

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

CHILDREN AND YOUTH COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

TUESDAY, OCTOBER 29, 2019
9:10 A.M.

PRESENTATION ON
MUNICIPAL RECREATION PROGRAMS FOR PRESCHOOL-AGED CHILDREN

BEFORE:

HONORABLE KAREN BOBACK, MAJORITY CHAIRWOMAN
HONORABLE BARBARA GLEIM
HONORABLE JONATHAN HERSHEY
HONORABLE JOSHUA KAIL
HONORABLE NATALIE MIHALEK-STUCK
HONORABLE BRETT MILLER
HONORABLE TEDD NESBIT
HONORABLE TODD POLINCHOCK
HONORABLE JACK RADER
HONORABLE JAMES RIGBY
HONORABLE DAVID ROWE
HONORABLE MEGAN SCHROEDER
HONORABLE WENDI THOMAS
HONORABLE TARA TOOHIL
HONORABLE JOSEPH PETRARCA, DEMOCRATIC CHAIRMAN
HONORABLE DANILO BURGOS
HONORABLE DANIELLE FRIEL OTTEN
HONORABLE KRISTINE HOWARD
HONORABLE SUMMER LEE
HONORABLE BEN SANCHEZ
HONORABLE WENDI ULLMAN

* * * * *

*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

ALSO PRESENT:

REPRESENTATIVE BARRY JOZWIAK
REPRESENTATIVE MARY JO DALEY

STAFF PRESENT:

ANNA MALCEIN
MAJORITY EXECUTIVE DIRECTOR
BRENDA ZABLITSKY

CAMILA HORST
DEMOCRATIC EXECUTIVE DIRECTOR
KRISTIN BERNARD
DEMOCRATIC SENIOR EXECUTIVE ASSISTANT

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SUBMITTED WRITTEN TESTIMONY

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P R O C E E D I N G S

* * *

MAJORITY CHAIRWOMAN BOBACK: Good morning. I call this meeting to order. Today's public hearing is on the municipal recreational programs for preschool-aged children.

You'll notice some of our Members are running late. There are several other meetings going on at this time, so you'll also see comings and goings.

I was just informed we'll wait one more minute.

With that, I'm Chairman Karen Boback of this Committee. We'll start with an introduction of Tim Herd, who is the CEO of the Pennsylvania Recreation and Park Society. Tim, would you take the mic, please?

MR. HERD: Good morning. I'm Tim Herd. I'm CEO of the Pennsylvania Recreation and Park Society. PRPS, as it's called, is the statewide professional association for those who work in parks and recreation and related fields throughout the State. We provide leadership, advocacy, training, and resources to help them do their job better.

I'll begin with a true story. A few years ago a shy little five-year-old girl named Becky attended a week of summer nature day camps in Nazareth Borough Park in Northampton County. She joined a small group of other

1 preschoolers in an adventure called Roving Rangers Nature
2 Safari led by a teacher naturalist and an assistant. They
3 used their imaginations and group experiential learning to
4 search for a new home for a shy woodland elf named Tiki.

5 Through their explorations, Becky discovered how
6 friend squirrel climbs and built a leafy nest in a tree
7 while chipmunk burrows cozy tunnels under the ground, fish
8 makes pebbly nests under the water while robin builds
9 sturdy nests of mud and grass to raise her young. Nearby,
10 butterfly flutters from a homespun sleeping bag attached to
11 a leaf. What would be the right kind of home for Tiki?

12 Becky and her new friends made a little raft to
13 float on the creek. Near the playground, they played a
14 game demonstrating how frogs eat only moving food. On the
15 hillside, they sang a habitat song. Under the foot bridge
16 near the stream, they discovered aquatic insects in their
17 watery home. In the woods, they found signs of burrowing
18 animals and played a tunneling game. In the field they
19 learned and practiced the roles of picking. They named the
20 four stages of butterfly metamorphosis. They made a set of
21 feelers for their own spunky heads. They got dirty, they
22 got wet, they interacted with nature and among themselves.
23 They learned new skills, new things, new people, new
24 places. They had fun. They went home tired and enriched.

25 Now, this story originates in Nazareth, but the

1 same scenario was repeated for preschoolers in dozens of
2 other parks and outdoor sites across the State. And I tell
3 it as a small example of how preschool recreation programs
4 fill a niche that private daycare centers cannot and how
5 regulations designed for private daycare center facilities
6 but now increasingly enforced for preschool municipal
7 recreation programs would prohibit this kind of
8 irreplaceable and unique learning experience for all the
9 little Becky's throughout the State.

10 The first parks were created to alleviate the
11 stresses of modern living by providing all people and ages
12 with public access to open space for the healthful and
13 restorative benefits of clean air, clean water, and active
14 recreation. Public recreation programs have been a
15 function of most municipalities for the past hundred years.
16 The city of Lancaster founded its recreation commission in
17 1909, 110 years ago.

