

IRRC Opening Comment for Child Care Facilities Regulations 3270,3280, and 3290

Introduction

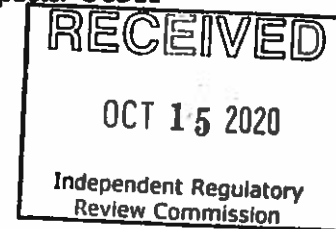
Good Day, I am Tracey Campanini, Deputy Secretary for the Office of Child Development and Early Learning, (OCDEL as it is commonly known.) Joining me on the phone are several staff who have shepherded these regulations through the process over the past 2 years. I would like to specifically introduce Tamula Ferguson and Michel Ordonez are deeply knowledgeable about this work.

OCDEL serves as the state administrative office for the Child Care Development Fund, whose services and requirements are authorized by the Child Care Development Block Grant. In 2014 the CCDBG was reauthorized and in September of 2016, the Administration for Children and Families, Office of Child Care published the final rule to provide clarity to states on how to implement this law and administer the program in a way that best meets the needs of children, child care providers, and families.

As a result of the dissemination of updated federal regulations and the final rule, OCDEL embarked on a process to update the Child Care Facilities Regulations in 55 PA Codes 3270, 3280, and 3290 to align with federal requirements. Many changes in CCDBG are intended to increase health and safety of children in child care and to enhance the quality of services delivered by child care providers. In order to demonstrate steps toward compliance with federal regulations in 45 CFR 98, OCDEL has issued several policy announcements. In monitoring of licensed child care providers these policy statements are not enforceable. The updates in the proposed regulations are in the public interest to insure the health and safety of young children in care.

As we begin this process, I would like to address feedback this commission has directed back to the program office along 3 points as well as the most impactful comments from stakeholders.

- There were several places the commission pointed out inconsistency with terminology within the regulations, areas needing further clarification and review of financial impacts. OCDEL



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acknowledges this concern and has addressed these issues by revising language, providing clarification in the Preamble or updating the RAF.

- Additional comments focused on professional development requirements. Comments received addressed the increase from 6 hours to 12 hours annually. IRRC, as well as several commentators, asked us to review our calculations for determining the costs of the increased PD requirements, and they suggested we clarify the source for the wage data and consider federal overtime rules. We agreed and acknowledged we did not calculate correctly in the proposed rulemaking, but in final form, we revised our calculations for the costs, which is reflected in the final-form RAF. Although the elevated requirements will add costs for operators, the increase to 12 brings PA in line with most contiguous states. Also, the requirement for 6 was established in 1992, and much has changed in the industry over the last 25 years. Finally, we agreed with the commentators and added language that professional development can and should count towards the new staff hours in the first year of employment.
- Another area of feedback was related to requirements specific to Family Child Care Homes in 55 PA Code 3290. For the requirement that FCCHs with one caregiver offering 24-hour care must employ a 2nd staff person, there were several comments expressing financial concerns and concerns with the difficulty in hiring a 2nd staff person. IRRC requested clarification on whether the hours worked need to be consecutive. We are not addressing 'consecutive' into the regulation because such language would frustrate the rationale for this requirement. IRRC reiterated the commentator's concern that the costs to cover additional staff will be passed on to families and notes that it may force them to seek unrelated care. We acknowledge this concern, but it is critical to insure the health and safety of children in care and therefore a

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necessary cost of conducting business. IRRC encourages the Department to reach out to the regulated community to address their concerns.

There are several other comments we received feedback on. We have updated or provided feedback to the commission. Many of the regulations in the final-form regulations were issued by the Office as policy since we became aware of them in 2015-16. When the final-form regulations are approved, OCDEL will issue communications and additional job aids to child care providers to continue to support their implementation and address questions related to the process to include these changes into licensing inspections.

At this time, we are happy to address any additional questions or comments you may have. Gentleman I return the floor to you.