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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

AGING & OLDER ADULTS SERVICES
CHILDREN & YOUTH, CHAIR
HEALTH AND HUMAN SERVICES

PHILADELPHIA DELEGATION
PA LEGISLATIVE BLACK CAUCUS

August 4, 2010

2854

Ms. Amanda Dorris
Bureau of Certification Services
Office of Child Development and Early Learning
333 Market St., 6th Floor
Harrisburg, PA 17126

Dear Ms. Dorris:

Members of the Children and Youth Committee of the House of Representatives, as reflected by the enclosed list of signatories, respectfully submit their joint comments and recommendations to the Department of Public Welfare concerning proposed regulation # 14-519.

These proposed regulations amend Chapters 3270, 3280 and 3290 (relating to child day care centers, group child day care homes, and family child day care homes, respectively) in respect to training for staff in child day care facilities.

We appreciate the department's consideration of our comments.

Sincerely,


A handwritten signature in cursive script that reads "Louise Williams Bishop".


Louise W. Bishop, Chair
House Children and Youth Committee


cc: Kim Kaufman, Executive Director, IRRC
Harriet Dichter, Secretary
Department of Public Welfare

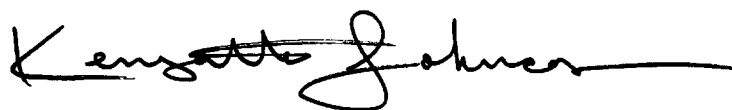
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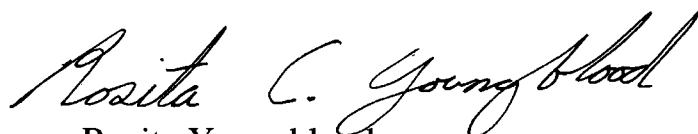
Letter to DPW on Child Day Care
Regulations August 3, 2010

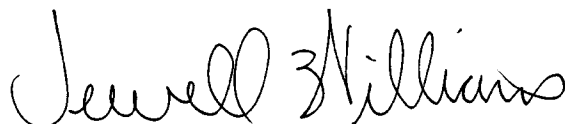

Steve Samuelson, Minority Chair
135th Legislative District

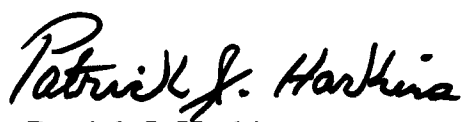

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186th Legislative District



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Jewell Williams
197th Legislative District



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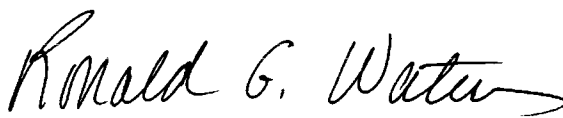

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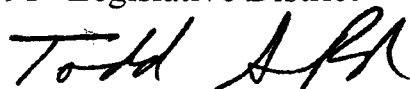

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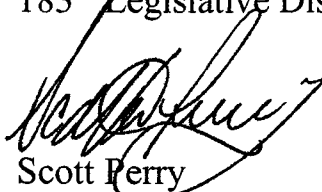
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Todd Rock
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COMMENTS OF MEMBERS
HOUSE COMMITTEE ON CHILDREN AND YOUTH

Proposed Regulations Relating to Training for Child Day Care Facility Staff
40 Pa. Bulletin No. 26, June 26, 2010
Reference Regulation Number 14-519

Members of the House Committee on Children and Youth respectfully submit the following comments expressing our concerns and opposition to certain aspects of regulations proposed by the Department of Public Welfare concerning training requirements for child day care facility staff. According to information submitted by the department, as of February 2010, the proposed regulations will affect 4,341 child day care centers, 856 group child day care homes, and 3,400 family child day care homes.

The proposed regulations significantly increase requirements for providers by quadrupling the number of hours for training over a 5-year period from the current 6 hours of training to 24 hours of training each year, documented by providers in an “individual professional development plan.” This requirement is phased in over 5 years by increments of 3 hours each year (except for a 6-hour increase from the 2nd to the 3rd full calendar year), culminating in the 5th year with a required 24 hours of training. For family child day care home providers, eventually they will have to show proof of 48 hours of training prior to renewal of a 2-year registration certificate.

