

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2191

Session of
1995

INTRODUCED BY GODSHALL, GRUPPO, BARD, DENT, FARMER, PETTIT,
J. TAYLOR, O'BRIEN, HARHART, NYCE, KING AND TRUE,
OCTOBER 31, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 11, 1995

AN ACT

1 Providing for the inspection AND REGISTRATION of child-care <—
2 facilities, FOR THE CREATION OF A STATEWIDE CHILD DAY-CARE <—
3 RESOURCE AND REFERRAL SYSTEM, FOR CHILD DAY-CARE SERVICES AND
4 EARLY-CHILDHOOD DEVELOPMENT SERVICES, FOR DANGEROUS
5 FACILITIES, FOR A TOLL-FREE TELEPHONE NUMBER AND FOR A CHILD
6 DAY-CARE CONSUMER GUIDE; AND IMPOSING ADDITIONAL
7 RESPONSIBILITIES UPON THE DEPARTMENT OF PUBLIC WELFARE.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 CHAPTER 1 <—

11 GENERAL PROVISIONS

12 SECTION 101. SHORT TITLE.

13 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE CHILD CARE
14 FACILITIES INSPECTION AND RESOURCE AND REFERRAL ACT.

15 SECTION 102. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
17 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "DEPARTMENT." THE DEPARTMENT OF PUBLIC WELFARE OF THE

1 COMMONWEALTH.

2 CHAPTER 3

3 INSPECTION OF CHILD DAY-CARE FACILITIES

4 Section ~~±~~ 301. Definitions. <—

5 The following words and phrases when used in this ~~act~~ CHAPTER <—
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Child day care." Care in lieu of parental care given for
9 part of the 24-hour day to children under 16 years of age, away
10 ~~from~~ FROM their own homes, but does not include child day care <—
11 furnished in places of worship during religious services.

12 "Child day-care center." Any premises in which child day
13 care is provided simultaneously for seven or more children who
14 are not relatives of the operator.

15 ~~"Department." The Department of Public Welfare of the~~ <—
16 ~~Commonwealth and its authorized agents.~~

17 "EARLY CHILDHOOD DEVELOPMENT SERVICES." SERVICES WHICH ARE <—
18 INTENDED TO PROVIDE AN ENVIRONMENT THAT ENHANCES THE
19 EDUCATIONAL, SOCIAL, CULTURAL, EMOTIONAL AND RECREATIONAL
20 DEVELOPMENT OF CHILDREN FROM BIRTH THROUGH EIGHT YEARS OF AGE,
21 BUT WHICH ARE NOT INTENDED TO SERVE AS A SUBSTITUTE FOR ACADEMIC
22 PROGRAMS.

23 "FAMILY CHILD DAY-CARE HOME." A HOME OTHER THAN THE CHILD'S
24 OWN HOME, OPERATED FOR PROFIT OR NOT FOR PROFIT, IN WHICH CHILD
25 DAY CARE IS PROVIDED AT ANY ONE TIME TO FOUR, FIVE OR SIX
26 CHILDREN UNRELATED TO THE OPERATOR.

27 "PROVIDER PROFILE." INFORMATION SPECIFIC TO EACH REGULATED
28 CHILD DAY-CARE PROVIDER CONTAINED IN A SIMPLE AND EASILY
29 UNDERSTANDABLE INFORMATION SHEET WHICH SHALL INCLUDE, BUT NOT BE
30 LIMITED TO, THE FOLLOWING:

(1) NAME, ADDRESS AND TELEPHONE NUMBER OF THE PROVIDER
OF CHILD DAY-CARE SERVICES.

(2) TYPE OF CHILD DAY-CARE PROVIDER.

(3) THE EXPIRATION DATE OF THE PROVIDER'S CERTIFICATION
OF COMPLIANCE OR REGISTRATION CERTIFICATE.

(4) HOURS OF OPERATION.

(5) TYPICAL ENROLLMENT BY AGE LEVEL.

(6) A BRIEF LIST OR DESCRIPTION OF SERVICES PROVIDED OR
AVAILABLE.

~~Section 2. Inspection of facilities~~ 302. INSPECTIONS OF CHILD
DAY-CARE CENTERS WITHOUT PRIOR NOTICE.

The department shall have the power, and its duty shall be to
inspect child day-care centers during operational hours, without
prior notice, to determine the standard of care being
administered to the children for whom child day care is
provided. ~~If the facility is a child day care center, the~~ THE
authorized agent shall have the right to enter, visit and
inspect the ~~facility~~ CHILD DAY-CARE CENTER during operational
hours without prior notice.

~~Section 3~~ 303. Unannounced inspection.

The department ANNUALLY shall conduct at least one
~~unannounced~~ inspection of every child day-care center ~~each~~
~~calendar year. Such unannounced~~ WITHOUT PRIOR NOTICE. THE
inspection shall focus ~~only~~ on those ~~regulatory standards~~
REGULATIONS which, when not complied with, pose ~~an immediate~~ A
SERIOUS threat to the health, safety and well-being of the
children in care. This inspection shall be in addition to any
other inspection required by statute or regulation.

~~Section 4. Effective date.~~

~~This act shall take effect in 60 days.~~

1 SECTION 304. INSPECTION OF FAMILY CHILD DAY-CARE HOMES.

2 THE DEPARTMENT OR AUTHORIZED AGENT OF THE DEPARTMENT SHALL
3 HAVE THE RIGHT TO ENTER, VISIT AND INSPECT DURING OPERATIONAL
4 HOURS, WITHOUT PRIOR NOTICE, ANY FAMILY CHILD DAY-CARE HOME AND
5 SHALL HAVE FREE AND FULL ACCESS TO THE PREMISES WHERE CHILDREN
6 ARE CARED FOR, ALL RECORDS OF THE PREMISES WHICH RELATE TO THE
7 CHILDREN'S CARE AND TO THE CHILDREN CARED FOR THEREIN AND FULL
8 OPPORTUNITY TO SPEAK WITH OR OBSERVE THE CHILDREN TO DETERMINE
9 THE STANDARD OF CHILD DAY CARE BEING ADMINISTERED.

