase of \$445 over previous year

STAR 4 child day care center – 383 facilities:

Current:	\$5,214
Year 1:	\$5,214, no increase over previous year
Year 2:	\$5,214, no increase over previous year
Year 3:	\$5,259, an increase of \$45 over previous year
Year 4:	\$5,303, an increase of \$44 over previous year
Year 5:	\$5,348, an increase of \$45 over previous year for

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### Chart 8: Estimated Cost of Annual Training for Group Child Day Care Homes STAR 2, 3 and 4.

STAR 2 group child day care home – 77 facilities:

Current:	\$646
Year 1:	\$646, no increase over previous year
Year 2:	\$690, an increase of \$44 over previous year
Year 3:	\$909, an increase of \$219 over previous year
Year 4:	\$1,017, an increase of \$108 over previous year
Year 5:	\$1,126, an increase of \$109 over previous year

STAR 3 group child day care home – 26 facilities:

Current:	\$993
Year 1:	\$993, no increase over previous year
Year 2:	\$993, no increase over previous year
Year 3:	\$1,038, an increase of \$45 over previous year
Year 4:	\$1,146, an increase of \$108 over previous year
Year 5:	\$1,383, an increase of \$237 over previous year

STAR 4 group child day care home – 15 facilities:

Current:	\$1,294
Year 1:	\$1,294, no increase over previous year
Year 2:	\$1,294, no increase over previous year
Year 3:	\$1,294, no increase over previous year
Year 4:	\$1,338, an increase of \$44 over previous year
Year 5:	\$1,383, an increase of \$45 over previous year

### Chart 9: Estimated Cost of Annual Training for Family Child Day Care Homes STAR 2, 3 and 4.

STAR 2 family child day care home – 77 facilities:

Current:	\$256
Year 1:	\$256, no increase over previous year
Year 2:	\$256, no increase over previous year
Year 3:	\$385, an increase of \$129 over previous year
Year 4:	\$449, an increase of \$64 over previous year
Year 5:	\$513, an increase of \$64 over previous year

STAR 3 family child day care home – 26 facilities:

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Current: \$321  
Year 1: \$321, no increase over previous year  
Year 2: \$321, no increase over previous year  
Year 3: \$385, an increase of \$64 over previous year  
Year 4: \$449, an increase of \$64 over previous year  
Year 5: \$513, an increase of \$64 over previous year

STAR 4 family child day care home – 15 facilities:

Current: \$385  
Year 1: \$385, no increase over previous year  
Year 2: \$385, no increase over previous year  
Year 3: \$385, no increase over previous year  
Year 4: \$449, an increase of \$64 over previous year  
Year 5: \$513, an increase of \$64 over previous year

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no new costs or savings to local governments associated with compliance with this proposed regulation. No new legal, accounting or consultant procedures are required.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

PQAS is administered by the Pennsylvania Key through a contract with the commonwealth. Currently, child care facility staff training is not required to be PQAS approved unless a staff person works in a facility that participates in Keystone STARS. By requiring all training to have PQAS approval, additional training entities may apply for PQAS approval. Because the increased number of training hours is phased in over time, the number of new PQAS applications should also gradually increase over time. The costs will be absorbed through the phase in of the requirement.

*Shawn D. [Signature]* 5/10/10

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
<b>Total Savings</b>	0	0	0	0	0	0
<b>COSTS:</b>						
Regulated Community	\$2,392,240	\$1,576,150	\$3,234,909	\$3,481,290	\$2,322,540	\$1,375,462
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
<b>Total Costs</b>	\$2,392,240	\$1,576,150	\$3,234,909	\$3,481,290	\$2,322,540	\$1,375,462
<b>REVENUE LOSSES:</b>						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(20a) Provide the past three year expenditure history for programs affected by the regulation.

This response is completed by the Department's Office of Budget. The Program Office provides support to the Office of Budget in providing the necessary data and program guidance.

Program	FY -3	FY -2	FY -1	Current FY
CCDFBG - Admin	\$13,480,000	\$13,480,000	\$13,480,000	\$13,480,000

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(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The benefits of the proposed rulemaking outweigh the costs because of the additional health and safety protection afforded to children.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The Office of Child Development and Early Learning (OCDEL) held a stakeholders meeting to discuss proposed regulations on January 23, 2010 and two stakeholders conference calls to discuss proposed regulatory language on March 8 and 23, 2010. Participants included individuals who operate profit and nonprofit child day care centers, group child day care homes and family child day care homes; representatives of provider organizations and child advocacy groups; representatives from the Department of Education and OCDEL staff.

Draft regulatory amendments were shared with all stakeholders who were invited to attend the meeting and conference calls. The draft amendments were discussed in total during the meeting and calls. Stakeholders were asked to provide comments and input regarding the draft regulation. The comments and input received were reviewed and considered in developing the proposed rulemaking.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Alternate regulatory provisions were not considered. These regulatory amendments were needed to increase the professional development requirements.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable Federal regulations for child care facilities. Child care facilities are regulated by state governments.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

A survey of 45 other states revealed the following requirements for full-time child care employees:

- 14 states require 10 or fewer hours of annual training
- 35 states require 11 to 20 hours of annual training.
- 4 states could not be reached



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Of the 45 states surveyed, four states fell into both categories because of differing requirements for home-based and center-based child care. In those four states, the home-based facilities are required to obtain 10 or fewer hours of annual training while the center staff are required to obtain 11 to 20 hours of annual training.

Only four states require 6 or fewer hours of annual training for child care staff as follows: Iowa requires 10 hours for directors and 6 hours for other staff, Tennessee requires 8 hours for group child care homes and 4 hours for family child care homes, Michigan requires 5 hours for family child care homes, and Virginia requires 6 hours for family child care homes.

In the states contiguous to Pennsylvania, three states require 11 to 20 hours of annual training, one state requires 24 hour of annual training for directors and 8 hours of annual training for other staff, two states could not be reached.

Pennsylvania's minimum child care staff training requirement of 6 hours per year lags behind all but 4 other states. The proposed rulemaking will boost Pennsylvania's requirement and place Pennsylvania in the forefront at the end of the 5 year phase in period. The increased requirement will not place Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed rulemaking does not affect existing or proposed regulations of the Department or another state agency.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed amendment requiring individual training plans will result in increased paperwork for those facilities that do not participate in Keystone STARS at STAR 2, 3 and 4 levels. As of January 2010, 1,828 child care facilities or 21% of all facilities were at a STAR 2 level or higher and were required to develop individual training plans in order to meet the STAR standards.

For the remaining 6,769 facilities, the requirement for an individual training will result in increased paperwork.

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(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

This proposed rulemaking applies to all child care facilities.

CDL-1

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED  
JUN 16 2010  
3:35 pm  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved  
as to form and legality.

Attorney General  
*[Signature]*

By: \_\_\_\_\_  
(Deputy Attorney General)

JUN 15 2010

Date of Approval

Check if applicable  
Copy not approved.  
Objections attached.

Copy below is hereby certified to be a true and correct  
copy of a document issued, prescribed or promulgated  
by:

DEPARTMENT OF PUBLIC WELFARE

(Agency)

LEGAL COUNSEL: *[Signature]*

DOCUMENT/FISCAL NOTE NO. 14-519

DATE OF ADOPTION: \_\_\_\_\_

BY: *[Signature]*

TITLE: SECRETARY OF PUBLIC WELFARE  
(Executive Officer, Chairman or Secretary)

Copy below is hereby approved as to  
form and legality. Executive or  
Independent Agencies

*[Signature]*

BY: \_\_\_\_\_  
Andrew C. Clark

MAY 25 2010

Date of Approval

(Deputy General Counsel)  
(~~Chief Counsel, Independent Agency~~)  
(Strike inapplicable title)

Check if applicable. No Attorney  
General approval or objection  
within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILD DEVELOPMENT

[55 Pa. Code Chapter 3270, Child Day Care Centers]  
[55 Pa. Code Chapter 3280, Group Child Day Care Homes]  
[55 Pa. Code Chapter 3290, Family Child Day Care Homes]

Child Care Facilities

### *Statutory Authority*

Notice is hereby given that the Department of Public Welfare (Department) under the authority of Articles IX and X of the Public Welfare Code (62 P. S. §§ 901-922 and 1001-1087) intends to amend the regulation set forth in Annex A.