18 The purpose of the PA Welfare Code Title 55 is to
19 facilitate the safe and healthful care of a child in a,
20 quote, "child daycare center." These regulations have been
21 extended by interpretation by the Department of Human
22 Services to extend to municipal recreation and park
23 services. While the safety and security of children
24 enrolled in day camps, swim lessons, nature play, and other
25 indoor and outdoor recreation programs is always vitally

1 important and includes strict legal and ethical standards
2 in staff recruitment and training, municipal recreation
3 agencies also legitimately provide emotional, cognitive,
4 communicative, perceptual motor, physical and social
5 development of children outside the confines of a private
6 and traditional child daycare center.

7 Municipal recreation and park agencies are also
8 closely aligned with other essential local governmental
9 services of fire, police, and emergency services. They're
10 governed by codes and policies and operating procedures
11 that provide for the well-being and safety of the public at
12 all times. A municipal public recreation system is a well-
13 designed, collaborative, and comprehensive approach
14 utilizing the best of the local resources.

15 I'd like you to note in particular the written
16 testimony we've submitted of Radnor Township in how they
17 are enabled to go well beyond normal child protective
18 requirements, yet it is not practical for them to come into
19 daycare compliance.

20 We affirm the tremendous personal and community
21 value of and popular demand for safe and secure
22 developmentally appropriate child-centered recreation
23 services provided apart from certified daycare centers.
24 However, the highly limiting restrictions imposed by the
25 DHS interpretation of the code prevents most recreation

1 providers from feasibly complying with such certification
2 requirements in the outdoor settings of parks and the
3 indoor multiuse amenities of recreation centers and other
4 facilities.

5 We're here because we respectfully disagree with
6 the DHS's interpretation and enforcement of private daycare
7 facilities on public recreation programs. We are not here
8 to argue but rather to communicate our perspective so you
9 can understand.

10 And while we've worked with Representatives Barry
11 Jozwiak and Mary Jo Daley on bipartisan legislation that
12 would provide legal clarity to this issue, we are very open
13 and willing to pursue a constructive dialogue with the
14 Committee, DHS, and other stakeholders to craft an
15 administrative solution to this issue if it can be found.
16 The issue is not unique to Pennsylvania. Other States have
17 found resolutions.

18 It's not a matter of having only one right way to
19 educate, care for, and enrich the lives of the preschoolers
20 as the daycare code would like to dictate. Municipal
21 recreation programs for preschoolers are a legitimate and
22 popular need and desire by parents and other caregivers,
23 one that offers rewards and values that cannot be achieved
24 through private daycare centers.

25 The DHS is attempting to enforce the private

1 daycare facility regulations to public recreation programs,
2 and I say attempting because they certainly don't have the
3 capacity. And even their own field inspectors have
4 questioned why and how daycare facility regulations even
5 apply to outdoor programming. Tiny toilets and places for
6 napping are not applicable out in the park. And a city
7 recreation center cannot close to all other members of the
8 public simply because it might have a dozen preschoolers
9 enrolled in a Making Music class.

10 Yet, because of the threat of noncompliance, many
11 recreation departments have either scaled back or simply
12 canceled their popular preschool programming, some of which
13 have been a vital part of the community for 30, 40, or even
14 fifth years. Our written testimony includes statistics on
15 the extent of the programming across the State and comments
16 on the impact of compliance to a daycare center. Such
17 services are clearly not being fulfilled by private daycare
18 centers, and it makes little sense to enforce the private
19 daycare regulations for these highly successful long-term
20 programs.

21 Moreover, in the three years since many agencies
22 have ceased their preschool recreation programs under the
23 threat of fines for noncompliance of regulations that don't
24 apply, we've already failed to serve a whole, quote,
25 "generation" of preschoolers. This is an affront to the

1 ideal of social equity.

2 True to the very philosophy of public parks and
3 recreation is the idea that people, no matter the color of
4 their skin, age, income level, or ability, have access to
5 programs, facilities, places, and spaces that make their
6 lives and communities great. Forcing public recreation
7 programs to function as a certified daycare center
8 facility, which is definitely not their purpose, actually
9 creates social inequities, and that is a very great shame.

10 Let me also explain that today's recreation parks
11 are not your mom and dad's playground programs. They are
12 multifaceted physical and socioeconomic systems that daily
13 deliver the foundational needs and essential human services
14 of our modern existence. Everything that's important in a
15 community, recreation and parks touches. It's not just fun
16 and games.

17 The loss of these programs to the community
18 creates a void. In them, not only do the children develop
19 physically, mentally, and socially, they keep engaged in
20 developmentally appropriate activities as they age into
21 other levels of recreation and park programming. Providing
22 public recreation programming to preschoolers of all
23 socioeconomic classes permits parents with a choice in
24 their children's development. Introductory play programs
25 developing physical, motor, and social skills are

1 imperative to their proper growth.

2 In addition, the research proving the many
3 benefits for children connecting to nature is strong and
4 continues to build. Engagement with nature strengthens
5 motor and cognitive skills in the children, builds
6 experiential learning, team cooperation, and leadership,
7 alleviates attention deficit disorders, fosters risk
8 resiliency and independent mobility skills, expedites
9 medical recovery and boosts immune systems. Connection to
10 nature fosters diversity and cross-cultural cooperation and
11 provides many other confirmed benefits.