10 SECTION 305. DANGEROUS FACILITIES.

11 (A) PROCEDURE.--WHENEVER THE DEPARTMENT, UPON INSPECTION OR
12 INVESTIGATION, SHALL LEARN OF A VIOLATION OF THIS ACT OR OF
13 REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS ACT WHICH POSES
14 AN IMMEDIATE AND SERIOUS THREAT TO LIFE, HEALTH OR SAFETY OF THE
15 CHILDREN BEING CARED FOR IN A CHILD DAY-CARE CENTER, THE
16 FOLLOWING SHALL APPLY:

17 (1) AN AGENT OF THE DEPARTMENT SHALL TAKE IMMEDIATE
18 CORRECTIVE ACTION TO ELIMINATE THE THREAT. THIS PARAGRAPH
19 INCLUDES SECURING EMERGENCY SERVICES AND CONTACTING LAW
20 ENFORCEMENT AUTHORITIES. AN AGENT OF THE DEPARTMENT SHALL
21 REMAIN AT THE FACILITY WHEN THE FACILITY IS OPEN FOR BUSINESS
22 UNTIL THE CONCLUSION OF THE HEARING UNDER PARAGRAPH (2).

23 (2) ON THE NEXT BUSINESS DAY AFTER THE AGENT TAKES
24 CORRECTIVE ACTION UNDER PARAGRAPH (1), THE DEPARTMENT SHALL
25 SCHEDULE AN ADMINISTRATIVE HEARING BEFORE A HEARING EXAMINER
26 OF THE DEPARTMENT. IF THE HEARING EXAMINER DETERMINES THAT
27 THERE IS A VIOLATION OF THIS ACT OR OF REGULATIONS ADOPTED BY
28 THE DEPARTMENT UNDER THIS ACT WHICH POSES AN IMMEDIATE AND
29 SERIOUS THREAT TO LIFE, HEALTH OR SAFETY OF THE CHILDREN
30 BEING CARED FOR IN A CHILD DAY-CARE CENTER, THE HEARING

1 EXAMINER SHALL ORDER THE FACILITY CLOSED UNTIL THE CONCLUSION
2 OF THE LICENSE REVOCATION PROCEEDING UNDER PARAGRAPH (3). THE
3 HEARING EXAMINER SHALL MAKE A DETERMINATION WITHIN 30 MINUTES
4 OF CONCLUSION OF THE PRESENTATION OF EVIDENCE.

5 (3) WITHIN THREE BUSINESS DAYS OF TAKING CORRECTIVE
6 ACTION UNDER PARAGRAPH (1), THE AGENT SHALL INITIATE LICENSE
7 REVOCATION PROCEEDINGS UNDER SECTION 1026 OF THE ACT OF JUNE
8 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE,
9 AGAINST THE LICENSEE OF THE FACILITY.

10 (B) SUPERSEDEAS.--THE FOLLOWING SHALL APPLY:

11 (1) AN APPEAL TO THE DEPARTMENT OF AN ORDER UNDER
12 SUBSECTION (A)(2) SHALL NOT ACT AS AN AUTOMATIC SUPERSEDEAS
13 OF THE DECISION OF THE HEARING EXAMINER; BUT, UPON CAUSE
14 SHOWN, THE DEPARTMENT MAY GRANT A SUPERSEDEAS.

15 (2) AN APPEAL TO COMMONWEALTH COURT OF A DECISION UNDER
16 PARAGRAPH (1) SHALL NOT ACT AS AN AUTOMATIC SUPERSEDEAS OF
17 THE DECISION OF THE DEPARTMENT; BUT, UPON CAUSE SHOWN, THE
18 COURT MAY GRANT A SUPERSEDEAS.

19 (C) EFFECT OF VIOLATION OF LICENSE.--THE DEPARTMENT SHALL
20 REFUSE TO ISSUE A LICENSE TO OR SHALL REVOKE THE LICENSE OF A
21 FACILITY FOUND TO BE IN VIOLATION OF THE PUBLIC WELFARE CODE IN
22 A MANNER WHICH POSES AN IMMEDIATE AND SERIOUS THREAT TO LIFE,
23 HEALTH OR SAFETY OF THE CHILDREN BEING CARED FOR IN THE
24 FACILITY.

25 SECTION 306. ANNUAL COMPREHENSIVE STATE PLAN FOR CHILD DAY-CARE
26 SERVICES AND EARLY CHILDHOOD DEVELOPMENT
27 SERVICES.

28 (A) COMPREHENSIVE PLAN.--THROUGH AN ANNUAL STATE PLAN ON
29 CHILD DAY-CARE AND EARLY CHILDHOOD DEVELOPMENT SERVICES, THE
30 DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF HEALTH AND

1 THE DEPARTMENT OF EDUCATION, SHALL ESTABLISH GOALS AND
2 OBJECTIVES AND REVIEW AND ASSESS THE COMMONWEALTH'S CHILD DAY-
3 CARE AND EARLY CHILDHOOD DEVELOPMENT SERVICE DELIVERY SYSTEM,
4 INCLUDING STATE EFFORTS TO ASSURE THE PROVISION OF ACCESSIBLE,
5 AVAILABLE AND AFFORDABLE QUALITY CHILD DAY-CARE AND EARLY
6 CHILDHOOD DEVELOPMENT SERVICES TO THE GENERAL PUBLIC. THE PLAN
7 SHALL BE DEVELOPED IN RELATION TO STATEWIDE AND LOCAL NEEDS AND
8 SHALL TAKE INTO CONSIDERATION AVAILABLE DEMOGRAPHIC STUDIES. IT
9 SHALL REFLECT THE NEEDS OF FAMILIES IN DIFFERENT SOCIAL,
10 ECONOMIC AND CULTURAL CIRCUMSTANCES AND THE NEEDS OF CHILDREN OF
11 DIFFERENT AGES AND STAGES OF DEVELOPMENT AND OF CHILDREN WITH
12 SPECIAL NEEDS.