### *Purpose of Regulation*

The child care facility regulations at 55 Pa. Code Chapters 3270 (relating to child day care centers), 3280 (relating to group child day care homes) and 3290 (relating to family child day care homes) provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers, group child day care homes and family child day care homes. The regulations identify the minimum level of compliance necessary to obtain the Department's certificate of compliance to operate a child care center or group child day care home or certificate of registration to operate a family child day care home.

The purpose of this proposed rulemaking is to amend the child care facility regulations relating to professional development for facility staff in order to strengthen the child care work force and provide staff with the knowledge and competencies needed to provide safe and healthy care to children.

### *Requirements*

1. §§3270.4, 3280.4 and 3290.4 (relating to definitions).

The proposed rulemaking adds definitions relating to professional development as follows: distance education, inclusive practices, Professional Development Record (PDR) and Pennsylvania Quality Assurance System (PQAS).

Distance education is defined because it represents the newest and most rapidly developing method of providing and receiving professional development. Distance education is defined as a formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

Inclusive practices are identified as a required professional development topic in the proposed rulemaking. The definition is provided to give clarity regarding the scope of the topic and is as follows: working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

The Pennsylvania Key works with the Office of Child Development and Early Learning to provide statewide leadership in the development of an integrated and coordinated system of program quality improvements and professional development supports for early childhood education. In this role, the Pennsylvania Key manages statewide professional development initiatives. The PDR and PQAS are two components of the statewide professional development initiatives and are well known to

many child care providers. The PDR is a tool available through the Pennsylvania Key for developing and tracking a staff person's professional development plan. PQAS is a system administered through the Pennsylvania Key to identify organizations and individuals who have the expertise and the background to provide professional development in specific subject areas.

2. §3290.11 (relating to application for and issuance of a certification of registration).

The proposed rulemaking requires a family child day care home operator to submit along with an application to renew a certificate of registration proof of compliance with the requirements for annual professional development. The family child day care home registration system is a self-certification system and provides for inspections on a random sample basis, upon complaint and at the request of the operator (see 62 P.S. §1074 (relating to visitation and inspection)). The Department's certification staff find upon inspection that a significant number of family child day care home operators do not obtain the minimum hours of professional development required by regulation. In most family child day care homes, the operator is the only caregiver working in the facility. While family child day care home operators come from a wide variety of educational backgrounds and experience levels, the minimum qualifications for a family child day care home operator are not as stringent as those for a child care center director or a group child care home primary staff person. The Department proposes this rule to ensure that all family child day care home operators obtain

ongoing professional development to support the knowledge and skills needed to provide healthy and safe care to children.

3. §§3270.31 and 3280.31 (relating to age).

The proposed rulemaking removes the professional development requirements that appear in this section in the current regulation and moves those requirements to new sections. The remaining requirements deal specifically with the age of facility persons and require renaming the section heading.

4. §§3290.31 (relating to qualifications).

The proposed rulemaking removes the professional development requirements that appear in this section in the current regulation and moves those requirements to new sections. The remaining requirements deal specifically with qualifications of facility persons and require renaming the section heading.

5. §§3270.38 and 3280.36 (relating to credential equivalency).

The proposed rulemaking moves the current text at §§3270.31(d) and 3280.31(d) (relating to age and training) to a new section. The information relates to how a Child Development Associate (CDA) credential, a Certified Childcare Professional (CCP) or Pennsylvania school-age professional credential translate to education and experience

with children. This information is no longer suited to §§3270.31 and 3280.31 which the proposed rulemaking changes to focus on the minimum age of staff persons in child day care centers and group child day care homes.

6. §§3270.39, 3280.37 and 3290.33 (relating to professional development plan).

In order to assist staff in complying with the professional development requirements, the proposed rulemaking requires that each staff person have an individual professional development plan. The purpose of the professional development plan is to guide selection of professional development based on the minimum standards in regulation and the staff person's individual needs for professional development. The individual professional development plan may be developed using the PDR, a document which many child care facilities and staff already use, or a form that will be developed by the Department.

7. §§3270.40, 3280.38 and 3290.34 (relating to orientation for new director and staff person; orientation for staff persons; and orientation for new operator).

The proposed rulemaking requires orientation training for persons newly hired to work in child day care centers and group child day care homes and for persons newly hired to work in positions managing all three types of child care facilities. The Department will designate the curriculum to be used for orientation training. The proposed rulemaking establishes timelines for completing the orientation training.



8. §§3270.41, 3280.39 and 3290.35 (relating to acceptable professional development).

The acceptable professional development topic areas listed in the proposed rulemaking include topic areas identified in the PDR. The topic areas are core professional development areas related to the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children.

Acceptable professional development settings include classes, training, workshops, events or distance education conducted by an accredited college or university, by an organization or individual that has PQAS approval or by an organization or individual providing professional development that is being offered for continuing education credits for professional educators, often referred to as “Act 48” training (see Section 12-1205.2 of the Public School Code of 1949 (24 P.S. §12-1205.2)).

9. §§3270.42, 3280.40 and 3290.36 (relating to annual professional development requirement for director; annual professional development requirement for primary staff person; and annual professional development requirement for operator) and §§3270.43, 3280.41 and 3290.37 (relating to annual professional development requirement for staff persons).

The proposed rulemaking specifies the minimum number of professional development hours required each calendar year. The annual professional development requirement for child day care center and group child day care home staff increases from the current 6 hours per year to 24 hours per year over a period of 5 years. The hours are increased each calendar year as follows: year #1 – 9 hours, year #2 – 12 hours, year #3 – 18 hours, year #4 – 21 hours and year #5 and every year thereafter – 24 hours. The professional development requirement for family child day care home staff changes from 12 hours every 2 years to an annual professional development requirement of 6 hours and increases over a 5-year period as described above.

The proposed rulemaking designates specific areas in which staff must receive professional development. The number of designated topic areas expands as the number of hours per year increases. The topic areas are based on national health and safety guidelines plus input from the regulation work group members including child care providers, child care advocates, early learning professional organization representatives, Pennsylvania Key and Regional Key staff, Department of Education representatives and Department of Public Welfare representatives. The Department's goal in specifying professional development topic areas is to ensure that staff persons gain the basic knowledge and skills across a variety of topic areas that are needed to provide safe and healthy care to children.

10. §§3270.44, 3280.42 and 3290.38 (relating to exemption from annual professional development requirement).

The proposed rulemaking also addresses when staff persons are pursuing higher education. Staff persons who are obtaining professional development for the purpose of pursuing degrees or college credits relating to early education and child care meet the annual professional development requirements. The time required to pursue higher education exceeds the number of annual professional development hours in the proposed rulemaking. The Department does not want to discourage staff persons from seeking higher education by requiring them to obtain additional professional development to meet the annual requirement.

Additionally, staff persons who attend professional development or classes required to obtain or renew an early learning professional credentials recognized by the Department also meet the annual professional development requirements. The time required to pursue credentials generally exceeds the number of professional development hours required in the proposed rulemaking. If the hours required to pursue a credential do not meet the annual required number of professional hours, the staff person will have to take additional professional development that meets the requirement of the regulation.

10. §§3270.45, 3280.43 and 3290.39 (relating to professional development for specific staff persons) and §§3270.235, 3280.217 and 3290.214 (relating to pediatric first-aid training).

The Department proposes to change the requirement for general first-aid training to require pediatric first-aid training. Pediatric first-aid is geared to the specific health needs of children. The American Academy of Pediatrics recommends pediatric first-aid training for persons who care for children. The change to pediatric first-aid training will be phased in as staff persons' current general first-aid certifications expire. This will ensure that no staff person is required to take additional training prior to the end of the first-aid certification period. A grandfathering provision regarding first-aid training is included in the proposed rulemaking for each regulatory chapter (see §§3270.235, 3280.217 and 3290.214 (relating to pediatric first-aid training)).

12. §§3270.47, 3280.45 and 3290.41 (relating to portability of professional development).

The proposed rulemaking provides for the portability of a staff person's professional development record when changing employment. This provision is intended to promote the purposeful building of knowledge and skills over time by retaining the staff person's professional development history at a new place of employment.

#### *Affected Individuals and Organizations*

Children are directly impacted by the proposed rulemaking. The minimum health and safety standards in Chapters 3270, 3280 and 3290 protect children who attend

approximately 8500 certified and registered child care facilities in Pennsylvania.

Parents also are impacted by the proposed rulemaking. Parents want their children to be safe in child care facilities.

Child care facilities and staff are most directly affected by the proposed rulemaking. The proposed rulemaking will increase costs to facilities. The Department provides for a phased increase in the minimum annual professional development requirements over a 5-year period. The phased increase will permit time for further building of professional development opportunities for child care facility staff.

