

Testimony on House Bill 1155

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DEPARTMENT OF HUMAN SERVICES

Good morning. My name is Shante' Brown, Director of the Bureau of Certification Services, Office of Child Development and Early Learning (OCDEL) in the Department of Human Services. I would like to thank you for the opportunity to testify today regarding how the state regulates child care programs and how that process differentiates from that of municipal parks and recreation programs, or summer camps. In my testimony today, I will provide an overview of child care licensing, provide clarification around licensed child care programs, parks and recreation camps, and explain why OCDEL holds the position that preschool-age children should not be considered as participants in summer camps.

OCDEL has been approached over the last six years with annual requests to allow preschool-age children to be included in summer camp programming under the exemptions listed in 55 PA Code 3270.3a, which we have opposed. It states that an exemption to the regulations and statute exists for 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. In other words, this exemption allows summer camps for children who have completed kindergarten or who are older to participate in a program that is not regulated by the department.

Preschool-age children are still learning to dress themselves, take care of their own toileting needs, communicate their concerns, and follow rules. This is particularly challenging in a social environment outside of the home or school. They eat things off the ground, they nap after lunch, they find joy in mess and no joy in standing in line. Preschool aged children, while small and beautiful, are still learning their way in the world. It is our job to keep them safe. As written, HB 1155 would permit those young children into summer camp programs where there is no required certification, and we do not believe this to be safe for children of this age group.

In addition to the department's concerns about the safety of preschoolers, if HB 1155 were enacted, under current child care regulations, recreation programs offered for single purpose activities such as art or sports activities are not required to be licensed. HB 1155 would allow municipalities to run these types of child care activities year-round for children of any age, exempt from the oversight of DHS.

Within OCDEL, the Bureau of Certification Services impacts the lives of thousands of children and families across Pennsylvania by completing the steps necessary to certify (license) child care facilities. The term "certification" means the Bureau licenses child care facilities to operate in Pennsylvania. There are nearly 5,000 child care centers (defined as serving more than seven children), over 600 group child care homes (defined as serving 7 to 12 unrelated children) and over 1,100 family child care homes (defined as serving 4 to 6 unrelated children) that are caring for approximately 300,000 children on any given day. All of these are licensed by OCDEL to operate in Pennsylvania and represent the largest group of licensed facilities in the Department of Human Services.

Our Bureau staff inspect all these child care facilities to ensure they are following the law (Articles IX and X of the Human Services Code) and the child care regulations authorized by the

law (Pa Code 55, Chapters 3270, 3280, 3290). Regulations are promulgated to facilitate the safe and healthy care of a child in a child care facility. The purpose of the regulations is to provide standards to aid in protecting the health, safety, and rights of children and to reduce any risks. The regulations also identify the minimum level of compliance necessary to obtain and maintain the Department's certificate of compliance.

A certificate of compliance, or license, is given when the facility meets all the regulatory requirements to operate. When an operating child care facility does not meet all the regulations, the facility is cited and receives a provisional license or a revocation of their license. The child care regulations require a child care facility to post the license in a conspicuous location used by parents with instructions for contacting the appropriate regional child care office.

The public assumes that all child care facilities are licensed, following the regulations, and that DHS makes sure that children are safe when they attend a child care facility. In FY 21-22 the Department issued 60 cease and desist orders to illegally operating child care facilities. In addition, staff conducted over 10,000 inspections and investigated nearly 1,800 complaints.

As you consider House Bill (HB) 1155, it is important to understand the distinction between a child care facility and a summer camp. OCDEL does not require summer camps to operate as certified child care providers if they choose to serve children that have completed kindergarten or are older. That means they are not held to the standards that I have previously outlined to become a child care provider. We additionally, would like to draw your attention to these additional consequences of HB 1155 if enacted as written:

- Parks and Recreations programs do not have an oversight body to ensure entities are implementing the Protocol for Public Preschool Recreation Programs with fidelity.
- Outside a playground area, the Parks and Recreation programs do not assess the safety of the children's environment as part of the program. A key component of licensure is an assessment by inspectors to ensure toxins and environmental safety hazards are not present, as well as compliance with the Child Protective Services Law (CPSL).
- The bill will likely not achieve its intended purpose. The definition being amended in this bill (62 P.S. §1001) applies only to private, for-profit child care programs. Child care programs operated by public entities are regulated by DHS as "children's institutions" under 62 P.S. §901 (definition of "children's institution"). DHS has the authority to supervise "children's institutions" under §902(3). DHS' authority to supervise "children's institutions" includes the authority to issue regulations and to require a certificate of compliance in order to operate (see *St. Elizabeth's v. DPW*, 963 A.2d 1274 (Pa. 2009)).

OCDEL is supportive of programming offered by members of the Parks and Recreation Society in affording children an opportunity to participate in summer camps. Our area of difference is solely the age at which children should be permitted to attend. We contend that it is developmentally appropriate for those children to begin after their kindergarten year.

I want to thank the committee for your dedication to ensuring the safety and wellbeing of Pennsylvania's children and their families and for the opportunity to testify today.