13 (B) PRELIMINARY PLAN.--NO LATER THAN MAY 1 OF EACH YEAR, THE
14 DEPARTMENT SHALL SUBMIT TO THE AGING AND YOUTH COMMITTEE, THE
15 APPROPRIATIONS COMMITTEE, THE EDUCATION COMMITTEE AND THE PUBLIC
16 HEALTH AND WELFARE COMMITTEE OF THE SENATE AND THE AGING AND
17 YOUTH COMMITTEE, THE APPROPRIATIONS COMMITTEE, THE EDUCATION
18 COMMITTEE AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
19 HOUSE OF REPRESENTATIVES A PRELIMINARY STATE PLAN ON CHILD DAY-
20 CARE AND EARLY CHILDHOOD DEVELOPMENT SERVICES. A FINAL STATE
21 PLAN SHALL BE SUBMITTED BY THE FIRST WEEK OF SEPTEMBER OF EACH
22 YEAR.

23 (C) PURPOSE OF PLAN.--IN THE DEVELOPMENT AND IMPLEMENTATION
24 OF AN ANNUAL STATE PLAN, THE DEPARTMENT SHALL PROMOTE COMMON
25 POLICIES AND PRACTICES IN PROGRAMS TO THE FULLEST EXTENT
26 POSSIBLE AND DEVELOP MECHANISMS FOR INTERAGENCY COLLABORATION TO
27 CREATE A COORDINATED STATE CHILD DAY-CARE AND EARLY CHILDHOOD
28 DEVELOPMENT DELIVERY SYSTEM. THIS SHALL INCLUDE SIMPLIFICATION
29 AND COORDINATION OF THE APPLICATION PROCESS FOR FAMILIES NEEDING
30 SERVICES.

1 (D) PUBLIC HEARINGS.--TO PREPARE THE PRELIMINARY STATE PLAN,
2 THE DEPARTMENT SHALL HOLD AT LEAST FOUR PUBLIC HEARINGS IN
3 DIFFERENT GEOGRAPHIC LOCATIONS IN THIS COMMONWEALTH TO SEEK
4 INPUT AND RECOMMENDATIONS FROM PARENTS, EARLY CHILDHOOD
5 DEVELOPMENT PROFESSIONALS, CHILD DAY-CARE PROVIDERS, CHILD
6 ADVOCATES, EDUCATORS, REPRESENTATIVES OF LOCAL GOVERNMENT,
7 HEALTH AND HUMAN SERVICE ORGANIZATIONS, HEALTH CARE
8 PROFESSIONALS, LABOR ORGANIZATIONS, BUSINESSES, SCHOOL OFFICIALS
9 AND ANY OTHER INDIVIDUALS OR AGENCIES INTERESTED IN ISSUES
10 AFFECTING CHILDREN AND FAMILIES.

11 (E) INFORMATION IN PLANS.--THE PRELIMINARY AND FINAL STATE
12 PLAN SHALL INCLUDE THE FOLLOWING INFORMATION:

13 (1) A SUMMARY OF RECOMMENDATIONS SUBMITTED TO THE
14 DEPARTMENT PURSUANT TO STATEWIDE PUBLIC HEARINGS HELD IN
15 PREPARATION OF THE PRELIMINARY AND FINAL STATE PLAN AND THE
16 DEPARTMENT'S RESPONSE TO THE RECOMMENDATIONS.

17 (2) THE AMOUNT OF FEDERAL, STATE AND LOCAL FUNDS
18 EXPENDED FOR CHILD DAY-CARE AND EARLY CHILDHOOD DEVELOPMENT
19 SERVICES AND THE ALLOCATION OF THESE FUNDS, BY THE TYPE OF
20 CARE AND BY ADMINISTRATIVE COSTS. FUNDING SHALL INCLUDE, BUT
21 NOT BE LIMITED TO, FUNDING THROUGH THE SOCIAL SERVICES BLOCK
22 GRANT ACT (PUBLIC LAW 97-35, 42 U.S.C. § 1397 ET SEQ.); TITLE
23 IV OF THE FEDERAL SOCIAL SECURITY ACT; THE CHILD CARE AND
24 DEVELOPMENT BLOCK GRANT ACT OF 1990 AT SECTION 5082 OF THE
25 OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (PUBLIC LAW 101-
26 508, 104 STAT. 1388); THE HEAD START ACT (PUBLIC LAW 97-35,
27 42 U.S.C. § 9831 ET SEQ.); THE ACT OF DECEMBER 19, 1990
28 (P.L.1372, NO.212), KNOWN AS THE EARLY INTERVENTION SERVICES
29 SYSTEM ACT; THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
30 (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.); AND ANY

1 PERTINENT APPROPRIATION.

2 (3) A DESCRIPTION OF CHILD DAY-CARE AND EARLY CHILDHOOD
3 DEVELOPMENT-PROGRAMS IN THIS COMMONWEALTH, INCLUDING CHILD
4 DAY CARE CENTERS, GROUP CHILD DAY-CARE HOMES, FAMILY CHILD
5 DAY-CARE HOMES, SCHOOL-AGE CHILD DAY-CARE PROGRAMS, CHILD DAY
6 CARE FOR TEEN PARENTS, EARLY INTERVENTION PROGRAMS AND HEAD
7 START PROGRAMS.