12 In addition, a 2018 study from the American
13 Academy of Pediatrics confirms that play enhances
14 creativity, imagination, dexterity, boldness, teamwork
15 skills, stress management skills, confidence, conflict-
16 resolution skills, decision-making skills, problem-solving
17 skills, and learning behavior. Play is an essential part
18 of the human experience, and a lack of play can have
19 troubling short- and long-term ramifications for children.

20 Moreover, a professional legal analysis of the
21 Pennsylvania Public Welfare Code and the DHS child daycare
22 center regulatory regime reveals that part-time programs
23 for preschool children are not mentioned in the
24 regulations. None of the defined terms of the regulations
25 mention any municipalities, authorities, or other public

1 entities, thereby making the application of the regulations
2 to municipal recreation programs highly questionable. This
3 legal analysis is by Geoffrey Beauchamp, General Counsel
4 for the Delaware Valley Property and Liability Trust, and
5 is included in our written testimony, and he is here in the
6 audience.

7 So to address the components of the regulations
8 that are applicable and to assure parents and other
9 stakeholders of the high standards of care in municipal
10 recreation, PRPS has established a protocol for public
11 preschool recreation programs that addresses the core
12 concerns of both professional recreation providers and the
13 Department of Human Services Office of Child Development
14 and Early Learning. The details of the protocol are
15 included in our written testimony.

16 We are here because we're seeking legislative
17 clarity, although, as I said, we're open to administrative
18 compromise. The legislation we propose amends the
19 definition of a child daycare center in the public welfare
20 code to include the following statement: The term does not
21 include public municipal preschool recreation programs that
22 are operated in accordance with the Pennsylvania Recreation
23 and Park Society protocol for public municipal preschool
24 recreation programs, as adopted by municipal ordinance or
25 resolutions. Municipal means any local government.

1 Well, in conclusion I need to tell you a brief
2 postscript of little Becky's story. Two years ago, after
3 my mother's funeral, I went to Nazareth Borough Park for a
4 walk with my now grown-up daughter Becky. As we headed
5 into the woods, she suddenly stopped and dropped to her
6 knees and said, "Here." And if it wasn't for her chirpy
7 tone of voice, I would have been slightly alarmed, but she
8 said, "Here, here at the base of a large tree is where we
9 made a home for Tiki the elf."

10 The foundational experiences that recreation, not
11 daycare, structured recreation programs bring to our
12 youngest members of society form the basis of life skills,
13 lifelong learning, and responsible citizenship in a world
14 increasingly at odds with itself. This is why we do this.
15 This is why municipal recreation needs to be recognized and
16 unregulated as a certified daycare center facility for its
17 own unique contributions to society.

18 Thank you very much for your attention.

19 MAJORITY CHAIRWOMAN BOBACK: Thank you, Mr. Herd.
20 And we'll hold all questions until after the next panel,
21 but prior to that, if I could go around the room, if
22 everyone can introduce themselves on this Committee
23 starting with Representative Lee. And if you would tell
24 the audience where you're from, please.

25 REPRESENTATIVE LEE: Good morning. I am Summer

1 Lee, Representative of the 34th Legislative District in
2 Pittsburgh and the Mon Valley area.

3 REPRESENTATIVE SANCHEZ: Good morning. Ben
4 Sanchez from the 153rd. That's southeastern Pennsylvania
5 and Montgomery County, and I represent Abington Township
6 and part of Upper Dublin.

7 REPRESENTATIVE ULLMAN: Good morning. I am
8 Representative Wendi Ullman from the 143rd. I represent
9 Doylestown and parts north in Bucks County.

10 REPRESENTATIVE MIHALEK: Good morning. Natalie
11 Mihalek, the 40th Legislative District, Allegheny and
12 Washington Counties.

13 REPRESENTATIVE POLINCHOCK: Good morning,
14 everybody. I'm Wendi's neighbor in the 144th, central
15 Bucks County. My name is Todd Polinchock.

16 REPRESENTATIVE TOOHIL: Good morning. Tarah
17 Toohil, 116th Legislative District, Luzerne County.

18 REPRESENTATIVE RIGBY: Good morning. Jim Rigby,
19 71st District, Cambria and Somerset Counties.

20 REPRESENTATIVE MILLER: Good morning. Brett
21 Miller, 41st District, Lancaster County.

22 REPRESENTATIVE KAIL: Josh Kail, 15th
23 Representative District, Washington and Beaver County.

24 REPRESENTATIVE ROWE: Good morning. I'm David
25 Rowe. I represent the 85th Legislative District, which is

1 Union and Snyder Counties.

2 REPRESENTATIVE THOMAS: Wendi Thomas, 178th, and
3 the center of Bucks County.

4 REPRESENTATIVE SCHROEDER: Megan Schroeder from
5 the 29th Legislative District. That's in Bucks County as
6 well.

7 MS. HORST: Good morning. Camila Horst,
8 Executive Director of the Children and Youth Committee.

9 DEMOCRATIC CHAIRMAN PETRARCA: Joe Petrarca,
10 Westmoreland, Indiana, and Armstrong Counties.

11 MAJORITY CHAIRWOMAN BOBACK: Karen Boback,
12 Luzerne, Lackawanna, and Wyoming Counties.

13 REPRESENTATIVE HOWARD: Kristine Howard, the
14 167th, which is in Chester County.

15 MAJORITY CHAIRWOMAN BOBACK: Thank you. And once
16 again, I remind the audience that you'll see comings and
17 goings because there are other voting meetings that are
18 taking place this morning.