To illustrate the increased costs to providers for this training, in comparison to current training costs, DPW estimates that training costs for the majority of providers will increase by 232% by the 5th year for child day care centers; by 240% for group child day care homes; and by 301% for family child day care homes. This issue is discussed in more detail in subsequent sections of these comments.

In addition to increasing the minimum hours of training, the proposed regulations require: the development of a professional development plan for each staff person in a facility or provider in the case of a family child day care home; unspecified hours of orientation training for new directors and newly hired staff who haven’t worked in child day care facilities and new family day care home providers; “professional development” or training approved by a state entity that is not clearly under the jurisdiction of any particular state agency and is not subject to any state law or regulations relating to its powers to certify trainers.

These proposed regulations present some important decisions and choices for legislators and policy makers in respect to funding various parts of the child day care system geared to quality, availability and affordability of child day care.

On the issue of quality of care, we recognize the importance of training for child day care staff to ensure developmentally appropriate activities and positive interactions with children and families. At the same time, training staff and providers is only one component of quality in our child day care system. With limited resources and budget deficits, additional attention and priority may turn to other aspects of the system, such as monitoring of child day care programs. In a 2002 report entitled “13 Indicators of Quality Child Care: Research Update,” Richard Fiene, Ph.D., devoted a section on the research related to training. He notes that research shows the importance of coupling training with monitoring of programs. “Staff training programs may be more effective when accompanied by staff monitoring. Two years after receiving an intervention that taught child care directors about the specific hazards found on their playgrounds, explained why these problems were dangerous, and distributed educational materials about child safety, inspectors returned to the centers and found that the intervention playgrounds were no less hazardous than centers that did not receive the intervention. . . .The intervention might have been more effective if it had been accompanied by monitoring.”

Ensuring the availability and affordability of child day care are other important issues relevant to these proposed regulations. We need to be mindful that day care programs are not Fortune 500 companies and are unable to compensate workers at competitive salary levels.

As the National Association of Child Care Resource and Referral Agencies (NACCRRA) points out, “Despite the important role they play in child development, child care workers are among the lowest paid workers in the United States. Only 20 of 821 occupations reported by the Bureau of Labor Statistics have lower average wages than child care workers.” The association goes on to state that child care providers earn an average wage of only \$9.46 an hour, and with average salaries of \$19,670 a year, many holding these jobs don’t earn much more than the 2007 federal poverty level of \$17,170 annually for a family of three. In addition, NACCRRA states, “In a field where continuity is of primary importance, the child care workforce experiences an annual job turnover rate of between 25 and 40 percent.”

In Pennsylvania, the 2008 annual average wage for child care providers was \$19,800. It should also be pointed out that many child care workers qualify for subsidized child care, since a family of 2 qualifies for subsidized child care if the income does not exceed \$29,140, and for a family of 3 the income cannot exceed \$36,620.

In terms of availability and cost, NACCRRA has also provided some data. The cost of child care in 2008 in a family child day care home for infant care in Pennsylvania is about \$6,500, compared to \$9,880 in a child day care center. It also appears that there has been a decline in the number of family child day care homes over the past several years. The department has indicated that in June 2008 there were 4,226 family child day care homes; in June 2009 there were 3,535 homes; and as of June 2010 there are 3,368 homes. While there may be fluctuations due to computerization, in speaking to professional child care associations familiar with these programs, there is consensus that family child day care homes are decreasing while centers are slightly increasing in numbers.

In considering the impact of these proposed regulations, as policy makers we need to consider any requirements that are overly burdensome or costly that could negatively affect child day care facilities. In particular, we need to consider whether the regulations further the decline in family child day care homes and reduce choices for parents who need an affordable and viable option for child care in order to work.

We will provide some detail as to our concerns regarding these changes.