8 (4) THE UNDUPLICATED NUMBER OF CHILDREN SERVED AND
9 ASSISTED WITH FEDERAL, STATE AND LOCAL FUNDS, BY TYPE OF CARE
10 AND AGE, THE FUNDING SOURCE FOR THE SERVICES, THE AVERAGE
11 DURATION OF THE CHILD CARE SERVICE AND THE CHILD CAPACITY OF
12 REGULATED PROVIDERS.

13 (5) INCOME ELIGIBILITY GUIDELINES FOR FEDERALLY FUNDED
14 AND STATE-FUNDED CHILD DAY-CARE AND EARLY CHILDHOOD
15 DEVELOPMENT SERVICES, SLIDING FEE SCALES AND THE EXTENT TO
16 WHICH THE INCOME GUIDELINES AND FEE SCALES ARE ADJUSTED TO
17 REFLECT THE MOST RECENT AVAILABLE STATE INCOME DATA.

18 (6) THE COMMONWEALTH'S PRACTICES REGARDING THE
19 MONITORING OF CHILD DAY-CARE AND EARLY CHILDHOOD DEVELOPMENT
20 PROGRAMS TO ENSURE THE HEALTH, SAFETY AND WELFARE OF
21 CHILDREN. IN DESCRIBING THE MONITORING SYSTEM, THE DEPARTMENT
22 SHALL IDENTIFY THE EXTENT OF ANNOUNCED AND UNANNOUNCED
23 INSPECTIONS OF REGULATED PROVIDERS, THE LEVEL OF COMPLIANCE
24 WITH STATE STANDARDS AND THE STAFF-TO-PROVIDER RATIO TO
25 ACCOMPLISH THIS TASK. RECOMMENDATIONS ON WAYS TO IMPROVE BOTH
26 THE ENFORCEMENT AND MONITORING OF STANDARDS AND COMPLIANCE
27 WITH STANDARDS SHALL ALSO BE INCLUDED.

28 (7) THE DEPARTMENT'S COORDINATION, IDENTIFICATION OR
29 ARRANGEMENT OF TRAINING FOR PROVIDERS IN SPECIFIC PROGRAM
30 AREAS THAT ARE DESIGNED TO IMPROVE THE QUALITY OF CHILD DAY-

1 CARE AND EARLY CHILDHOOD DEVELOPMENT SERVICES. THE DEPARTMENT
2 SHALL IDENTIFY ANY FEDERAL, STATE, LOCAL OR PRIVATE FUNDING
3 ALLOCATED FOR TRAINING, THE OBJECTIVES OF THE TRAINING, THE
4 WAY IN WHICH TRAINING WILL BE ACCOMPLISHED AND AN EVALUATION
5 OF THE PREVIOUS YEAR'S TRAINING PROGRAMS.

6 (8) AN ANALYSIS OF ANY RECENT DEMONSTRATION PROJECTS
7 RELATED TO CHILD DAY CARE OR EARLY CHILDHOOD DEVELOPMENT
8 ESTABLISHED BY THE DEPARTMENT OF PUBLIC WELFARE, THE
9 DEPARTMENT OF HEALTH OR THE DEPARTMENT OF EDUCATION USING
10 FEDERAL OR STATE FUNDS, ALONG WITH A SUMMARY OF THE COST OF
11 THE PROJECTS AND THE FINDINGS AND RECOMMENDATIONS OF THE
12 DEPARTMENT OF PUBLIC WELFARE.

13 (9) A SUMMARY OF ANY RECENT REPORTS, DATA OR SURVEYS
14 CONCERNING THE COMPENSATION OF CHILD DAY-CARE AND EARLY
15 CHILDHOOD DEVELOPMENT PROFESSIONALS, LOAN FORGIVENESS
16 PROGRAMS, THE COMMONWEALTH'S REIMBURSEMENT RATES AND ANY
17 CHANGES IN RATES RECOMMENDED BY THE DEPARTMENT.

18 (10) A SUMMARY OF THE MOST RECENT AVAILABLE DEMOGRAPHIC
19 INFORMATION RELATED TO THE NEED FOR CHILD DAY-CARE AND EARLY
20 CHILDHOOD DEVELOPMENT PROGRAMS IN THIS COMMONWEALTH.

21 (11) EFFORTS BY THE PRIVATE SECTOR AND STATE AND LOCAL
22 GOVERNMENT TO ENCOURAGE EMPLOYER-SPONSORED CHILD DAY-CARE
23 SERVICES AND POLICIES AIMED AT ADDRESSING THE CHILD DAY-CARE
24 NEEDS OF WORKING PARENTS.

25 (12) A DESCRIPTION OF THE RESPONSIBILITIES AND PROGRAMS
26 OF VARIOUS STATE DEPARTMENTS WITH RESPECT TO CHILD DAY-CARE
27 AND EARLY CHILDHOOD DEVELOPMENT SERVICES AND HOW COORDINATION
28 BETWEEN AGENCIES IS ADDRESSED. THE DEPARTMENT SHALL DESCRIBE
29 ITS RESPONSIBILITIES AND PROGRAMS UNDER VARIOUS PROGRAM
30 OFFICES AS WELL AS ANY RELATED PROGRAMS OR SERVICES AVAILABLE

1 THROUGH THE DEPARTMENT OF AGING, THE DEPARTMENT OF COMMERCE,
2 THE DEPARTMENT OF COMMUNITY AFFAIRS, THE DEPARTMENT OF
3 EDUCATION, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
4 LABOR AND INDUSTRY.