#### *Accomplishments and Benefits*

The current child care facility regulations relating to professional development were published in 1992 and represent the first time that staff professional development was required by Pennsylvania's child care facility regulations. The regulations require six hours of professional development annually for staff in a child day care center and a group child day care home and 12 hours of professional development biennially for family child day care home staff.

Since 1992, many changes have occurred relating to professional development of child care staff. Nationwide, additional emphasis has been placed on staff professional development as a means of ensuring health and safety in child care settings. Pennsylvania now has a program called Pennsylvania Keys to Professional

Development, a seamless system designed to enhance and promote for each staff person professional development that is substantive and promotes growth as an early childhood education practitioner. Pennsylvania Keys to Professional Development administers the Pennsylvania Quality Assurance System (PQAS) to approve organizations and individuals who provide instruction and technical assistance to early learning and school-age programs. PQAS helps ensure that professional development activities are conducted by qualified individuals and meet quality standards.

A survey of other states revealed that 14 states require 10 or fewer hours of annual professional development for full-time child care employees and 35 states require 11 to 20 hours of annual professional development for full-time child care employees. Four states could not be reached to obtain information about minimum professional development requirements.

Only four states require 6 or fewer hours of annual professional development for child care staff as follows: Iowa requires 10 hours for directors and 6 hours for other staff, Tennessee requires 8 hours for group child care home staff and 4 hours for family child care home staff, Michigan requires 5 hours for family child care home staff, and Virginia requires 6 hours for family child care home staff.

In the states contiguous to Pennsylvania, three states require 11 to 20 hours of annual professional development, one state requires 24 hour of annual professional

development for directors and 8 hours of annual professional development for other staff and two states could not be reached.

Pennsylvania's child care staff professional development requirement of 6 hours per year lags behind all but 4 other states. The proposed rulemaking will boost Pennsylvania's requirement and place Pennsylvania in the forefront at the end of the 5 year phase in period.

The leading pediatric health and safety best practice standards and recommendations are found in Caring for Our Children, published by the American Academy of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care and Early Education, and include the following recommendations:

- All facility staff should have preservice orientation training at initial employment with prescribed topic areas.
- Child day care center and group child day care home staff should have 30 clock hours of continuing education in the first year of employment. In the second and following years of employment, staff should have at least 24 clock hours of continuing education based on individual competency needs and any special needs of the children in their care.
- Family child care home providers should have at least 24 clock hours of continuing education annually in areas determined by self-assessment.

The National Association of Child Care Resource & Referral Agencies (NACCRA) is a national organization that leads projects to increase the quality and availability of child care professionals, undertakes research and advocates child care policies that positively impact the lives of children and families. NACCRA recommends that child care staff receive 40 hours of preservice training and 24 hours of training annually on an ongoing basis.

Research supports the case for improved professional development requirements for child care staff. Trained child care staff are more likely to facilitate the physical and mental health, safety and development of children in their care. Child care providers should have professional development in basic health and safety and in child development. Staff members who are better trained are better able to prevent, recognize, and correct health and safety problems. Research shows a positive relationship between the professional development of child care providers and the quality of care children receive. Trained child care providers are more likely to provide responsive care, be more sensitive, play with children and show positive emotion in front of and toward children. Because 90% of a child's brain develops by age 5, the quality of care a child receives matters.

Research also supports minimum standards that guide staff in selecting professional development that enables them to build on the knowledge and competencies needed to provide safe and health care to children. In the absence of minimum standards guiding the selection and amount of professional development



required, staff are allowed to complete any assortment of professional development as long as they meet the minimum number of hours required. It is possible that a staff person could take the same class repeatedly and count it each time toward the required professional development hours. Too often, staff members make professional development choices based on what they like to learn about and not the areas in which their performance should be improved.

The Department's proposed rulemaking will require additional hours of professional development, purposeful selection of professional development and ensure the quality of professional development for child care staff persons. This will benefit children and parents by increasing the availability of safe and healthy child care.

### *Fiscal Impact*

For the purpose of determining fiscal impact, the calculations were based on an average child day care center with a capacity of 60 children with 14 total staff, a group child day care home with a capacity of 12 children with 3 total staff and a family child day care home with one staff person, the operator.

### Cost of preparing the annual professional development plan

Keystone STARS is an Office of Child Development and Early Learning initiative to improve, support and recognize the continuous quality improvement efforts of early

learning programs in Pennsylvania. The Keystone STARS performance standards are quality standards based on best practice to promote quality early learning environments and positive child outcomes. The standards address staff qualifications and professional development, the early learning program, partnerships with family and community and leadership and management. The performance standards are grouped into four levels: STAR 1, STAR 2, STAR 3 and STAR 4. Each level builds on the previous level. As of January 2010, 1,828 child care facilities or 21% of all facilities were at a STAR 2 level or higher and as a result are already developing individual professional development plans in order to meet the STAR standards. The proposed rulemaking requiring an annual individual professional development plan for each staff person will not result in increased costs for those facilities that have STAR 2, 3 and 4 designations.

For the remaining 6,769 child care facilities, development of an individual professional development plan for each staff person will be a new requirement and will take approximately 1 ½ hours annually for each staff person and the staff person's supervisor. The costs will vary according to the staff person's position and the supervisor's position. The estimated costs by facility type are: child day care center, \$543; group child day care home, \$121; and family child day care home, \$39.

Cost of orientation for new director in a child day care center or new primary staff person in charge of a group child day care home

The orientation curriculum for a new director in a child day care center and a new primary staff person in charge of a group child day care home is currently in development. The estimated number of hours required to complete the orientation curriculum is 20 hours. The orientation training is distance education that does not require the employee to attend sessions off site. This affords flexibility and permits the staff person to complete the orientation training during the work day over a one year period. The cost per person is estimated at \$450. The orientation training will count toward the annual required training hours and therefore will be absorbed into the cost of annual professional development for that staff person. Additionally, the cost will be incurred only when an individual is hired for the first time as a director of a child day care center or a primary staff person in charge of a group child day care home.

Cost of orientation training for a new family child day care home operator

The family child day care home operator orientation curriculum is currently available through Better Kid Care and requires 6 hours of time to complete the course. The orientation training is distance education training that does not require the operator to attend any sessions off site. The estimated cost is \$186. The orientation training will count toward the annual required professional development hours and therefore will be absorbed into the cost of annual professional development.

Cost of orientation training for staff new to working in child care

The proposed requirement for new staff orientation training applies when a new staff person is hired who has never worked in a child day care center or group child day care home. The new staff orientation training is distance education that does not require the staff person to attend any sessions off site. This affords flexibility and permits the training to be accomplished during the work day. The orientation training will count toward the annual required professional development hours and the costs will be absorbed into the annual professional development costs.

The orientation curriculum for new staff is currently available and consists of 15 hours of training. The purchase of the video portion of the materials represents a onetime cost of \$35 to a child care facility. Because the training has been in use for several years, many facilities have already purchased the videos. Ongoing costs are \$35 per staff person which include purchase of workbook and review of the coursework that is conducted by the training organization.

Costs to a facility will vary and will apply only when hiring a new staff person who has never worked in a child care facility. The estimated costs per position include the salary of the staff person during the hours of professional development. For a child day care center, the cost of new staff orientation training is \$212 for each new group supervisor and assistant group supervisor and \$195 for each new aide. For a group child day care home, the cost of new staff orientation training is \$212 for a primary staff person who is not responsible for operating the facility and \$195 for a secondary staff person.

### Cost of ongoing annual staff professional development

Facility staff have the option to attend a variety of professional development in order to fulfill the annual professional development requirement. The costs will vary for those staff who enroll in higher education to pursue degrees or college credits in early childhood education, child development, child care, child health, elementary-middle education, human services, administration, business, or professional leadership or who choose to pursue professional credentials as described in the proposed rulemaking. The time spent in those pursuits will count toward fulfilling the annual professional development requirement. The decision to pursue higher education or a professional credential is an individual choice and is not required by regulation.

Most child care staff fulfill the annual professional development requirement through attending PQAS-approved professional development, accessed through classes, workshops, events or distance education. The figures below are intended to provide average costs based on completing PQAS-approved professional development. For the purpose of developing the estimates, professional development costs were figured by estimating that half the annual professional development hours will take place off site and may result in requiring overtime pay and half the annual professional development will be distance education that occurs during work hours and will not require overtime pay.

