

Position Statement on Senate Bill 766, Printer's Number 1223

Issued October 30, 2025

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 are neutral on Senate Bill 766 PN 1223, as it would only change the law related to children who are eligible to attend kindergarten. As amended, the part-day school-age program must register with the Department of Health as an organized camp.

The child care center regulations are 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, whether part-day or full-day. The health and safety of children in early care and education settings is essential. Child care is anchored in respect for children's developmental needs and the importance of early brain development in young children. Therefore, our organizations will oppose any efforts to allow younger children to be exempt from the child care regulations.

Bill Summary

SB 766 amends the Human Services Code in Article X regarding attendance eligibility in part-day school-age programs. The bill, as amended, excludes part-day school-age programs from meeting the child care center regulations if the program:

- 1) Operates less than 90 consecutive days in a calendar year.
- 2) Provides care to children who are enrolled to attend kindergarten within 90 days of the upcoming school year, following the local school district's age requirements.
- 3) Registered with the Department of Health as an organized camp.

The act would take effect immediately.

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.

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. 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.

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.

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 children who are entering kindergarten within 90 days of the upcoming school year to participate in a part-day school-age program.