5 (13) STANDARDS AND TRAINING FOR CHILD DAY-CARE PROVIDERS
6 WHO RECEIVE PAYMENT THROUGH FEDERAL OR STATE CHILD DAY-CARE
7 OR EARLY CHILDHOOD DEVELOPMENT PROGRAMS. THE STANDARDS AND
8 TRAINING SHALL PROMOTE THE HEALTH, SAFETY AND DEVELOPMENTAL
9 NEEDS OF CHILDREN.

10 (14) IDENTIFICATION OF GAPS IN CHILD DAY-CARE AND EARLY
11 CHILDHOOD DEVELOPMENT SERVICES, UNMET NEEDS AND
12 ADMINISTRATIVE BARRIERS THAT SERVE AS OBSTACLES TO OBTAINING
13 SERVICES AND RECOMMENDATIONS ON HOW THE COMMONWEALTH CAN
14 ADDRESS THESE ISSUES.

15 (15) STATUTORY AND REGULATORY CHANGES RECOMMENDED BY THE
16 DEPARTMENT TO ADDRESS THE QUALITY, AFFORDABILITY AND
17 AVAILABILITY OF CHILD DAY-CARE AND EARLY CHILDHOOD
18 DEVELOPMENT SERVICES.

19 SECTION 307. APPLICATION FOR REGISTRATION CERTIFICATE.

20 IN ADDITION TO COMPLYING WITH THE REQUIREMENTS SET FORTH IN
21 23 PA.C.S. § 6344 (RELATING TO INFORMATION RELATING TO
22 PROSPECTIVE CHILD-CARE PERSONNEL), AN INDIVIDUAL WHO APPLIES TO
23 THE DEPARTMENT FOR A REGISTRATION CERTIFICATE TO OPERATE A
24 FAMILY CHILD DAY-CARE HOME SHALL INCLUDE IN THE APPLICATION A
25 REPORT OF CRIMINAL HISTORY INFORMATION AND CHILD ABUSE HISTORY
26 RECORD INFORMATION, AS DESCRIBED IN 23 PA.C.S. § 6344, REGARDING
27 EVERY INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES IN THE
28 HOME FOR AT LEAST 30 DAYS IN A CALENDAR YEAR.

29 SECTION 308. DENIAL, NONRENEWAL OR REVOCATION OF REGISTRATION.

30 THE DEPARTMENT SHALL REFUSE TO ISSUE OR RENEW A REGISTRATION

CERTIFICATE OR SHALL REVOKE A REGISTRATION CERTIFICATE IF THE FAMILY DAY-CARE HOME PROVIDER, AN EMPLOYEE OF THE PROVIDER, OR AN INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO HAS RESIDED IN THE HOME OF THE PROVIDER FOR 30 DAYS IN A CALENDAR YEAR:

(1) IS NAMED IN THE CENTRAL REGISTER ON CHILD ABUSE ESTABLISHED UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE SERVICES) AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD ABUSE; OR

(2) HAS BEEN FOUND GUILTY OF OR ADJUDICATED DELINQUENT FOR AN OFFENSE ENUMERATED IN 23 PA.C.S. § 6344(C) (RELATING TO INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL). SECTION 309. TOLL-FREE TELEPHONE NUMBER.

THE DEPARTMENT SHALL ESTABLISH AND ADVERTISE THE AVAILABILITY OF A TOLL-FREE TELEPHONE NUMBER BY WHICH CONSUMERS MAY INQUIRE AND RECEIVE PROMPT INFORMATION ON THE HISTORY AND NATURE OF VIOLATIONS COMMITTED BY ANY PROVIDER OF CHILD DAY-CARE SERVICES. SECTION 310. CHILD DAY-CARE CONSUMER GUIDE.

(A) GENERAL RULE.--THE DEPARTMENT, OR THE ENTITY WITH WHICH IT CONTRACTS TO PERFORM CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES, SHALL DEVELOP, DISTRIBUTE AND ANNUALLY UPDATE A CHILD DAY-CARE CONSUMER GUIDE FOR EACH COUNTY OR OTHER DEFINED GEOGRAPHICAL AREA OF THIS COMMONWEALTH.

(B) CONTENTS.--THE CHILD DAY-CARE CONSUMER GUIDE SHALL BE A CONSUMER-ORIENTED COMPILATION OF THE FOLLOWING:

(1) A BRIEF DESCRIPTION OF THE TYPES OF REGULATED CHILD DAY CARE IN THIS COMMONWEALTH.

(2) A COMPILATION OF PROVIDER PROFILES FOR THAT SPECIFIC AREA.

(3) A GENERAL CHECKLIST OF RECOMMENDED QUESTIONS AND ISSUES FOR PARENTS TO CONSIDER IN CHOOSING CHILD DAY-CARE

SERVICES.

(4) A TELEPHONE NUMBER BY WHICH CONSUMERS MAY INQUIRE AND RECEIVE PROMPT PROVIDER SPECIFIC INFORMATION ON THE HISTORY AND NATURE OF VIOLATIONS COMMITTED BY ANY PROVIDER OF CHILD DAY-CARE SERVICES.

(5) ANY OTHER USEFUL CONSUMER-ORIENTED INFORMATION.

(C) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 311. STAFF.

THE DEPARTMENT SHALL HAVE A STAFF COMPLEMENT OF AT LEAST 59 CHILD DAY-CARE INSPECTORS FOR THE PURPOSE OF INSPECTING CHILD DAY-CARE CENTERS. THE DEPARTMENT SHALL NOT REDUCE THIS NUMBER WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY.

CHAPTER 5

CHILD DAY-CARE RESOURCE AND REFERRAL SYSTEM

SECTION 501. SHORT TITLE.

THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE CHILD DAY-CARE RESOURCE AND REFERRAL LAW.

SECTION 502. LEGISLATIVE FINDINGS.

THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

(1) THE DEMAND FOR HIGH QUALITY, AFFORDABLE, ACCESSIBLE CHILD DAY CARE HAS INCREASED DRAMATICALLY IN THE LAST DECADE IN CORRELATION WITH A DRAMATIC INCREASE IN THE LABOR FORCE PARTICIPATION RATE OF PARENTS WITH YOUNG CHILDREN.

(2) APPROXIMATELY 190,000 CHILDREN ARE CURRENTLY IN CARE THROUGH A VARIETY OF CHILD DAY-CARE PROGRAMS IN THIS COMMONWEALTH.

(3) A COMPREHENSIVE, COORDINATED EFFORT IS NEEDED TO ENSURE THAT ACCURATE, UP-TO-DATE CHILD DAY-CARE INFORMATION

1 IS READILY AVAILABLE AND EASY TO ACCESS.

2 (4) LOCAL CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES
3 ARE BENEFICIAL TO:

4 (I) WORKING PARENTS OF ALL ECONOMIC MEANS BY
5 ENABLING THEM TO MAKE INFORMED CHOICES IN SELECTING AND
6 PURCHASING THE CHILD DAY CARE THAT BEST MEETS THEIR
7 FAMILY'S UNIQUE NEEDS;

8 (II) EXISTING AND PROSPECTIVE CHILD DAY-CARE
9 PROVIDERS IN THEIR EFFORTS TO DEVELOP AND MAINTAIN SAFE,
10 HIGH-QUALITY CHILD DAY-CARE SERVICES;

11 (III) BUSINESSES BY PROVIDING A COMPREHENSIVE
12 RESOURCE FOR THEM TO USE IN RESPONDING TO CHILD DAY-CARE
13 NEEDS OF THEIR EMPLOYEES; AND

14 (IV) THE COMMUNITY-AT-LARGE BY CONTRIBUTING DIRECTLY
15 TO THE HEALTH, SAFETY AND WELL-BEING OF THIS
16 COMMONWEALTH'S CHILDREN AND THEIR FAMILIES.

17 SECTION 503. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "CHILD DAY CARE." CARE IN LIEU OF PARENTAL CARE, GIVEN FOR
22 PART OF THE 24-HOUR DAY TO CHILDREN UNDER 16 YEARS OF AGE, AWAY
23 FROM THEIR OWN HOMES. THE TERM DOES NOT INCLUDE CHILD DAY CARE
24 FURNISHED IN PLACES OF WORSHIP DURING RELIGIOUS SERVICES.

25 "CHILD DAY-CARE RESOURCE AND REFERRAL AGENCY." A PUBLIC OR
26 PRIVATE NONPROFIT ENTITY THAT PERFORMS FUNCTIONS RELATED TO
27 CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES. THE TERM INCLUDES
28 AN ASSOCIATION OR A CORPORATION.

29 "CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES." THE TERM
30 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

(1) THE PROVISION OF UPDATED INFORMATION TO THE PARENTS, EMPLOYERS AND INDIVIDUALS IN A COMMUNITY REGARDING THE AVAILABILITY, COST AND QUALITY OF CHILD DAY-CARE SERVICES IN A DEFINED GEOGRAPHIC AREA.

(2) ASSISTANCE TO PARENTS SO THEY CAN MAKE INFORMED DECISIONS REGARDING APPROPRIATE, AFFORDABLE CHILD DAY-CARE SERVICES FOR THEIR CHILDREN.

(3) INFORMATION TO EMPLOYERS ON PROGRAMS DESIGNED TO MEET THE CHILD DAY-CARE NEEDS OF EMPLOYEES.

(4) PROVISION OF START-UP INFORMATION TO POTENTIAL CHILD DAY-CARE PROVIDERS TO INCREASE THE SUPPLY OF PROVIDERS.

SECTION 504. PROVISION OF CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES.

THE DEPARTMENT SHALL ARRANGE FOR THE AVAILABILITY OF CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES ACROSS THIS COMMONWEALTH THROUGH CONTRACTUAL AGREEMENTS WITH PUBLIC OR PRIVATE ENTITIES THAT CAN FULFILL THE RESPONSIBILITIES OF A CHILD DAY-CARE RESOURCE AND REFERRAL AGENCY.

SECTION 505. ESTABLISHMENT OF CENTRAL CHILD DAY-CARE DATA BASE.

THE DEPARTMENT SHALL PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A CENTRAL CHILD DAY-CARE DATA BASE. THE DEPARTMENT SHALL COMPILE ALL INFORMATION FROM CHILD DAY-CARE RESOURCE AND REFERRAL AGENCIES WITH WHICH IT HAS A CONTRACTUAL AGREEMENT UNDER SECTION 504 AND ESTABLISH COMPREHENSIVE, ACCURATE AND UP-TO-DATE REFERENCE BASE ON CHILD DAY CARE IN THIS COMMONWEALTH SHALL BE CREATED. IN ACCORDANCE WITH THE EXECUTIVE ORDER 1988-8 AND ANY SUBSEQUENT ORDERS ISSUED PURSUANT THERETO, THE CENTRAL CHILD DAY-CARE DATA BASE SHALL BE CREATED BY UTILIZING APPLIED DEMOGRAPHIC ANALYSES, CREATION OF STATISTICAL MAPS AND GRAPHICS AND CENSUS GEOGRAPHIC REFERENCE MAPS, AS WELL

1 AS ANY OTHER RESOURCES THE DEPARTMENT MAY HAVE AVAILABLE. THE
2 DEPARTMENT SHALL DETERMINE THE NATURE AND SCOPE OF ALL
3 CENTRALIZED CHILD DAY-CARE DATA TO BE MAINTAINED PURSUANT TO
4 THIS ACT. CHILD DAY-CARE RESOURCE AND REFERRAL AGENCIES UNDER
5 CONTRACT WITH THE DEPARTMENT SHALL BE PROVIDED AT LEAST ANNUALLY
6 AND AT NO CHARGE WITH INFORMATION DEVELOPED REGARDING CHILD DAY
7 CARE IN THEIR SPECIFIC GEOGRAPHIC AREAS. EACH CHILD DAY-CARE
8 RESOURCE AND REFERRAL AGENCY UNDER CONTRACT WITH THE DEPARTMENT
9 SHALL MAINTAIN A COMPREHENSIVE DATA BASE ON CHILD DAY-CARE
10 SUPPLY AND DEMAND IN THE GEOGRAPHIC AREA SERVED BY THE AGENCY.
11 SECTION 506. RESOURCE AND REFERRAL SERVICES OFFERED.

