



Pennsylvania Association for the
Education of Young Children



Champions for Early Education

**Position Statement on: Senate Bill 934, Printer's Number 1515
Senate Bill 935, Printer's Number 1516**

Issued March 13, 2020

Position

Recognizing the importance of functioning fire detection systems in protecting child and staff health and safety, the Pennsylvania Association for the Education of Young Children (PennAEYC), Trying Together, and First Up support Senate Bill 934, PN 1515 and Senate Bill 935, PN 1516. However, we recommend a technical amendment to Senate Bill 934 to ensure the bill applies equally to for- and non-profit child care centers. This unfunded mandate will have a cost for many family child care providers whose current reimbursement rates have not kept up with the pace of inflation. We are strongly concerned about unfunded mandates, but will assist providers in utilizing shared buying services to reduce costs.

Summary of Bills

SB 935 amends the "Fire and Panic Act" to require family child care home providers to install interconnected (whether by hardwire or by bluetooth) smoke detectors on each floor of their home and in the basement and have a portable fire extinguisher in the kitchen and any other cooking areas.

SB 934 amends the "Human Services Code" relating to for-profit child care facilities and requires child care centers and family child care homes to have operable and properly maintained fire detection systems in compliance with the Fire and Panic Act. Programs are required to test all fire detection systems every thirty days and maintain a written record of the testing with the facility's fire drill logs. If this cannot occur, the system must be tested at least annually by a fire safety professional and written documentation of the results must be maintained. In addition programs must keep proof and date of purchase of fire detection systems in their log. The bill requires the Department of Human Services (DHS) child care certification representatives to inspect for compliance with fire safety requirements in child care centers and family child care homes and refer any failures to the building code official charged with the enforcement of fire safety requirements. Building code officials are also required to issue reports and information to ensure compliance to DHS.

While both bills take effect in 60 days, family child care homes are provided 12 months after the effective date or until the expiration of their current certificate of compliance (whichever is longer) to comply with the new requirements in SB 935.

Background

A family child care home or child care center may not be granted a certificate of compliance from DHS without providing a certificate of occupancy, which includes proof of compliance with fire safety laws and regulations. Current regulation requires fire safety and maintenance of smoke detectors to be monitored and enforced by local building code officers. SB 934 recognizes that fire safety, as one of the essential elements of health and safety for child care providers, should be monitored by DHS certification representatives during annual inspections and SB 935 strengthens requirements to protect the staff and children in family child care homes. In addition, SB 934 bill clarifies how DHS certification and local building code officers should work together to ensure safety of children and child care providers.

Recommendations and Rationale

To protect the safety of children and child care staff, family child care homes should have interconnected smoke detector systems. Our organizations appreciate the opportunity to provide feedback during the drafting process and are pleased to see some of that feedback incorporated into this legislation.

The importance of fire safety, including in home-based child care settings, cannot be understated. The unfortunate events of August 12, 2019 make clear the necessity to ensure that child care programs meet health and safety standards and are using available technology to ensure fire safety. While this is the case, we appreciate the consideration given to providing appropriate time for family child care programs to implement the new requirements.

Amend SB 934 to ensure it applies to all child care centers.

Currently, SB 934 only addresses for-profit child care centers as it amends Article X of the Human Services Code. The provision found in §1016(d) should also be amended into Article IX of the Human Services Code to ensure non-profit child care centers also must meet the same requirements.

Fiscal Impact to the Child Care Provider Community

As written, many child care providers would be responsible for purchasing or updating their smoke alarm devices. While the cost is not steep, the General Assembly must understand that this additional requirement is an unfunded mandate on child care providers, many of whose rates have not kept the pace of inflation. We have strong concerns regarding unfunded mandates, but if passed, PennAEYC, Trying Together and First Up will seek to help providers with the cost by seeking out opportunities to purchase alarms in bulk through shared services arrangements.