19 I would like to introduce the makers of the
20 legislation that we're discussing today, and that is
21 Representative Barry Jozwiak if you'd like to come forward,
22 and Representative Mary Jo Daley if you have a few words
23 you'd like to say because I know you have other meetings to
24 attend.

25 REPRESENTATIVE JOZWIAK: Good morning. Thank

1 you, Chairwoman Boback and Committee Members.

2 This is a very important bill that affects
3 children, preschool children, and it affects municipal
4 recreational programs. I heard Mr. Herd's testimony. I
5 thought it was excellent. He really explained it well.
6 And I just want to thank everyone for having this hearing
7 and looking at this bill, and hopefully we get an
8 affirmative reaction from it.

9 Mary Jo?

10 REPRESENTATIVE DALEY: Thank you. And I want to
11 join my colleague to thank the Committee and the Chair of
12 the Committee for having this hearing. I think it's really
13 important.

14 I remember three years ago being -- I started to
15 get calls from some of my municipalities -- you will hear
16 from one of them today -- about their recreation programs
17 and that they weren't going to be able to offer them. We
18 were also getting a lot of emails from parents who were
19 really distressed because they were counting on the
20 programs for their children to attend. So I've learned a
21 lot about this topic over the past three years, and I
22 really appreciate your all being here to hear more about
23 it.

24 And I'm one of the people who have to run out and
25 leave, but I'm very happy to have the testimonies so I can

1 take and hear what you're going to be hearing also. Thank
2 you.

3 REPRESENTATIVE JOZWIAK: Just one other comment.
4 This is a bipartisan effort. Mary Jo and I worked on this
5 particular bill together, and it shows the cooperation that
6 we have here in the House of Representatives. Thank you.

7 MAJORITY CHAIRWOMAN BOBACK: Thank you both.

8 The next is a Program Director panel, and that
9 includes Chalet Harris and Joanna Sharapan. Chalet Harris
10 is from Dover Township, York County, and Joanna is from
11 Plymouth Township, Montgomery County. Who would like to
12 start?

13 MS. HARRIS: My name is Chalet Harris.

14 MAJORITY CHAIRWOMAN BOBACK: Chalet, would you
15 start then? Thank you.

16 MS. HARRIS: First off, thank you so much for
17 allowing us to come and speak to you today. I hope we can
18 show you how this has directly affected our programming of
19 where we are.

20 So my name is Chalet Harris. I'm the Parks and
21 Recreation Director of Dover Township, which is in York
22 County. We are a growing community, would classify us as
23 pretty rural. However, we are becoming more, as growth has
24 happened over the last 20, 30 years, a little more suburban
25 on the southern end and our northern side is much more

1 rural. All of the children in our township go to the Dover
2 Area School District, and I'm in a unique position. I'm
3 actually an alumni of that school myself, so I grew up in
4 the community that I'm now serving. We are a Class 2
5 township. We have 21,000 residents, and all of our
6 children attend that same high school that I went to many
7 years ago.

8 I bring up the children at the school because the
9 school district is having some struggles over the last
10 several years since I have left. More than one half of our
11 student population qualifies for free or reduced lunch,
12 which means that, you know, they are at those poverty-type
13 levels.

14 So we also have a unique demographic in our
15 community. We have people who send their children to a
16 traditional daycare, private setting while mom and dad are
17 at work. But we have a lot of people in our community who
18 have someone at home with the children during the day.
19 They may have a stay-at-home parent, a work-from-home
20 parent, a parent who is on disability or maybe more than
21 one parent, or they have parents doing shiftwork or we have
22 grandparents who are stepping in to watch the children
23 during the day. And in some cases we have children that
24 are being raised by grandparents, great-grandparents, other
25 family members, or we've even had children come through our

1 program who are in the foster care system.

2 For these children, full-time childcare
3 facilities are not an option for them either from a
4 financial perspective or they just don't have a need for
5 it. Some of those children come to our preschool program,
6 and it's the only option for them. We run a six-week
7 program in the summer for children ages three to five, and
8 it's a two-hour program, 9:30 to 11:30 each day. We have
9 the kids a maximum of 46 hours over the course of six weeks
10 because we lose one day because of an event that we run.
11 And we charge \$45 for that.

12 It is not a for-profit program. It used to be
13 free. But we had to get assistance from the residents
14 because we couldn't keep, you know, running it at a loss.
15 But it is running at a loss constantly. But some of our
16 children, this is affordable for them, the families. They
17 can afford \$45 for six weeks of some type of structured
18 program for their children to attend. And in some cases
19 this is the only structured program these children will
20 have before they go to kindergarten. Some of these
21 families cannot afford to put their child in a traditional
22 preschool setting, which we have a lot of those with
23 churches. We have a YMCA. We have a lot of private
24 daycare centers that also run a preschool. Those options
25 are available, but these families cannot choose that option

1 for financial reasons or personal reasons.