12 THE DEPARTMENT SHALL ARRANGE FOR CHILD DAY-CARE RESOURCE AND
13 REFERRAL SERVICES ACROSS THIS COMMONWEALTH THROUGH CONTRACTS
14 WITH CHILD DAY-CARE RESOURCE AND REFERRAL AGENCIES, WHICH SHALL
15 PROVIDE, AT A MINIMUM, THE FOLLOWING SERVICES:

16 (1) IDENTIFICATION OF ALL STATE-APPROVED CHILD DAY-CARE
17 PROVIDERS IN THEIR SPECIFIC GEOGRAPHIC AREA AND A PROFILE OF
18 EACH PROVIDER TO INDICATE THE TYPES OF SERVICES THEY PROVIDE
19 AND THE COSTS OF SUCH SERVICES.

20 (2) MAINTENANCE OF A REGULARLY UPDATED RESOURCE FILE
21 THAT DEMONSTRATES SUPPLY AND DEMAND OF SERVICES.

22 (3) MAINTENANCE OF A RESOURCE AND REFERRAL SERVICE FOR
23 CHILD DAY-CARE USERS AND ASSISTANCE, IF REQUESTED, IN
24 EVALUATING CHILD DAY-CARE NEEDS AND APPROPRIATENESS OF TYPES
25 OF CHILD DAY CARE.

26 (4) ESTABLISHMENT OF A PUBLIC EDUCATION PROGRAM TO
27 INFORM CONSUMERS AND PROVIDE REFERRAL COUNSELING ABOUT CHILD
28 DAY-CARE OPTIONS, INCLUDING INFORMATION ON TYPES OF CHILD DAY
29 CARE, AVAILABILITY, COST AND STANDARDS, THROUGH SUCH MEANS AS
30 PRINTED MATERIALS, TELEPHONE CONTACTS, EDUCATION SESSIONS OR

1 WORKSHOPS AND RESOURCE LIBRARIES.

2 (5) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE TO
3 PROVIDERS AND PROSPECTIVE PROVIDERS, AS REQUESTED. TYPES OF
4 INFORMATION TO BE MADE AVAILABLE SHALL INCLUDE, BUT NOT BE
5 LIMITED TO, INFORMATION REGARDING CAREER OPPORTUNITIES IN THE
6 FIELD, CONTINUING EDUCATION, TRAINING OPPORTUNITIES,
7 ACCREDITATION PROGRAMS, REGULATORY REQUIREMENTS, FOOD
8 PROGRAMS AND DEMOGRAPHIC INFORMATION TO DETERMINE THE
9 EXISTENCE OF MARKETS FOR SERVICES AND TO HELP STIMULATE THE
10 SUPPLY OF CHILD DAY-CARE SERVICES NEEDED IN THE AREA.

11 (6) SERVE AS A RESOURCE TO EMPLOYERS WHO ARE TRYING TO
12 MEET THE CHILD DAY-CARE NEEDS OF THEIR EMPLOYEES.

13 (7) COLLECTION AND MAINTENANCE OF DATA, AS MAY BE USEFUL
14 IN STATE AND LOCAL PLANNING EFFORTS, ON THE NUMBER AND USAGE
15 OF DIFFERENT CHILD DAY-CARE PROVIDERS, THE TYPE, AVAILABILITY
16 AND COST OF CHILD DAY CARE IN A PARTICULAR GEOGRAPHIC AREA
17 AND DEMOGRAPHIC INFORMATION TO DETERMINE WHETHER THE SUPPLY
18 MEETS THE DEMAND FOR CHILD DAY-CARE SERVICES IN A GIVEN AREA.

19 (8) PROVISION OF INFORMATION TO LOW-INCOME PARENTS ABOUT
20 SUBSIDIZED CHILD DAY-CARE SERVICES RECEIVING FEDERAL AND
21 STATE FUNDING AND REFERRAL TO A LOCAL ENTITY RESPONSIBLE FOR
22 ADMINISTERING THE SUBSIDIZED CHILD DAY-CARE FUNDS. THE CHILD
23 DAY-CARE RESOURCE AND REFERRAL AGENCY SHALL ALSO PROVIDE TO
24 PARENTS RECEIVING PUBLIC ASSISTANCE INFORMATION ABOUT CHILD
25 DAY-CARE SERVICES THAT MAY BE AVAILABLE THROUGH THE COUNTY
26 ASSISTANCE OFFICE PURSUANT TO TITLE IV OF THE SOCIAL SECURITY
27 ACT (PUBLIC LAW 74-271, 42 U.S.C. § 601 ET SEQ.). THE CHILD
28 DAY-CARE RESOURCE AND REFERRAL AGENCY SHALL AVOID DUPLICATING
29 SERVICES AND SHALL DEVELOP PROCEDURES TO STREAMLINE SERVICES
30 FOR LOW-INCOME PARENTS NEEDING CHILD DAY-CARE SERVICES.