In respect to proposing 24 hours of training as a goal, we would suggest that DPW re-examine the survey that it conducted in respect to what other states require. The department explains that the current requirement for 6 hours of annual training was adopted in 1992 and that it is appropriate to update the requirement. It indicates that 35 states require 11 to 20 hours of annual training, including 3 of the 4 contiguous states. However, the department's proposal clearly exceeds requirements in these 35 states in an effort to reach the highest possible standard.

After reviewing the department's cost analysis of the proposed training requirements, we feel it is imperative that the department modify its proposal to establish training requirements that are fiscally responsible and attainable. These training requirements should not assume that existing levels of state and federal funding can be sustained or vastly increased that offset the training costs for

providers, since Keystone STARS and the PA Key and the 6 Regional Keys are discretionary programs not mandated by state or federal law. The requirements should also not place unreasonable financial demands on providers that will necessitate increased fees for parents or closure of programs that cannot sustain costs.

It appears that these proposed regulations are predicated on the assumption that current state and federal funding and certain initiatives currently in place will continue without change. In fact, it is impossible to discuss the fiscal impact of the proposed training requirements without identifying the assumptions upon which they are based. The regulations clearly presume the continued existence of Keystone STARS, the Pennsylvania Key (plus the 6 Regional Keys), and the Pennsylvania Quality Assurance Program (PQAS). The department refers to these entities in its preface to the proposed regulations and the Regulatory Analysis Form.

The proposed regulations assume that state and federal funding for an initiative referred to as “Keystone STARS” will continue, at a minimum, as currently funded. Keystone STARS, which is part of the child care services appropriation but is not a line item appropriation, operates with a budget of \$28.762 million in state funds and \$38.530 million in federal funds, for a total of \$67.292 million. Keystone STARS is *not* created by these proposed regulations nor any existing regulations or statute but is the building block for the proposed regulations. DPW describes it as “a continuous quality improvement program” administered by the Office of Child Development and Early Learning (OCDEL), which straddles the Department of Public Welfare and Department of Education. As we understand it, Keystone STARS establishes performance standards with financial awards to child day care facilities and Head Start providers, based on attainment of performance standards. Levels of performance begin with Start with STARS and move up to STAR 1, STAR 2, STAR 3, and STAR 4. (See attachment.)

In addition, current operational costs for the Pennsylvania Key and the 6 Regional Keys is about \$11.1 million, composed of \$4.6 million in state funds and \$6.5 million in federal funds, which is derived from the Keystone STARS budget. This initiative, which is not created in statute, certifies individuals to provide instruction and technical assistance for training child day care and certain other early childhood development staff.

In addition, the committee has been advised that another \$8.2 million is available for training-related costs in Keystone STARS.

In the Regulatory Analysis Form provided to this committee and the Independent Regulatory Review Commission (IRRC), DPW's fiscal analysis differentiates between those providers who participate in Keystone STARS and those who do not. According to the department, 48% (4,126 providers) of all providers (8,597) do NOT participate in Keystone STARS, and 79% of all providers are not at STAR 2 level.

DPW provides a fiscal impact statement for training costs for providers who are *not* STAR 2 providers:

- 1. For child day care centers, current training costs are \$1,351. These costs increase to \$4,478 in the 5th year, an increase of close to 232% over 5 years.**
- 2. For group child day care homes, current training costs are \$312 annually, but by the 5th year the training costs rise to \$1,061, a 240% increase.**
- 3. For family child day care home providers, current training costs per provider are \$128, but by the 5th year the training costs increase to \$513, an increase of about 301%.**

The department also describes the impact on *STAR 2, 3 and 4* providers in the categories of child day care centers, group child day care homes and family child day care homes. For purposes of brevity, we will point to **STAR 2 providers**:

- 1. For child day care centers in this category, of which there are currently 757, current training costs are \$2,591 (which is \$1,240 more than, or about 192% higher than, other centers). These costs increase to \$4,477 in the 5th year, an increase of almost 12%.**
- 2. For group child day care homes in this category, of which there are 77, current training costs are \$646. These costs increase to \$1,126 in the 5th year, an increase of 74%.**
- 3. For family child day care homes in this category, of which there are 77, current training costs are \$256, an increase of 100%.**