2 So that's where our program comes in. We as a
3 township look at ourselves as filling the gaps that are
4 needed in our community, and this is one of the areas of
5 which we are needed. We have not been given the cease-and-
6 desist letter, which I'm sure we will some point. But if
7 that program goes away, these children do not have an
8 opportunity. So we chose to run it until we are told not
9 to so that these kids do not miss out on that opportunity.

10 Now, our program is more of a social-based
11 program in the summertime. It does focus on structure.
12 They have circle time, they have music, they have snack,
13 they have craft. They have things just like you would see
14 in a preschool setting but on a reduced level, but they're
15 still getting that structure prior to going to kindergarten
16 so they get a little bit of understanding of what a day is
17 going to be like for them.

18 We have run this program for more than 40 years
19 in our township. It might be longer than that. I couldn't
20 find documentation of when it started, but I have a member
21 of my staff who's been a part of the program for more than
22 30 years. And it was in existence prior to her. And I
23 know other staff members of mine that are about my age who
24 were in that preschool program when they were three, four,
25 five years old. And actually I would love to offer more

1 preschool programming, but I'm hesitant to until we get
2 clarification on this matter so that we make sure that we
3 are in compliance and going forward.

4 I do want to say that we don't look at ourselves
5 as a childcare facility. The children are with us for two
6 hours, and Mom and Dad are not going to work during that
7 time, which is what I think of when I think of a
8 traditional childcare setting. They drop the children off
9 to go to work. Our parents are going to the grocery store
10 without a preschooler in tow. And if you've ever had a
11 child who's three or four years old or five, take them with
12 you to the grocery store, going without them is a very big
13 vacation. So we're providing that opportunity for them.
14 We're giving them that chance to go home and do some
15 cleaning without the child asking them questions or they're
16 going to take a nap. We've had one parent said I'm going
17 to take a shower that they haven't been able to get yet.

18 These are the things that our parents are doing
19 to better themselves while the children are with us or to
20 get other tasks done like errands and things of that
21 nature. They're not going to work. We're offering them a
22 program, and the parents are then able to be better parents
23 when the kids come back to them.

24 We are not in a position where we would want to
25 create a childcare facility. I'm a one-person department;

1 it is just me. We don't have that ability to create a
2 childcare center or have desire to go into that route.
3 That need is being met by our other businesses in the
4 township.

5 I do want to say, too, that we do meet a lot of
6 the requirements that are set forth by the regulations. We
7 have a sign in/sign out process that is very similar to
8 what people do in a childcare facility. Our staff have the
9 proper clearances and trainings and such like that. We
10 actually meet and exceed ratios. We do a lot of things
11 correctly. And if you look at the preschool protocol put
12 forth by PRPS, with a few minor modifications, we are in
13 compliance. And some of that is just renaming titles of
14 things.

15 But our buildings are our biggest issue. We have
16 park buildings. The preschool program is currently held in
17 a log home that dates to the 1750s. I guarantee you that
18 building will not pass the inspection necessary to get
19 childcare licensing to be done. However, it does pass
20 building codes. It would be compliant otherwise. It's a
21 safe building, but it would not meet the expectations that
22 a childcare center would be. In order for us to have a
23 facility that was compliant, we'd have to do a major
24 renovation or we would have to build a whole entire new
25 building, and that's just something that is not feasible

1 for our township to do, so our program would have to go
2 away.

3 I also want to mention that sometimes Parks and
4 Recreation departments have good relationships with their
5 local school district or other facilities within their
6 township. I'm trying to repair some damage that was done
7 way before my time, and we are not in a position right now
8 yet with our school district where we are welcome to bring
9 our programming into that. We're working on it. In a new
10 administration that might be something in the future, but
11 right now, I don't have access to the buildings of the
12 school or other facilities in the township that I could
13 utilize for this program. So that's something I'm sure I'm
14 not the only one who faces that either.

15 I just think that we need to have some clarity as
16 far as what we do. We are a part-time program that we run.
17 I personally have worked in childcare facilities before. I
18 understand the need for the regulation. I've worked at a
19 Keystone Stars facility that was a very high-achieving
20 center. I understand why there's a necessity for that.

21 I actually have a personal story. My son, who is
22 on the autism spectrum, was with a child daycare center
23 that we made very clear ahead of time of his needs and the
24 fact that he was an eloper. When he gets stressed out, he
25 runs. Well, my child got out of the building and the

1 teacher didn't follow him, and he was luckily brought back
2 into the building by a parent who just was coming in to
3 pick up a child. That childcare center eventually closed
4 themselves down before they could probably be shut down, so
5 I can understand the need for all of these regulations and
6 why they're important. But I don't think what we do fits
7 into that. I think we need our own set of regulations that
8 are separate from what a childcare facility is expected of.

9 I just wanted to say thank you for hearing a
10 personal side of the story as far as what we are doing in
11 the field, and I hope you consider amending things for us.
12 And thank you so much for listening to us.

13 MAJORITY CHAIRWOMAN BOBACK: Thank you, Ms.
14 Harris. Next, Ms. Sharapan.

15 MS. SHARAPAN: Hi. Good morning. My name is
16 Joanna Sharapan, and I am the Program Manager for Plymouth
17 Township Parks and Recreation. I actually started working
18 for Plymouth Township in 2000, so I've been there for 19
19 years. And in my 19 years I have personally organized,
20 facilitated, planned hundreds of recreational programs for
21 all ages in our community.