The average-PQAS approved non-credit professional development is 2 hours long. The cost of a PQAS-approved professional development class or workshop is generally based on the number of participants and costs an average of \$7.50 per two hour training session.

The costs of a variety of PQAS-approved distance education offerings were reviewed. The average cost of a 2 hour distance education training is \$20.

Facilities that have STAR 2, 3 and 4 designations currently comply with higher standards relating to the number of professional development hours per year and exceed the current 6 hours of annual professional development required by regulation. As a result, the estimated additional costs that will be incurred by STAR 2, 3 and 4 facilities were determined separately.

The estimated additional professional development costs that a facility will incur as a result of the proposed rulemaking were determined by comparing the current estimated cost for 6 hours of annual professional development with the estimated cost in each year of the proposed 5-year phase-in period. By using this formula, the average child day care center will incur the following estimated additional costs during each year of the 5-year phase in period: year 1, an increase of \$330 over current costs; year 2 an increase of \$552 over year 1; year 3, an increase of \$1,128 over year 2, year 4, an increase of \$553 over year 3; year 5, an increase of \$564 over year 4.

The average group child day care home will incur the following estimated additional costs during each year of the 5-year phase in period: year 1, increase of \$110 over current costs; year 2, increase of \$107 over year 1; year 3, increase of \$267 over year 2; year 4, increase of \$132 over year 3; year 5, increase of \$133 over year 4.

The average family child day care home will incur the following estimated additional costs during each year of the 5-year phase-in period: year 1, increase of \$65 over current costs; year 2, increase of \$63 over year 1; year 3, increase of \$129 over year 2; year 4, increase of \$64 over year 3; year 5, increase of \$133 over year 4.

Currently, facilities incur the costs of first aid, firesafety and watersafety training in addition to the costs of meeting the annual 6 hour professional development requirement. As of year 4 of the phase-in period, the proposed rulemaking permits staff to count pediatric first-aid training and firesafety training, if required, toward meeting the annual professional development requirement. In year 5 and ongoing, staff will also be able to count watersafety training toward the annual minimum professional development requirement.

Facilities that hold STAR 2, 3 or 4 designations are currently required to obtain more professional development than the annual minimum regulatory requirement of 6 hours. Those facilities will not incur the same amount of additional costs as those facilities that do not hold STAR 2, 3 or 4 designations. The figures below reflect the

number of STAR 2, 3 and 4 facilities as of January 2010 and the additional estimated costs those facilities will incur.

STAR 2 child day care centers, 757 facilities, will incur the following estimated additional costs during each year of the 5-year phase-in period: year 1, increase of \$45 over current costs; year 2, increase of \$44 over year 1; year 3, increase of \$891 over year 2; year 4, increase of \$439 over year 3; year 5, increase of \$467 over year 4.

STAR 2 group child day care homes, 77 facilities, will not incur any increased costs until the second year of the phase-in. Following are the estimated additional costs during years 2 through 5 year of the phase-in period: year 2, increase of \$44 over current costs; year 3, increase of \$219 over year 2; year 4, increase of \$108 over year 3; year 5, increase of \$467 over year 4.

STAR 2 family child day care homes, 110 facilities, will not incur any increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 year of the phase-in period: year 3, increase of \$129 over current costs; year 4, increase of \$64 over year 3; year 5, increase of \$64 over year 4.

STAR 3 child day care centers, 352 facilities, will not incur any increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 year of the phase-in period: year 3, increase of \$90 over year 2; year 4, increase of \$373 over year 3; year 5, increase of \$445 over year 4.



STAR 3 group child day care homes, 26 facilities, will not incur any increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 year of the phase-in period: year 3, increase of \$45 over current costs; year 4, increase of \$108 over year 3; year 5, increase of \$237 over year 4.

STAR 3 family child day care homes, 36 facilities, will not incur any increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 year of the phase-in period: year 3, increase of \$64 over current costs; year 4, increase of \$64 over year 3; year 5, increase of \$64 over year 4.

STAR 4 child day care centers, 383 facilities, will not incur any increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 year of the phase-in period: year 3, increase of \$45 over current costs; year 4, increase of \$44 over year 3; year 5, increase of \$45 over year 4.

STAR 4 group child day care homes, 15 facilities, will not incur any increased costs until the fourth year of the phase-in. The estimated additional costs during years 4 and 5 year of the phase-in period are year 4, an increase of \$44 over current costs, and year 5, an increase of \$45 over year 4.

STAR 4 family child day care homes, 62 facilities, will not incur any increased costs until the fourth year of the phase-in. The estimated additional costs during years 4 and 5 year of the phase-in period are year 4, an increase of \$64 over current costs, and year 5, an increase of \$64 over year 4.

### Pediatric first-aid

The child care regulations currently require that at least one person certified in first-aid must be on site when children are in care. The proposed rulemaking requires pediatric first-aid training, but grandfathers staff with current first-aid certification until the time their current first-aid certification expires. There is no change regarding the number of staff who must have pediatric first-aid certification. The cost of first-aid and pediatric first-aid training is similar. The change to pediatric first-aid certification will be phased-in as current first-aid certifications expire. There should not be a significant cost difference to child care facilities.

### *Paperwork Requirements*

The proposed rulemaking requires each staff person to have an individual professional development plan. This will be a new requirement for facilities that do not participate in the Keystone STARS program. The staff person's immediate supervisor is required to participate in development of the professional development plan. The estimated time to complete an individual professional development plan is 1½ hours. Facilities with STAR 2, 3 and 4 designations already complete annual individual

professional development plans for each staff person. The individual professional development plan may be completed using the PDR or a form that the Department will provide.

*Effective Date*

This regulation is effective *120 calendar days* after publication in the **Pennsylvania Bulletin**.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department at the following address: Amanda Dorris, Bureau of Certification Services, Office of Child Development and Early Learning, Department of Public Welfare, 333 Market Street, 6<sup>th</sup> Floor, Harrisburg, Pennsylvania 17126, or via e-mail to [adorris@state.pa.us](mailto:adorris@state.pa.us) within 30 calendar days after the date of publication of this proposed rulemaking in the **Pennsylvania Bulletin**. Reference Regulation No. *14-519* when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the AT&T Relay Service at 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users).

*Regulatory Review Act*

Under § 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on **JUN 16 2010** the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Children and Youth and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed rulemaking, the Department has provided the IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under § 5(g) of the Regulatory Review Act, if the IRRC has any comments, recommendations or objections to any portion of the proposed regulation, it may notify the Department and the Committees within 30 days after the close of the public comment period. Such notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the Department, the General Assembly and the Governor, of any comments, recommendations or objections raised, prior to final publication of the regulation.

Annex A

TITLE 55. PUBLIC WELFARE

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. Nonresidential Agencies, Facilities and Services

Article I. Licensing/Approval

CHAPTER 3270. CHILD DAY CARE CENTERS

GENERAL PROVISIONS

\* \* \* \* \*

§ 3270.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Distance education - A formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

\* \* \* \* \*

Inclusive practices – Working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

\* \* \* \* \*

PDR – Professional Development Record – A document used to list a staff person’s employment history, track education and professional development, and prepare annual professional development plans that meet the staff person’s educational needs and the professional development requirements of this chapter.

\* \* \* \* \*

PQAS - Pennsylvania Quality Assurance System – Pennsylvania’s system for approving individuals and organizations who provide professional development to staff persons who work in early childhood and school-age programs, including child day care centers.

\* \* \* \* \*

## GENERAL REQUIREMENTS

### **§ 3270.11. Application for and issuance of a certificate of compliance.**

\* \* \* \* \*

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the child day care center. The orientation does not count toward the annual [minimum of 6 hours of child care training] professional development required in [§ 3270.31(e) (relating to age and training)] §3270.40 (relating to orientation for new director and staff person), §3270.42 (relating to annual professional development requirement for director) or §3270.43 (relating to annual professional development requirement for staff persons).

\* \* \* \* \*

## FACILITY PERSONS

### § 3270.31. Age [and training].

(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable [training] professional development topics referenced in [subsection (e)(2)] §3270.41(a) (relating to acceptable professional development).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child day care facility.

(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.

(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.

[ (d) Child care professional credentials are equivalent to the staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year of experience with children.

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council of Postsecondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.



