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**Senate of Pennsylvania**

**MEMORANDUM**

To: All Senators

From: Senator Jake Corman 

Date: May 27, 2011

RE: **Co-sponsorship Memo # 16** – Religious Child Care Facility Regulation

In the near future, I plan to introduce legislation to authorize the Department of Education to regulate religious child care facilities. The intent of this bill is to balance the need for parental choice, religious freedom and child safety at religious child care facilities with the need for governmental regulation and inspection of child care centers. This bill will assure the health and safety of the children in the care of religious entities, while at the same time preserving religious liberties.

For many years, a dispute has been pending between the Department of Public Welfare and churches that offer preschool programs and other forms of early childhood development and education programs. Unresolved litigation has been underway on this issue since 1997, with one case now pending on a petition for certiorari that has been filed in the Supreme Court of the United States. Whatever the outcome of that litigation, the precise regulatory authority over these ministries remains ambiguous in the current provisions of the Public Welfare Code.

Under my proposal, religious early childhood and instructional facilities of all types would be placed under the jurisdiction of the Department of Education. The bill would acknowledge the obligation of religious facilities to comply with generally applicable health and safety statutes, ordinances or regulations, background check requirements and with generally applicable building or zoning requirements. The bill would protect religious facilities in either category from any regulations relating to program, curriculum, ministry, staff qualifications, staffing requirements, teaching or instruction.

Additionally, this legislation would remove the licensing/certificate of compliance power from DPW that it has claimed to have been granted under the Public Welfare Code over all types of religious child care entities, including day cares for infants and toddlers, pre-kindergartens and pre-schools for three and four-year olds in which religious and spiritual formation occurs in a formalized way, before-school and after-school programs and summer school programs.

The General Assembly has already established the same freedoms from curriculum content control for religious kindergartens, elementary schools and high schools when it amended the Compulsory Attendance Law in 1986. My proposed bill would do the same for religious pre-school and after-school programs.

I have sponsored legislation on this topic in the past – most recently SB 549 during the 2007-08 session.

**Senate Bill 549 of 2007 – Scarnati, Wonderling, Tomlinson, Brubaker, Piccola, D. White, Kitchen, Armstrong, Rafferty, Regola, Waugh, Erickson, Folmer, Fontana, Browne and Robbins.**

If you have any questions with regard to the legislation above, please contact Scott Sikorski in my office at 787-1377.

If you would like to cosponsor this legislation, please contact Kristi Kreiser in my office at 787-1378 or by email at [kkreiser@pasen.gov](mailto:kkreiser@pasen.gov).