22 I would like to give you a little bit of
23 background about Plymouth Township and about our Mini
24 People camp, which is the preschool-age camp that we used
25 to run. Plymouth Township was established in 1922. We are

1 located in central Montgomery County. The township
2 consists of several departments, Parks and Recreation being
3 one of them, our police department, our fire and emergency
4 management, public works, zoning, codes, many departments.
5 We are a municipal government agency that is governed by
6 five elected officials.

7 And we are part of the Delaware Valley Insurance
8 Trust, which is where Mr. Beauchamp is from. They provide
9 risk management, legal counsel, inspections, continuing
10 education, all kinds of different stuff for my township and
11 many other townships in our area.

12 Our parks and rec department is fortunate enough
13 to have a 77,000 square-foot community center. We operate
14 our department out of the Greater Plymouth Community
15 Center. And in that building we actually have a room that
16 was built for preschool-age children to provide programs
17 for that age group.

18 We also use our parks and our public school
19 facilities to offer tons of different family programs,
20 adult programs, and all kinds of different things. We are
21 fortunate enough to have 18 full-time staff who work out of
22 our building, all of which are Child Protective Services
23 law-compliant and have college degrees, are all first aid,
24 CPR-certified, so we are very in tune with, you know, how
25 to run recreation programs. Our programs range from sports

1 leagues to swim lessons to special needs programs to summer
2 camps, aerobics classes, all kinds of different things.

3 Our Mini People camp actually started in 1993,
4 and it ran from 1993 until 2016. It is a six-week half-day
5 recreational program for children ages four to six years
6 old. This camp provides the children in our community
7 their first chance to be away from their parents, their own
8 autonomy, socialization, introductions into their
9 community. Many, many, many of our original campers have
10 also come back and have been hired in their first job as
11 counselors in this camp that they started in.

12 We actually had to see separation of our Mini
13 People program in 2016 after we were made aware of these
14 codes. So once the program was canceled, my people were
15 the people that were contacting Representative Daley's
16 office because they were very upset, you know, they put
17 their older children through our summer camp program and
18 now they're not going to be able to put their younger
19 children through the program. So, you know, they organized
20 themselves and contacted her office and other offices in
21 our area to express their concern about not having this
22 program.

23 As Chalet mentioned, we fit many different needs
24 in our community than a daycare does. We actually provided
25 our summer camp for residents for \$85 for the week. This

1 was a feeder program into our school age, our teen
2 programs, hiring them when they got of age to be able to
3 work. You know, this is where they made their first
4 friends, stepped out of their comfort zone, built
5 confidence, learned new things. It got them out of the
6 house. It introduced them to our police department, our
7 fire department, our emergency services where they learned
8 lifelong lessons from these people.

9 And a huge thing that we heard from parents is
10 that if they had a school-age child who was attending our
11 summer camp, it was very convenient for a parent to have
12 all of their children in one location. They might have
13 different pickup times, but they knew exactly where all of
14 their kids were, and they were comfortable with where they
15 were because they knew that they were in a safe,
16 comfortable environment.

17 We never, ever, ever considered Mini People a
18 daycare. We met for three hours a day. And like Chalet
19 said, you know, those aren't the parents that are going to
20 work who are using this as daycare.

21 I would like to talk a little bit about our
22 application process because we have been in the process of
23 trying to become certified since 2016. We are currently
24 still not certified. And by no means is my intention to
25 throw anybody from DHS under the bus or get anybody in any

1 kind of trouble, but we have really, really struggled to
2 get our certification.

3 We started the application process in 2016 when
4 we first were told about this requirement. We did operate
5 Mini People camp that year on a good-faith effort to become
6 certified at that time hopefully by the end of the summer.
7 But we then realized that that wasn't going to be feasible,
8 it wasn't going to happen, so we did what we needed to do
9 for 2016, we took a step back and said this isn't going to
10 happen for us this year, so let's regroup, get ourselves
11 together, and we decided to try again to apply for a
12 license in June of 2018. So we sent our second application
13 in June 2018 with the hopes of being licensed and ready to
14 go for summer of 2019.

15 So we submitted our second application. We went
16 back and forth with DHS. I thought we had all of our
17 paperwork in and we had some missing pieces, we filled it
18 out, and I had to wait six months to get any kind of
19 response back from DHS. And actually we ended up
20 contacting Ms. Vasquez because it had been six months and
21 we still hadn't heard anything. And when you're looking at
22 trying to get something started in a year, six months, half
23 your time is already over.

24 So when we did contact Ms. Vasquez, at that time
25 it was deemed that we had to submit a third application, so

1 we did so. We resubmitted our entire application, and we
2 were given a new representative to work with. So in June
3 of 2019 we had most of our paperwork in order, and we
4 actually had a DHS representative come out unannounced for
5 a visit and inspection. We had a few minor things that
6 needed to be done in order to receive our provisional
7 license. Everything was done and taken care of in August
8 of '19 with the exception of some transcripts that I had to
9 get for different staff Members. The transcripts were
10 eventually received by the end of August and submitted. So
11 I that we had everything taken care of.