- (ii) Child development, early childhood education and special education.
  - (iii) Supervision, discipline and guidance of children.
  - (iv) Nutrition for children.
  - (v) Child care program development.
  - (vi) Child care staff person or volunteer professional development.
- (3) Other training topics may be submitted for the Department's review and approval.
- (4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) *First-aid training.* Competence is the completion of training by a professional in the field of first-aid. First-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(ii) *Firesafety training.* Staff persons shall participate, at least annually, in firesafety training conducted by a fire protection professional. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.

(iii) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iv) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard.

(f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.]

\* \* \* \* \*

**§ 3270.33. General requirements for facility persons.**

\* \* \* \* \*

(d) One or more facility persons competent in pediatric first-aid techniques shall be at the facility when one or more children are in care.

\* \* \* \* \*

**§ 3270.34. Director qualifications and responsibilities.**

(a) A director is responsible for the general management of the facility, including the following minimum duties:

\* \* \* \* \*

(7) Ensuring that an annual individual professional development plan is developed for each staff person employed at the facility.

\* \* \* \* \*

**§ 3270.36. Assistant group supervisor qualifications and responsibilities.**

\* \* \* \* \*

(b) An assistant group supervisor shall have attained one of the following qualification levels:

\* \* \* \* \*

(2) A high school diploma or a general educational development certificate, including 600 or more hours of secondary training described in § 3270.31(c) (relating to age [and training]).

\* \* \* \* \*

**§ 3270.37. Aide qualifications and responsibilities.**

\* \* \* \* \*

(b) An aide shall have attained one of the following qualification levels:

\* \* \* \* \*

(2) A minimum of an 8th grade education and enrollment in a training curriculum described at § 3270.31(c) (relating to age [and training]). The classroom training portion of the curriculum shall be completed. Documentation of completion of classroom training and continuing enrollment in the training curriculum shall be included in the staff person's file.

\* \* \* \* \*

**§3270.38. Credential equivalency**

(a) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credits from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(b) A Pennsylvania school-age professional credential is equivalent to 9 credits from an accredited college or university in elementary education or child development and 1 year of experience with children.

**§3270.39. Professional development plan.**

(a) A director shall have an individual professional development plan designating the child care professional development that the director will complete each year as described at §3270.42 (relating to annual professional development requirement for director).

(b) A staff person shall have an individual professional development plan designating the child care professional development that the staff person will complete each year as described at §3270.43 (relating to annual professional development requirement for staff persons).

(c) The individual professional development plan shall be prepared on the PDR or on a form provided by the department.

(d) The staff person and staff person's supervisor shall develop and sign the individual professional development plan.

(e) The professional development plan shall be updated as professional development is completed.

**§3270.40 Orientation for new director and staff person.**

(a) An individual new to the position of director shall begin the department's approved orientation curriculum for new directors within 15 days of the first day of work in the

position and shall complete the curriculum coursework within one year. Completion of the orientation curriculum counts toward meeting the annual professional development requirement described at §3270.42 (relating to annual professional development requirement for director).

(b) An individual new to employment as a staff person in a child care center shall complete the coursework for the department's approved orientation curriculum for new staff within 90 days of the first day of work in a child care center. Completion of the orientation curriculum counts as 15 clock hours toward meeting the minimum annual professional development requirement described at §3270.43 (relating to annual professional development requirement for staff persons).

#### **§3270.41 Acceptable professional development.**

(a) Acceptable professional development is in a topic area related to the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children as follows:

- (1) Children's growth and development.
- (2) The environment, curriculum and content.
- (3) Working with families.
- (4) Child assessment.
- (5) Communication.
- (6) Professionalism and leadership.
- (7) Health, safety and nutrition.
- (8) Inclusive practices.

(9) Program organization and administration is an acceptable topic area for a director.

(b) Acceptable professional development occurs in a class, training, workshop, event or distance education conducted by one of the following:

(1) An organization or individual approved through the PQAS, including an organization or individual with temporary PQAS approval.

(2) A college or university accredited by an organization recognized by the U.S. Department of Education.

(3) An organization or individual approved to conduct professional development eligible for continuing education credits for professional educators pursuant to the Public School Code of 1949 (24 P. S. § 12-1205.2) and the Pennsylvania Department of Education's guidance regarding continuing education under the provisions of Act 48 of 1999.

**§3270.42. Annual professional development requirement for director.**

(a) A director shall annually complete a minimum of 6 clock hours of acceptable professional development as of the effective date of this regulation.

(b) A director shall complete a minimum of 9 clock hours of acceptable professional development during the calendar year beginning January 1 of the first full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(c) A director shall complete a minimum of 12 clock hours of acceptable professional development during the calendar year beginning January 1 of the second full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(d) A director shall complete minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the third full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(3) Inclusive practices.

(e) A director shall complete a minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fourth full calendar year following the effective date of the regulation.

(1) The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Program organization and administration.

(iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training and firesafety training, if required in §3270.45 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(f) A director shall complete a minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fifth full calendar year following the effective date of the regulation and every calendar year thereafter.

(1) The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Program organization and administration.

(iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training, firesafety training and watersafety training, if required in §3270.45, may be counted toward the minimum hours of professional development.

**§3270.43. Annual professional development requirement for staff persons.**

(a) The annual professional development requirement for a group supervisor, assistant group supervisor or aide who is counted in the staff:child ratio more than 20 hours per week is as follows:

(1) A minimum of 6 clock hours of child care professional development effective as of the date of this regulation.

(2) A minimum of 9 clock hours of child care professional development effective during the calendar year beginning January 1 of the first full calendar year following the



effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(3) A minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the second calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(4) A minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the third calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(iii) Inclusive practices.

(5) A minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fourth calendar year following the effective date of the regulation.

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development relating to the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training or firesafety training, if required in §3270.45 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(6) A minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, of the fifth calendar year following the effective date of the regulation, and every calendar year thereafter

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development relating to the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training, firesafety training and water safety training, if required in §3270.45, may be counted toward the minimum hours of professional development.

(b) The annual professional development requirement for a group supervisor, assistant group supervisor or aide who is counted in the staff:child ratio 20 hours or less per week

is 1/2 of the annual minimum professional development hours described at subsection (a), but no less than 6 clock hours per year.

**§3270.44. Exemption from annual professional development requirement.**

A director or staff person who meets the following criteria meets the annual professional development requirement at §3270.42 (relating to annual professional development requirement for director) or §3270.43 (relating to annual professional development requirement for staff persons):

(1) A director or staff person who is enrolled in and attending classes at an accredited college or university to obtain an associate's, bachelor's degree or master's degree from an accredited college or university in early childhood education, child development, special education, elementary-middle education or the human services field. A director may include classes required to obtain an associate's or bachelor's degree from an accredited college or university in administration, business, or professional leadership.

(2) A director or staff person who is attending a class at an accredited college or university for three or more college credits relating to early childhood education, child development, child care, child health, elementary-middle education or human services. A director may include a class relating to administration, business, or professional leadership.

(3) A director or staff person who is attending classes or professional development required to obtain or renew a Child Development Associate (CDA) credential, Certified Childcare Professional (CCP) credential, Pennsylvania Director credential,

Pennsylvania School-age credential or a Pennsylvania credential recognized by the department provided those classes or professional development require more than the required minimum number of annual professional development hours as described at §3270.42 or §3270.43.

**§3270.45. Professional development for specific staff persons.**

Depending on the provisions of the appropriate regulation, specific professional development may be required for certain staff persons. The following constitutes competence in professional development areas:

(1) *Pediatric first-aid training.* Competence is the completion of in-person training by a professional in the field of pediatric first-aid. Pediatric first aid training conducted by an individual designated as a trainer for a nationally recognized first-aid training organization is not required to have PQAS approval. All other organizations or individuals conducting pediatric first-aid training are required to have PQAS approval. Pediatric first-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(2) *Firesafety training.* Staff persons shall participate, at least annually, in firesafety training conducted by a fire protection professional. The fire protection professional is not required to have PQAS approval. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.

(3) Lifeguard training. Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant. The organization or individual conducting the lifeguard training is not required to have PQAS approval.

(4) Water safety instruction. Competence is the completion of basic instruction in water safety from a certified lifeguard. The certified lifeguard is not required to have PQAS approval.

**§3270.46. Documentation of professional development.**

(a) Documentation of professional development shall be maintained in the facility person's facility record.

(b) Acceptable documentation of professional development includes the following:

(1) Documentation issued by the professional development entity following completion of professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity's signature and title.

(2) Documentation printed electronically from a facility person's professional development history record following completion of the professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity.

(3) A notice from an accredited college or university confirming the facility person is enrolled in a class and the dates of the class.