In addition to these annual training costs, DPW identifies other *new* costs associated with this proposal:

- 1. Preparation of annual training plans for each staff person. The department estimates the average annual cost per center as \$543; for**

- group child day care homes, \$121; and for family child day care home providers, \$39.**
- 2. Orientation for new staff who operate a facility. For new directors in a child day care center or new primary staff person in a group child day care home, the department estimates the costs at \$450. For a new family child day care home provider, the estimate is \$184. The exact number of orientation hours are not specified in the regulations.**
 - 3. Orientation training for staff new to child care. For a day care center, the costs range from \$200 to \$215, and the same is true in a group day care home. The exact number of orientation hours are not specified in the regulations.**

There are several other aspects of the proposed regulations that we feel deserve some comment.

DPW proposes a definition for “PQAS-Pennsylvania Quality Assurance System” as follows:

“The Commonwealth’s system for approving individuals and organizations who provide professional development to staff persons who work in the early childhood and school-age programs, including child day care centers.”

We suggest the reference to “the Commonwealth’s system” is too vague. Certainly, the Department of Agriculture does not administer this program or initiative. If the department wishes to establish the PQAS in regulation it should better identify which department administers it and clarify its functions, including an opportunity for public review and comment regarding its approval/certification standards for trainers. It is our understanding that the PQAS is administered by the Pennsylvania Key, which is also not defined or created by this regulation. At a minimum, this type of certification system must be a component of a specific state agency.

In addition, we recommend that the department define the term “early childhood programs.” It is our understanding that the training programs are offered to more than just child day care facilities. We would also suggest removing the specific reference to child day care centers and refer to regulated child day care facilities to ensure the inclusion of child family day care homes.

In regard to the use of the term “professional development” throughout the regulations, we suggest that the phrase “professional development *and training*” or simply “training” be used throughout the regulations. If one reads carefully

through the proposed regulations, there are numerous inconsistencies. For example, Section 3270.45, Professional development for specific staff persons, lists various examples of *training*. In Section 3270.192, Content of records, the proposed regulations removed a reference to “training” but retain the reference to “training entity.” Further confusion and inconsistencies are seen by looking at existing regulations that are not changed. For example, Section 3270.192 (2) (ii) provides for “Verification of child care experience, education and training prior to service at the facility.” Section 3270.192(2) (iii) provides for “Verification of child care experience, education and training at the outset of service at the facility.” Perhaps the department can explain whether it is worth having so many inconsistencies in the regulations or if it isn’t clearer to simply refer to “training.”

We request that the department give our comments serious consideration. We look forward to finding common ground on many of these points.

Enclosure: Keystone STARS Grants and Awards, fy 2010-11

Keystone STARS Grants & Awards FY 10-11



Keystone STARS encourages and supports programs to develop and sustain higher levels of quality in order to strengthen outcomes for children and families and to improve school readiness. In FY 10-11, the only proposed change is related to the stratification of Center size as outlined below.

The SUPPORT GRANTS and MERIT AWARDS charts below indicate the resources available to qualifying programs at varying Keystone STAR levels, based on Full Time Equivalency (FTE) enrollment that enroll 1) children participating in the Child Care Works (CCW) subsidy and/or 2) children participating in the Commonwealth's Early Intervention (EI) programs who are also enrolled in child care, with current Individual Family Service Plan (IFSP) or Individual Education Plan (IEP) on file at the program. The top row displays resources for programs that have 5-25% FTE of children in CCW and/or EI; the bottom row displays these resources for programs that have 26% and above FTE of children in CCW and EI. To support inclusive practices, the percentage of EI is not to exceed 25%. Children will only be counted once. 3) For Family Child Care Home facilities eligibility could also be established by being a TIER 1 Child/Adult Care Food Program (CACFP) – 135% income bracket and enrolled in CACFP administered through the United States Department of Agriculture (USDA).