12 I knew that we had to know the size of the room
13 in order to be able to tell how many children we could have
14 in our program, so at that time I requested that number as
15 well.

16 That same week I received notice that my college
17 degree did not fall under the early education or human
18 services umbrella and that I did not have enough other
19 credits to bridge the gap from my degree, which is in
20 recreation, to what was required to be considered the
21 Director of a childcare facility.

22 So when our DHS representative was out at the
23 community center in June, we came up with a very important
24 timeline together. And that timeline was to have
25 everything wrapped up in August of 2019 because it would be

1 very important for us to then be able to receive our
2 provisional license, which my understanding is the
3 provisional license then lasts six months, so that would
4 take us to January/February of 2020 where we would get
5 another inspection and then be given another provisional
6 license because we had to have children in our care in
7 order to get our final inspection for our final license.
8 So it was very important for us to get all of this wrapped
9 up, everything taken care of in August.

10 Unfortunately, sitting here in October, I still
11 have not heard back from anybody at DHS, so I have been
12 waiting since August for some kind of a reply. I sent more
13 information about my degree. I asked for additional
14 considerations in regards to my degree and my 19 years'
15 experience working at the community center. So sitting
16 here today I still have not heard back.

17 Also to back up a little bit, we had some
18 discrepancies with proving or defining our government
19 entity category, so we had to actually get a letter from
20 the IRS, the Department of Treasury, to prove our EIN
21 number. We did turn in the REV 1220 form, which stated
22 that we were a government entity and that it had our
23 Federal, you know, EIN number on there, and we got this
24 letter from the IRS and it stated the exact same number and
25 information that was on our other form that was submitted.

1 We also turned in a letter from the Pennsylvania Department
2 of Revenue that stated that we were a political
3 subdivision.

4 So it's just hard communicating who we are, and
5 it's because we're not a childcare facility. We are not a
6 daycare. We are a municipal parks and recreation
7 department. So it was kind of hard to convey that, and we
8 had to jump through, you know, quite a different things to
9 finally prove that.

10 I just want to take a step back also and talk
11 about me being the Director of the program. So I felt that
12 it would make the most sense, I'm doing all of the legwork,
13 the paperwork, that I would submit myself as the Director
14 of this summer camp. So I submitted my transcripts, and I
15 graduated from Lockhaven University with a degree in
16 recreation management. The recreation management field
17 actually falls in the Stephen Poorman College of Business,
18 Information Systems, and Human Services College at
19 Lockhaven University. So, I mean, right there it proves
20 that this is a human services field.

21 So I did submit that to my representative and was
22 hoping to hear back that possibly, you know, my degree
23 could qualify me to become the Director. I have worked
24 with this age group for 19 years since I started there, and
25 I really feel like my degree and my background should

1 qualify me to be considered a Director of a summer
2 recreation program for preschool-age children.

3 So, in conclusion, it's my understanding that
4 this code was revised in 2007, 2008, and we operated this
5 Mini People program from 2007 until 2016 without incident.
6 So I feel like we can still do that. We can still offer
7 this service without incident, without being licensed as a
8 childcare provider.

9 Also when the child protective services law went
10 into effect, the State did come to us because they did see
11 us as a key player in this. They knew we had youth leagues
12 and ran children's programs, so they came to us in 2015 and
13 said, hey, this is coming down the line. So we actually
14 had time to get everything in order, everything ready so
15 that we could comply and we do obviously.

16 The revision of this code I feel like it has
17 caused unintentional consequences that the State now has to
18 enforce. I feel like the State doesn't necessarily
19 understand that we are a recreation program and not a
20 childcare facility.

21 So I hope that that gives you a little bit of
22 background and that you can take into consideration our
23 situation.

24 And one last thing, I understand that DHS is very
25 concerned about children's safety and the safety of the

1 kids and the participants. And I feel like perhaps part of
2 their concern is that we are not accountable. We are not
3 held accountable. But we have elected officials, and you
4 guys know you hold us accountable. And our local
5 officials, they hold us accountable. We have our police
6 department that holds us accountable. We have our
7 insurance trust that holds us accountable.

8 I was having a conversation with one of our
9 police officers, our juvenile detective, and he said, you
10 know, when people put something through ChildLine, the
11 trickle-down effect is that it actually comes to the local
12 level, and it is the local level that then has to
13 investigate these accusations or claims. So, you know,
14 they hold us accountable. So thank you.

15 MAJORITY CHAIRWOMAN BOBACK: Thank you for your
16 testimony, Ms. Sharapan.

17 I'm going to ask Mr. Herd if you would join the
18 panel for questions and answers.

19 And I would like to tell you that we've been
20 joined by Representative Jack Rader from Monroe County and
21 Representative Danielle Friel Otten from Chester County.

22 I'd like to start with the question if I may. So
23 is every municipal -- I'm not going to call it a daycare.
24 Every municipal summer program or before- or afterschool
25 program, is that under the guise of parks and recreation of

1 the State or is it independent of that, some of them a
2 municipal -- they have like a summer program?

3 MR. HERD: For the most part they are municipal
4 or authority. There are a few recreation commissions,
5 regional commissions like one in Monroe County, but they
6 are municipally driven, yes.