(4) A transcript from a college or university documenting completion of a course or class.

**§3270.47. Portability of professional development.**

(a) A facility person who transfers to another child care facility or from another child care facility and who has completed professional development shall be given credit for those hours and those hours will be applied toward meeting the annual professional development requirement. The facility person is required to complete additional professional development in order to fulfill the annual requirement for the year in which the transfer occurs.

(b) The operator shall provide to the facility person who transfers to another child care facility all documentation of professional development contained in the facility person's facility record.

\*\*\*\*\*

**PROGRAM**

**§ 3270.115. Water activity.**

(a) *Swimming.*

\*\*\*\*\*

(6) When children are swimming, supervision shall include one person certified in lifeguard training, as described in [§3270.31(e)(4)(iii) (relating to age and training)] §3270.44(3) (relating to professional development required for specific staff persons).

\* \* \* \* \*

## ADULT RECORDS

\* \* \* \* \*

### **§ 3270.192. Content of records.**

A record shall include a copy of the following information:

\* \* \* \* \*

(2) Verification as follows:

\* \* \* \* \*

(iv) Acceptable verification of experience[,] and education [or training] is a transcript or a diploma or a letter signed by a representative of the experiential, educational or training entity.

(v) Acceptable verification of professional development as described at §3270.45. (relating to documentation of professional development).

\* \* \* \* \*

## SPECIAL EXCEPTIONS

\* \* \* \* \*

### **§3270.235. Pediatric first-aid training.**

An individual who has first-aid certification on the effective date of the regulation may be counted to fulfill the requirement at §3270.33(d) (relating to general requirements for facility persons) and is not required to obtain pediatric first-aid training as described in

§3270.45(1) (relating to professional development for specific staff persons) until the first-aid certification expires.

\* \* \* \* \*

## SCHOOL-AGE PROGRAMS

### § 3270.241. Requirements specific to school-age programs.

\*\*\*\*\*

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following sections:

\*\*\*\*\*

(3) *Staff persons and volunteers.* Sections 3270.31, 3270.32 [and], 3270.33(a), (b) and (d) and 3270.39-3270.44. Special requirements for director, group supervisor and assistant group supervisor are set forth in subsection (c).

## CHAPTER 3280. GROUP CHILD DAY CARE HOMES

### GENERAL PROVISIONS

\* \* \* \* \*

### § 3280.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:



\* \* \* \* \*

Distance education - A formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

\* \* \* \* \*

Inclusive practices – Working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

\* \* \* \* \*

PDR – Professional Development Record – A document used to list a staff person’s employment history, track education and professional development, and prepare annual professional development plans that meet the staff person’s educational needs and the professional development requirements of this chapter.

\* \* \* \* \*

PQAS - Pennsylvania Quality Assurance System – Pennsylvania’s system for approving individuals and organizations who provide professional development to staff persons who work in early childhood and school-age programs, including group child day care homes.

\* \* \* \* \*

## GENERAL REQUIREMENTS

**§ 3280.11. Application for and issuance of a certificate of compliance.**

\* \* \* \* \*

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the group child day care home. The orientation does not count toward the annual [minimum of 6 hours of child care training] professional development required in [§ 3280.31(e) (relating to age and training)] §3280.38 (relating to orientation for new staff persons, §3280.40 (relating to annual professional development requirement for primary staff person) and §3280.41 (relating to annual professional development requirement for staff persons).

\* \* \* \* \*

**FACILITY PERSONS**

**§ 3280.31. Age [and training].**

(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States

Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable [training] professional development topics referenced in [subsection (e)(2)] §3280.39(a) (relating to acceptable professional development).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child day care facility.

(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.

(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.

[(d) Child care professional credentials are equivalent to the following staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Post-secondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

(v) Child care program development.

(vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department's review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) *First-aid training.* Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before the expiration of certification of every 3 years, as applicable.

(ii) *Lifeguard training.* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iii) *Water safety instruction.* Competence is completion of basic instruction in water safety from a certified lifeguard.

(f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed.

Documentation shall be retained in the facility person's file.]

\* \* \* \* \*

**§ 3280.33. General requirements for facility persons.**

\* \* \* \* \*

(c) One or more facility persons competent in pediatric first-aid techniques shall be at the facility when one or more children are in care.

\* \* \* \* \*

**§ 3280.34. Primary staff person qualifications and responsibilities.**

\* \* \* \* \*

(b) A primary staff person shall have attained one of the following qualification levels:

\* \* \* \* \*

(2) A high school diploma or a general educational development certificate including 600 or more hours of secondary training described in § 3280.31(c) (relating to age [and training]).

\* \* \* \* \*

**§ 3280.35. Secondary staff person qualifications and responsibilities.**

A secondary staff person shall have attained one of the following qualification levels:

\* \* \* \* \*

(2) A minimum of an 8th grade education and enrollment in a training curriculum described at § 3280.31(c) (relating to age [and training]). The classroom training portion of the curriculum shall be completed. Documentation of completion of classroom training and continuing enrollment in the training curriculum shall be included in the staff person's file.

\* \* \* \* \*

**§3280.36. Credential equivalency.**

(a) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credits from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(b) A Pennsylvania school-age professional credential is equivalent to 9 credits from an accredited college or university in elementary education or child development and 1 year of experience with children.

**§3280.37. Professional development plan.**

(a) A staff person shall have an individual professional development plan designating the child care professional development that the staff person will complete each year as described at §3280.40 (relating to annual professional development requirement for primary staff person) and §3280.41 (relating to annual professional development requirement for staff persons).

(b) The individual professional development plan shall be prepared on the PDR or on a form provided by the department.

(c) The staff person and staff person's supervisor shall develop and sign the individual professional development plan.

(c) The professional development plan shall be updated as professional development is completed.

**§3280.38 Orientation for new staff persons.**

(a) An individual new to the position of primary staff person who is responsible for facility operation shall begin the department's approved orientation curriculum for new primary staff persons responsible for facility operation within 15 days of the first day of work in the position and shall complete the curriculum coursework within one year. Completion of the orientation curriculum counts toward meeting the annual professional development requirement described at §3280.40 (relating to annual professional development requirement for primary staff person).

(b) An individual new to employment as a staff person in a group child day care home shall complete the coursework for the department's approved orientation curriculum for new staff within 90 days of the first day of work in a child care center. Completion of the

orientation curriculum counts as 15 clock hours toward meeting the minimum annual professional development requirement described at §3280.41 (relating to annual professional development requirement for staff persons).

**§3280.39 Acceptable professional development.**

(a) Acceptable professional development is in a topic area related to the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children as follows:

(1) Children's growth and development.

(2) The environment, curriculum and content.

(3) Working with families.

(4) Child assessment.

(5) Communication.

(6) Professionalism and leadership.

(7) Health, safety and nutrition.

(8) Inclusive practices.

(9) Program organization and administration is an acceptable topic area for a primary staff person responsible for facility operation.

(b) Acceptable professional development occurs in a class, training, workshop, event or distance education conducted by one of the following:

(1) An organization or individual approved through the PQAS, including an organization or individual with temporary PQAS approval.



(2) A college or university accredited by an organization recognized by the U.S. Department of Education.

(3) An organization or individual approved to conduct professional development eligible for continuing education credits for professional educators pursuant to the Public School Code of 1949 (24 P. S. § 12-1205.2) and the Pennsylvania Department of Education's guidance regarding continuing education under the provisions of Act 48 of 1999.

**§3280.40. Annual professional development requirement for primary staff person.**

(a) A primary staff person who operates the facility shall annually complete a minimum of 6 clock hours of acceptable professional development as of the effective date of this regulation.

(b) A primary staff person who operates the facility shall complete a minimum of 9 clock hours of acceptable professional development during the calendar year beginning January 1 of the first full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(c) A primary staff person who operates the facility shall complete a minimum of 12 clock hours of acceptable professional development during the calendar year beginning January 1 of the second full calendar year following the effective date of the regulation.

The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(d) A primary staff person who operates the facility shall complete minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the third full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(3) Inclusive practices.

(e) A primary staff person who operates the facility shall complete a minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fourth full calendar year following the effective date of the regulation.

(1) The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Program organization and administration.

(iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training, if required in §3280.43 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(f) A primary staff person who operates the facility shall complete a minimum of 24 clock hours of acceptable child care professional development during the calendar year

beginning January 1 of the fifth full calendar year following the effective date of the regulation and every calendar year thereafter.

(1) The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Program organization and administration.

(iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training and watersafety training, if required in §3280.43, may be counted toward the minimum hours of professional development.

**§3280.41. Annual professional development requirement for staff persons.**

(a) The annual professional development requirement for a primary staff person not responsible for facility operation or a secondary staff person who is counted in the staff:child ratio more than 20 hours per week is as follows:

(1) A minimum of 6 clock hours of child care professional development effective as of the date of this regulation.

(2) A minimum of 9 clock hours of child care professional development effective during the calendar year beginning January 1 of the first full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(3) A minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the second calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(5) A minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the third calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(iii) Health, safety and nutrition.

(iv) Children's growth and development relating to the age level of children in the staff person's direct care.

(iii) Inclusive practices.

(5) A minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fourth calendar year following the effective date of the regulation.

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development relating to the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training, if required in §3280.43 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(6) A minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, of the fifth calendar year following the effective date of the regulation, and every calendar year thereafter

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development relating to the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training and water safety training, if required in §3280.43, may be counted toward the minimum hours of professional development.

(b) The annual professional development requirement for a primary staff person not responsible for facility operation and a secondary staff person who are counted in the staff:child ratio 20 hours or less per week is 1/2 of the annual minimum professional development hours described at section (a), but no less than 6 clock hours per year.

**§3280.42. Exemption from annual professional development requirement.**

A staff person who meets the following criteria meets the annual professional development requirement at §3280.40 (relating to annual professional development

requirement for primary staff person) or §3280.41 (relating to annual professional development requirement for staff persons):

(1) A staff person who is enrolled in and attending classes at an accredited college or university to obtain an associate's, bachelor's degree or master's degree from an accredited college or university in early childhood education, child development, special education, elementary-middle education or the human services field. A primary staff person responsible for facility operation may include classes required to obtain an associate's or bachelor's degree from an accredited college or university in administration, business, or professional leadership.

(2) A staff person who is attending a class at an accredited college or university for three or more college credits relating to early childhood education, child development, child care, child health, elementary-middle education or human services. A primary staff person responsible for facility operation may include a class relating to administration, business, or professional leadership.

(3) A staff person who is attending classes or professional development required to obtain or renew a Child Development Associate (CDA) credential, Certified Childcare Professional (CCP) credential, Pennsylvania Director credential, Pennsylvania School-age credential or a Pennsylvania credential recognized by the department provided those classes or professional development require more than the required minimum number of annual professional development hours as described at §3280.40 or §3280.41.

**§3280.43. Professional development for specific staff persons.**

Depending on the provisions of the appropriate regulation, specific professional development may be required for certain staff persons. The following constitutes competence in professional development areas:

(1) *Pediatric first-aid training.* Competence is the completion of in-person training by a professional in the field of pediatric first-aid. Pediatric first aid training conducted by an individual designated as a trainer for a nationally recognized first-aid training organization is not required to have PQAS approval. All other organizations or individuals conducting pediatric first-aid training are required to have PQAS approval. Pediatric first-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(2) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant. The organization or individual conducting the lifeguard training is not required to have PQAS approval.

(3) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard. The certified lifeguard is not required to have PQAS approval.

**§3280.44. Documentation of professional development.**

(a) Documentation of professional development shall be maintained in the facility person's facility record.

(b) Acceptable documentation of professional development includes the following:

(1) Documentation issued by the professional development entity following completion of professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity's signature and title.

(2) Documentation printed electronically from a facility person's professional development history record following completion of the professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity.

(3) A notice from an accredited college or university confirming the facility person is enrolled in a class and the dates of the class.

(4) A transcript from a college or university documenting completion of a course or class.

**§3280.45. Portability of professional development.**

(a) A facility person who transfers to another child care facility or from another child care facility and who has completed professional development shall be given credit for those hours and those hours will be applied toward meeting the annual professional development requirement. The facility person is required to complete additional professional development in order to fulfill the annual requirement for the year in which the transfer occurs.



(b) The operator shall provide to the facility person who transfers to another child care facility all documentation of professional development contained in the facility person's facility record.

\*\*\*\*\*

## PROGRAM

### § 3280.115. Water activity.

(a) *Swimming.*

\*\*\*\*\*

(6) When children are swimming, supervision shall include one person certified in lifeguarding training, as described in [§ 3280.31(e)(4)(iii) (relating to age and training)] §3280.43(2) (relating to professional development for specific staff persons).

\*\*\*\*\*

## ADULT RECORDS

\*\*\*\*\*

### § 3280.192. Content of records.

A record shall include a copy of the following information:

\*\*\*\*\*

(2) Verification as follows:

\*\*\*\*\*

(iv) Acceptable verification of experience[,] and education [or training] is a transcript or a diploma or a letter signed by a representative of the experiential, educational or training entity.

(v) Acceptable verification of professional development as described at §3280.44 (relating to documentation of professional development).

\* \* \* \* \*

### SPECIAL EXCEPTIONS

\* \* \* \* \*

#### **§3280.217. Pediatric first-aid training.**

An individual who has first-aid certification on the effective the date of the regulation may be counted to fulfill the requirement at §3280.33(c) (relating to general requirements for facility persons) and is not required to obtain pediatric first-aid training as described in §3280.43(1) (relating to professional development for specific staff persons) until the first-aid certification expires.

\* \* \* \* \*

### SCHOOL-AGE PROGRAMS

#### **§ 3280.221. Requirements specific to school-age programs.**

\*\*\*\*\*

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following:

\*\*\*\*\*

(3) *Staff persons and volunteers.* Sections 3280.31—[3280.34] 3280.45.

\*\*\*\*\*

## CHAPTER 3290. FAMILY CHILD DAY CARE HOMES

### GENERAL PROVISIONS

\*\*\*\*\*

#### § 3290.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\*\*\*\*\*

*Distance education* - A formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

\*\*\*\*\*

*Inclusive practices* – Working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

\*\*\*\*\*

*PDR – Professional Development Record* – A document used to list a staff person’s employment history, track education and professional development, and prepare annual professional development plans that meet the staff person’s educational needs and the professional development requirements of this chapter.

\*\*\*\*\*

PQAS - Pennsylvania Quality Assurance System – Pennsylvania’s system for approving individuals and organizations who provide professional development to staff persons who work in early childhood and school-age programs, including family child day care homes.

\* \* \* \* \*

## GENERAL REQUIREMENTS

### **§ 3290.11. Application for and issuance of a certificate of registration.**

\* \* \* \* \*

(c) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of registration. The orientation does not count toward the [biennial minimum of 12 clock hours of child care training] professional development required in [§ 3290.31(f) (relating to age and training)] §3290.34 (relating to orientation for new operator), §3290.36 (relating to annual professional development requirement for operator) or §3290.37 (relating to annual professional development requirement for staff persons).

\* \* \* \* \*

(l) A legal entity desiring to renew a certificate of registration shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of registration. The legal

entity shall submit along with the application to renew a certificate of registration documentation of professional development completed by the operator and each staff person during the current registration period as required by §3290.34, §3290.36 and §3290.37.

\* \* \* \* \*

## **FACILITY PERSONS**

### **§ 3290.31. [Age and training] Qualifications.**

(a) The operator shall have the following qualifications:

(1) Be 18 years of age or older.

(2) Have a high school diploma or a general educational development certificate and submit proof to the appropriate regional office of the Department at the time of registration renewal.

(b) Staff persons shall be 18 years of age or older.

(c) A volunteer shall be 16 years of age or older. A volunteer shall be directly supervised at all times by a staff person.

(d) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Post-secondary accreditation and acceptable to the Department of Education.

(2) The curriculum includes acceptable [training] professional development topics referenced in [subsection (f)(2)] §3290.35(a) (relating to acceptable professional development).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child day care facility.

(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.

(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.

(e) Child care professional credentials are equivalent to the following staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credits [hours] from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credits [hours] from an accredited college or university in elementary education or child development and 1 year experience with children.

[(f) A staff person shall obtain a biennial minimum of 12 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

(v) Child care program development.

(vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department's review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff. The following constitutes competence in training areas as follows:

(i) *First-aid training*. Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before expiration of certification or every 3 years, as applicable.

(ii) *Lifeguard training.* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iii) *Water safety instruction.* Competence is completion of basic instruction in water safety from a certified lifeguard.

(g) Completion of training shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility person's file.]

**§ 3290.32. Suitability of persons in the facility.**

\* \* \* \* \*

(d) One or more persons competent in pediatric first-aid techniques shall be at the facility when day care children are in care.