The two remaining charts show the Education and Retention Award amounts and the Tiered Reimbursement amounts for FY 10-11.

| SUPPORT GRANTS | | | | | | | |
|-------------------------------------|------------------|--|------------------|----------------------|----------------------|----------------------|----------------------|
| | Family Home | All Group Homes and Center up to 6 FTE | Center 7- 12 FTE | Center 13- 45 FTE | Center 46-99 FTE | Center 100-180 FTE | Center 181+ FTE |
| Start with STARS – 1 X Award | \$ 315 \$ 420 | \$ 435 \$ 580 | \$ 473 \$ 630 | \$ 945 \$ 1,260 | \$ 1,890 \$ 2,520 | \$ 2,835 \$ 3,780 | \$ 4,725 \$ 6,300 |
| STAR 1 – 2 X Award | \$ 450 \$ 600 | \$ 630 \$ 840 | \$ 709 \$ 945 | \$ 1,418 \$ 1,890 | \$ 2,835 \$ 3,780 | \$ 4,253 \$ 5,670 | \$ 7,088 \$ 9,450 |

| MERIT AWARDS | | | | | | | |
|--|----------------------|--|----------------------|-----------------------|------------------------|------------------------|------------------------|
| | Family Home | All Group Homes and Center up to 6 FTE | Center 7- 12 FTE | Center 13- 45 FTE | Center 46-99 FTE | Center 100-180 FTE | Center 181+ FTE |
| STAR 2 – 3X Award <i>* see below</i> | \$ 788 \$ 1,050 | \$ 1,575 \$ 2,100 | \$ 2,363 \$ 3,150 | \$ 4,725 \$ 6,300 | \$ 9,450 \$ 12,600 | \$ 14,175 \$ 18,900 | \$ 23,625 \$ 31,500 |
| STAR 3 – Ongoing | \$ 1,181 \$ 1,575 | \$ 2,363 \$ 3,150 | \$ 3,544 \$ 4,725 | \$ 7,088 \$ 9,450 | \$ 14,185 \$ 18,900 | \$ 21,263 \$ 28,350 | \$ 35,438 \$ 47,250 |
| STAR 4 - Ongoing | \$ 1,575 \$ 2,100 | \$ 3,150 \$ 4,200 | \$ 4,725 \$ 6,300 | \$ 9,450 \$ 12,600 | \$ 18,900 \$ 25,200 | \$ 28,350 \$ 37,800 | \$ 47,250 \$ 63,000 |

** Award 2 additional years with CQI Plan and demonstrated progress*

Education and Retention Awards FY 10-11 for highly qualified staff (prorated less than 35 hrs per week)

| Education and Retention Awards | | | | |
|--------------------------------|----------------------|-------------------|-------------------|-------------------|
| | Director - BA in ECE | Staff - BA in ECE | Staff - AA in ECE | CDA/SA Credential |
| STAR 2 | \$ 3,090 | \$ 2,320 | \$ 1,545 | \$ 600 |
| STAR 3 | \$ 3,605 | \$ 2,705 | \$ 1,805 | \$ 700 |
| STAR 4 | \$ 4,120 | \$ 3,090 | \$ 2,060 | \$ 800 |

Add-On Daily Rate for children receiving Child Care Works subsidy - Source for Add-On Daily Rate is ARRA Funding

| Child Care Works Daily Add On | | | |
|-------------------------------|---------|---------|---------|
| | STAR 2 | STAR 3 | STAR 4 |
| Full Time | \$ 0.70 | \$ 2.20 | \$ 3.00 |
| Part Time | \$ 0.30 | \$ 0.95 | \$ 1.30 |

EFFECTIVE DATE: JULY 1, 2010. This is a high level overview of the FY 10-11 financial resources associated with STARS. For more specifics about STARS standards, grants and eligibility requirements, visit www.pakeys.org – Keystone STARS. Awards are subject to change based on the final FY 2010-2011 appropriated state and federal funding levels.