

Position Statement on House Bill 1155, Printer's Number 1219

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Position

Recognizing the paramount importance of health and safety standards and quality in child care and preschool programs, wherever children are served, the Pennsylvania Association for the Education of Young Children (PennAEYC), Trying Together, and First Up oppose House Bill 1155, PN 1219. This legislation exempts municipal providers of preschool/child care recreational programs from meeting the requirements of a child care center, the health and safety standards that are in place to protect children in these settings. Recognizing that preschool children have yet to reach certain developmental milestones and are different physically, cognitively, socially and emotionally from school-age children, their health and safety must be protected wherever they are served.

High-quality child care is critical during the early years of children's development. Preschool/child care programs that fall under the current definition of child care center should at minimum be regulated as such under existing Department of Human Services (DHS) regulations and be encouraged and receive the necessary supports reach higher levels of Keystone STARS standards, regardless of their location. PennAEYC, Trying Together, and First Up understand the value of relationships between early care and education and community stakeholders, which includes municipalities, in the growth and development of children; however, meeting minimum standards on child health and safety must be required for our preschoolers.

Bill Summary

House Bill 1155 amends the definition of "child care center" in the Human Services Code to specifically exclude municipal recreation programs from the term, effectively removing any requirements related to health and safety required by a child care center from applying to a municipal recreation program.

Background

Child care center regulations, Title 55 Pa Code Chapter 3270, define child care centers as any premises in which care is provided at any one time for seven or more children unrelated to the operator. Chapter 3270 applies to facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to seven or more children, 15 years of age or younger. It also includes the following:

- Care provided to a child at the parent's work site when the parent is not present in the child care space.
- Care provided in private or public, profit or nonprofit facilities.
- Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

It does not apply to care:

- Provided by relatives.
- Furnished in places of worship during religious services.
- Provided in a facility where the parent is present at all times child care is being provided.
- Provided during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

In addition, the child care center regulations statement of policy, § 3270.3a, states that the child care center regulations do not apply to a part-day school-age program for children who attend kindergarten or older but under 16 years of age in specific circumstances. Specifically, a part-day school-age program that

operates for less than 90 consecutive days per calendar year from the date the program opens to the date the program closes, a part-day school-age program that operates 2 hours or less per day for 3 or fewer days per week, a part-day school-age program that has a single purpose for the children's attendance and that purpose is the only focus of the program, such as basketball or art class, tutoring programs licensed by or approved and funded by PDE and a drop-in program where the child may come and go at will, are exempt. This statement of policy was the result of programs for school-age children expanding in scope and direction to meet the needs of school-age children and their families. This statement of policy allows children who have completed kindergarten or older but under 16 years of age to participate in programs such as those administered by a municipality without oversight by any authority, which we support.

The child care regulations are in place to aid in protecting the health, safety and rights of children and to reduce risks to children in child care centers and are the minimum level of compliance necessary. By meeting these minimum health and safety regulations, child care centers are required to participate in Pennsylvania's Keystone STARS quality rating and improvement system and earn a STAR 1 rating. These performance standards provide the foundation for the program through quality standards that include staffing professional development, credential requirements, resources, assistance and support.

Health and safety standards have been under increased scrutiny following tragic events. Legislation has been recently enacted related to fire safety, staffing background checks and the environmental hazard of carbon monoxide, as well as introduced related to the environmental hazard of lead.

Recommendations and Rationale

PennAEYC, Trying Together, and First Up understand the value of relationships between early care and education and community stakeholders, which includes municipalities, in the growth and development of children; however, protecting the health and safety of children and child care staff is paramount. Municipal recreation programs that provide care for preschool aged children should be required to meet the minimum health and safety standards for a child care center. Developmentally, preschool children have not reached certain milestones and are more vulnerable than school-age children, therefore keeping them safe and healthy where care is provided is critical. We recognize that municipal recreation programs are well-intended, however being excluded from the definition of child care center does not seek to ensure preschool children's health and safety. Families of preschool children will conclude that their local municipal programs are regulated by DHS and expect that minimum health and safety standards have been met and their children will be healthy and safe in their care.

Creating separate standards of care for our youngest children based on the entity running the program is a dangerous precedent to set. Regardless of care setting, our children that cannot yet speak well-enough to protect themselves must be protected through the child care regulations.

[Caring for Our Children's National Health and Safety Performance Standards Guidelines for Early Care and Education Programs, 4th Edition](#), Section 10.2.0.1 notes that, every state should have a statute that identifies the licensing agency and mandates the licensing and regulation of all full-time and part-time out-of-home care of children, **regardless of setting**, except care provided by guardians and relatives. They further go on to note that these exclusions and gaps in coverage expose children to unacceptable risks. Caring for our Children is a joint collaborative project of the American Academy of Pediatrics, American Public Health Association and the National Resource Center for Health and Safety in Child Care and Early Education.

Nationally, efforts by the National League of Cities with city officials, to work together to align efforts on behalf of young children to include strengthening connections within their communities and linking families to a broad range of supports and opportunities that help them thrive, have been supported by early care and education. Relationships between community stakeholders and early care and education is a core principle of Keystone STARS. The importance of health and safety, regardless of location, such as a municipal recreation program, cannot be understated. Health and safety issues such as transportation, cleaning, sanitizing and disinfecting, toileting, food safety, handwashing, medication, outdoor safety, injury, illness and toy and equipment safety are addressed in the child care center regulations with minimum requirements.

By exempting municipal recreation programs from following the requirements of a child care center, preschool children are placed at risk. Municipal recreation programs would not be required to meet any of the requirements related to facility persons, staff and child ratios, physical site, equipment, child health, transportation, etc., all regulations in place to protect the health and safety of children in child care centers. Minimum standards are necessary in all settings where children are receiving care to aid in protecting the health, safety and rights of children, and to reduce risks to children. Explicitly removing municipal recreation programs from the definition of child care center, removes the requirements from applying to a setting where care is provided to young children is contradictory to the General Assembly's recent focus on health and safety standards. This bill may also place municipalities at risk of liability.

Families understand that a certified child care program is regulated and monitored by DHS and that health and safety measures to help protect their child from injury and illness through ratio and group size requirements, food preparation and serving requirements, staff training requirements, sanitation requirements, emergency preparedness plan requirements, background checks requirements of those that work or volunteer in the facility, etc. have occurred. Families may think that municipal recreation programs that are providing care to seven or more children for any part of the day are licensed and have met the minimum standards.

Fiscal Impact to Child Care Provider Community

As written, there is no fiscal impact to the broader child care provider community. This bill would allow entities that are providing care at any one time to seven or more preschool children to not meet minimum health and safety requirements outlined in the child care center regulations.