\* \* \* \* \*

**§3290.33. Professional development plan.**

(a) A staff person shall have an individual professional development plan designating the child care professional development that the staff person will complete each year as required by this section.

(b) The individual professional development plan shall be prepared on the PDR or on a form provided by the department.

(c) When the professional development plan is for a staff person other than the operator, the operator and the staff person shall develop and sign the individual professional development plan.



(d) The professional development plan shall be updated as professional development is completed.

**§3290.34 Orientation for new operator.**

(a) An operator opening a family child day care home for the first time shall complete coursework for the department's approved orientation training for new family child day care home operators within 90 days of the initial date on the facility's certificate of registration.

(b) Completion of the new family child day care home operator orientation training counts as 6 clock hours toward meeting the annual professional development requirement described at §3290.36 (relating to annual professional development requirement for operator).

**§3290.35 Acceptable professional development.**

(a) Acceptable professional development is in a topic area related to the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children as follows:

- (1) Children's growth and development.
- (2) The environment, curriculum and content.
- (3) Working with families.
- (4) Child assessment.
- (5) Communication.
- (6) Professionalism and leadership.

(7) Health, safety and nutrition.

(8) Inclusive practices.

(9) Program organization and administration is an acceptable topic area for family child day care home operators.

(b) Acceptable professional development occurs in a class, training, workshop, event or distance education conducted by one of the following:

(1) An organization or individual approved through the PQAS, including an organization or individual with temporary PQAS approval.

(2) A college or university accredited by an organization recognized by the U.S. Department of Education.

(3) An organization or individual approved to conduct professional development eligible for continuing education credits for professional educators pursuant to the Public School Code of 1949 (24 P. S. § 12-1205.2) and the Pennsylvania Department of Education's guidance regarding continuing education under the provisions of Act 48 of 1999.

**§3290.36. Annual professional development requirement for operator.**

(a) The operator shall complete a minimum of 6 clock hours of acceptable professional development as of the effective date of this regulation.

(b) The operator shall complete a minimum of 9 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the first full calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(2) Health, safety and nutrition.

(1) Program organization and administration.

(c) The operator shall complete a minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the second calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(d) The operator shall complete a minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the third calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(1) Health, safety and nutrition.

(2) Program organization and administration.

(3) Inclusive practices.

(e) The operator shall complete a minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fourth calendar year following the effective date of the regulation.

(1) The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Program organization and administration.

(iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training, if required in §3290.39 (relating to professional development for specific staff persons) may be counted toward the minimum hours of professional development.

(f) The operator shall complete a minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fifth calendar year following the effective date of the regulation and every calendar year thereafter.

(1) The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Program organization and administration.

(iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training and watersafety training, if required in §3290.39 may be counted toward the minimum hours of professional development.

**§3290.37. Annual professional development requirement for staff persons.**

(a) The annual professional development requirement for a staff person other than the operator who works directly with children more than 20 hours per week in a family child day care home is as follows:

(1) A minimum of 6 clock hours of child care professional development effective as of the date of this regulation.

(2) A minimum of 9 clock hours of child care professional development effective during the calendar year beginning January 1 of the first full calendar year following the

effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(3) A minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the second calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Child development relating to the age level of children in the staff person's direct care.

(4) A minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the third calendar year following the effective date of the regulation. The professional development must include the following topic areas:

(i) Health, safety and nutrition.

(ii) Children's growth and development relating to the age level of children in the staff person's direct care.

(iii) Inclusive practices.

(5) A minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fourth calendar year following the effective date of the regulation.

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development relating to the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training, if required in §3290.39 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(6) A minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1 of the fifth calendar year following the effective date of the regulation and every calendar year thereafter

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development relating to the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training and water safety training, if required in §3290.39, may be counted toward the minimum hours of professional development.

(b) The annual professional development requirement for a staff person other than the operator who works directly with children 20 hours or less per week is 1/2 of the

annual minimum professional development hours described at section (a), but no less than 6 clock hours per years.

**§3290.38. Exemption from annual professional development requirement.**

A staff person who meets the following criteria meets the annual professional development requirement at §3290.36 (relating to annual professional development requirement for operator) or §3290.37 (relating to annual professional development requirement for staff persons).

(1) An operator or staff person who is enrolled in and attending classes at an accredited college or university to obtain an associate's, bachelor's degree or master's degree from an accredited college or university in early childhood education, child development, special education, elementary-middle education or the human services field. An operator may include classes required to obtain an associate's, bachelor's or master's degree from an accredited college or university in administration, business, or professional leadership.

(2) An operator or staff person who is attending a class at an accredited college or university for three or more college credits relating to early childhood education, child development, child care, child health, elementary-middle education or human services. An operator may include a class relating to administration, business, or professional leadership.

(3) An operator or staff person who is attending classes or professional development required to obtain or renew a Child Development Associate (CDA) credential, Certified Childcare Professional (CCP) credential, Pennsylvania Director credential,

Pennsylvania School-age credential or a Pennsylvania credential recognized by the department provided those classes or professional development require more than the required minimum number of annual professional development hours as described at §3290.36 or §3290.37.

**§3290.39. Professional development for specific staff persons.**

Depending on the provisions of the appropriate regulation, specific professional development may be required for certain staff persons. The following constitutes competence in professional development areas:

(1) *Pediatric first-aid training.* Competence is the completion of in-person training by a professional in the field of pediatric first-aid. Pediatric first aid training conducted by an individual designated as a trainer for a nationally recognized first-aid training organization is not required to have PQAS approval. All other organizations or individuals conducting pediatric first-aid training are required to have PQAS approval. Pediatric first-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(2) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant. The organization or individual conducting the lifeguard training is not required to have PQAS approval.

(3) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard. The certified lifeguard is not required to have PQAS approval.



**§3290.40. Documentation of professional development.**

(a) Documentation of professional development shall be maintained in the staff person's facility record.

(b) Acceptable documentation of professional development includes the following:

(1) Documentation issued by the professional development entity following completion of professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity's signature and title.

(2) Documentation printed electronically from a staff person's professional development history record following completion of the professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity.

(3) A notice from an accredited college or university confirming the staff person is enrolled in a class and the dates of the class.

**§3290.41. Portability of professional development.**

(a) A staff person who transfers to another child care facility or from another child care facility and who has completed professional development shall be given credit for those hours and those hours will be applied toward meeting the annual professional development requirement. The staff person is required to complete additional

professional development in order to fulfill the annual requirement for the year in which the transfer occurs.

(b) The operator shall provide to the staff person who transfers to another child care facility all documentation of professional development contained in the staff person's facility record.

\* \* \* \* \*

## PROGRAM

### **§ 3290.115. Water activity.**

(a) *Swimming or wading.*

\* \* \* \* \*

(6) When children are swimming, supervision shall include at least one person who has completed lifeguard training as described in [§ 3290.31(c)(4)(ii) (relating to age and training)] §3290.39(2) (relating to professional development for specific staff persons).

\* \* \* \* \*

## SPECIAL EXCEPTIONS

\* \* \* \* \*

### **§ 3290.213. [Age and training] Qualifications.**

The operator of a facility who is lawfully operating a family child day care home registered by the Department as of September 22, 2008, is permanently qualified as an operator of a family child day care home.

**§3280.214. Pediatric first-aid training.**

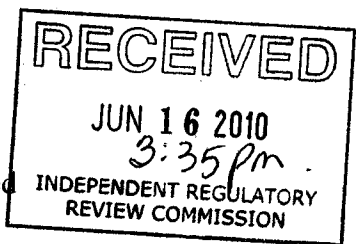
An individual who has first-aid certification on the effective date of the regulation may be counted to fulfill the requirement at §3290.32(d) (relating to suitability of persons in the facility) and is not required to obtain pediatric first-aid training as described in §3290.39(1) (relating to professional development for specific staff persons) until the first-aid certification expires.

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 14-519
SUBJECT: CHILD CARE FACILITIES
AGENCY: DEPARTMENT OF PUBLIC WELFARE

TYPE OF REGULATION

- X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions



FILING OF REGULATION

Table with columns: DATE, SIGNATURE, DESIGNATION. Includes entries for Karen Hobley (House Committee on Health & Human Services), Heather (Majority Chairman), M. Z... (Senate Committee on Public Health & Welfare), Cara Steudtmayer (Majority Chairman), K. Cooper (Independent Regulatory Review Commission), and M. Lathrop (Legislative Reference Bureau).