1 SECTION 507. STANDARD OPERATING PROCEDURES.

2 LOCAL MANAGEMENT AGENCIES, AS PROVIDERS OF CHILD DAY-CARE
3 RESOURCE AND REFERRAL SERVICES SHALL:

4 (1) CONDUCT BUSINESS DURING HOURS CONVENIENT TO WORKING
5 PARENTS, INCLUDING SOME EVENING AND WEEKEND HOURS, IF DEEMED
6 NECESSARY.

7 (2) HAVE THE AUTHORITY TO ESTABLISH A REASONABLE RANGE
8 OF FEES FOR SERVICES, WITH THE APPROVAL OF THE DEPARTMENT.

9 (3) ADVERTISE THEIR SERVICES. ALL RECIPIENTS OF SERVICES
10 SHALL BE INFORMED OF APPLICABLE FEES PRIOR TO THE PROVISION
11 OF SUCH SERVICES, AS DESIGNATED IN THIS ACT.

12 (4) TAILOR SERVICES PROVIDED FOR IN THIS ACT TO THE
13 GEOGRAPHICALLY DEFINED AREA IN WHICH THEY ARE LOCATED.

14 (5) SEEK OPPORTUNITIES TO PROVIDE EDUCATIONAL AND
15 CONSUMER AWARENESS PROGRAMS.

16 (6) UTILIZE, TO THE MAXIMUM EXTENT, THE MOST COST-
17 EFFECTIVE MEANS OF PROVIDING CHILD DAY-CARE RESOURCE AND
18 REFERRAL SERVICES IN ACCORDANCE WITH THIS ACT, INCLUDING, BUT
19 NOT LIMITED TO, PUBLIC-PRIVATE PARTNERSHIPS, WHERE DEEMED
20 APPROPRIATE, AND CONTRACTUAL ARRANGEMENTS WITH EXISTING
21 PROVIDERS OF RESOURCE AND REFERRAL SERVICES.

22 (7) MAINTAIN CONFIDENTIALITY OF RECORDS. INFORMATION
23 CONTAINED IN THE RECORDS SHALL NOT BE PUBLICLY DISCLOSED IN
24 SUCH A MANNER SO AS TO IDENTIFY INDIVIDUALS. CERTAIN
25 NONIDENTIFYING INFORMATION MAY, HOWEVER, BE COLLECTED IN
26 AGGREGATE FORM FOR THE PURPOSES OF DATA COLLECTION.

27 (8) REPORT TO THE DEPARTMENT ON A REGULAR BASIS
28 INFORMATION REGARDING:

29 (I) THE NUMBER OF PARENTS AND CHILDREN SERVED.

30 (II) THE EXTENT OF ASSISTANCE GIVEN TO PROVIDERS,

1 PARENTS, BUSINESSES AND OTHERS.

2 (III) FEES CHARGED FOR RESOURCE AND REFERRAL
3 SERVICES PROVIDED FOR IN THIS ACT.

4 (IV) THE IMPACT OF THE RESOURCE AND REFERRAL
5 SERVICES ON QUALITY AND AVAILABILITY OF CHILD DAY CARE IN
6 THEIR PARTICULAR GEOGRAPHICALLY DEFINED AREA.

7 (V) ANY RECOMMENDATIONS THAT MAY CONTRIBUTE TO THE
8 IMPROVEMENT OF THE PROVISION OF CHILD DAY-CARE RESOURCE
9 AND REFERRAL SERVICES.

10 SECTION 508. ANNUAL REPORT.

11 THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL
12 ASSEMBLY WHICH SHALL REFLECT THE INFORMATION COLLECTED BY THE
13 CHILD DAY-CARE RESOURCE AND REFERRAL AGENCIES DESIGNATED BY THE
14 DEPARTMENT. THE REPORT SHALL DESCRIBE HOW THE CHILD DAY-CARE
15 RESOURCE AND REFERRAL AGENCIES FURTHER THE DEPARTMENT'S GOAL TO
16 IMPROVE THE QUALITY, AVAILABILITY AND AFFORDABILITY OF CHILD
17 DAY-CARE SERVICES. THIS REPORT SHALL ALSO INCLUDE ANY
18 RECOMMENDATIONS OF THE DEPARTMENT FOR IMPROVEMENTS TO THE
19 STATEWIDE RESOURCE AND REFERRAL SYSTEM, AS WELL AS THE
20 AVAILABILITY OF PRIVATE, CORPORATE AND GOVERNMENT FUNDING FOR
21 RESOURCE AND REFERRAL SERVICES.

22 SECTION 509. REGULATIONS.

23 THE DEPARTMENT SHALL, IN THE MANNER PROVIDED BY LAW,
24 PROMULGATE THE RULES AND REGULATIONS NECESSARY TO ESTABLISH
25 CHILD DAY-CARE RESOURCE AND REFERRAL SERVICES TO BE OFFERED IN
26 ACCORDANCE WITH THIS CHAPTER.

27 SECTION 510. RESOURCE AND REFERRAL SERVICES IMPLEMENTATION.

28 THE DEPARTMENT SHALL ESTABLISH A THREE-YEAR IMPLEMENTATION
29 SCHEDULE FOR PHASING IN CHILD DAY-CARE RESOURCE AND REFERRAL
30 SERVICES THROUGHOUT THIS COMMONWEALTH.

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CHAPTER 7

MISCELLANEOUS PROVISIONS

SECTION 701. APPLICABILITY.

SECTION 311 SHALL APPLY AFTER JUNE 30, 1996.

SECTION 702. EFFECTIVE DATE.

THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) SECTION 306 SHALL TAKE EFFECT IN 180 DAYS.

(2) CHAPTER 5 SHALL TAKE EFFECT IN SIX MONTHS.

(3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
DAYS.