7 MAJORITY CHAIRWOMAN BOBACK: But they're not
8 under the guise of Parks and Recreation?

9 MR. HERD: Yes.

10 MAJORITY CHAIRWOMAN BOBACK: They all are?

11 MR. HERD: Yes.

12 MAJORITY CHAIRWOMAN BOBACK: They have to be?

13 MR. HERD: Yes.

14 MAJORITY CHAIRWOMAN BOBACK: That's a criterion
15 that they must follow?

16 MR. HERD: If they're doing recreation programs,
17 yes.

18 MAJORITY CHAIRWOMAN BOBACK: Okay. Thank you.
19 Questions from our Committee?

20 Representative Toohil.

21 REPRESENTATIVE TOOHL: Thank you, Madam Chair.

22 For the panel, so does everyone in your programs
23 have child-abuse clearances, all of the adults?

24 FEMALE SPEAKER: Yes.

25 REPRESENTATIVE TOOHL: So are both of your

1 programs two hours long for the preschool age?

2 MS. SHARAPAN: Mine was three.

3 MS. HARRIS: Mine's two.

4 REPRESENTATIVE TOOHL: And do you have any
5 Federally funded or State-funded food or snacks?

6 MS. HARRIS: Ours does not. The school has
7 partnered with the Federally funded program, and they do
8 have an option for children to have free breakfast and
9 lunch four days a week, but that's something the school has
10 done. Snack is provided by parents in our case.

11 MS. SHARAPAN: We do not.

12 REPRESENTATIVE TOOHL: Okay. Thank you. And
13 just I thought it was unique that you are insured and that
14 you're closely associated with municipal police, which is
15 unique and interesting. And also just a point that higher
16 economic brackets are able to afford and access these types
17 of Mommy and Me programs, so it's nice to see that you're
18 doing it in communities where community members might not
19 be able to afford those types of programs.

20 Thank you, Madam Chair.

21 MAJORITY CHAIRWOMAN BOBACK: Thank you.

22 Representative Friel Otten.

23 REPRESENTATIVE FRIEL OTTEN: Thank you, Madam
24 Chair.

25 So I used to serve on my township parks and rec

1 board, so I'm pretty familiar with the programs that you're
2 running. And I guess my question would be what would the
3 impact be for municipalities if this were to change and if
4 you were required to get your State accreditation? I
5 imagine it might become something that would create a
6 financial burden that may make some municipalities consider
7 not offering these programs.

8 MS. SHARAPAN: A lot of us are not offering --

9 REPRESENTATIVE FRIEL OTTEN: Can you expand that?

10 MS. SHARAPAN: Sorry. A lot of us are already
11 not offering them. And honestly, there is a financial
12 burden, but obviously to get licensed it does not cost to
13 get licensed. The cost comes in with dedicating one person
14 to keeping up with this license when what you're offering
15 is a six-week program. And obviously you have to renew
16 every year, so it's hard. It's very hard. And I think
17 most of us will not offer these programs.

18 MS. HARRIS: I've continued to run mine despite
19 the changes because I felt it was essential for our
20 children to keep it up and also don't feel we -- I was
21 hoping on good faith that this would be changing. For us,
22 it's an expense for us because our facilities are not -- I
23 don't have a nice facility that she has in my township. We
24 would have to renovate or build an entirely new space,
25 which is not something that's feasible for us at all. We

1 are a large municipality, but we don't have a big budget,
2 so we'd have to cancel programs. And I have not done
3 additional preschool programming on purpose until this gets
4 cleared up. We have the ability of offering more, but we
5 choose not to until we get answers on this.

6 And just to clarify, my children in my program
7 are with us for a total of 46 hours in six weeks. When I
8 taught in childcare, I had kids with me for 46 hours a
9 week, you know, where their parent is at -- you know, they
10 are in a daycare setting while their parent is at work.
11 Mine are 46 hours over the course of six weeks, and that's
12 the only program I run through the whole year. So it's
13 very hard to make us adhere to the same levels of what
14 you're expecting a company that's open 12 hours a day
15 that's a for-profit business, which is like the daycare
16 center I used to work at. I can't compete with that. I
17 never would be able to do that in my township.

18 MR. HERD: There have been quite a few of
19 agencies that have simply canceled the program, and that
20 takes it away from the community and the popularity and the
21 demand for it. It also reduces revenues that are brought
22 in and jobs that are created by not having it. But for the
23 most part the impact on most is just simply not feasible to
24 comply and they just drop it.

25 In the written testimony there's a couple other

1 statistics and comments on the impact.

2 MAJORITY CHAIRWOMAN BOBACK: Thank you.

3 Representative Schroeder.

4 REPRESENTATIVE SCHROEDER: Thank you, Chair. I
5 had a quick question. So you were explaining to us your
6 application process and you had to go through a third one.
7 Why did you have to put so many in? I'm not understanding
8 that process.

9 MS. SHARAPAN: Well, we applied for the first
10 time in 2016, and it was our choice to not finish that
11 certification and then try again in June of 2018.

12 REPRESENTATIVE SCHROEDER: Okay.

13 MS. SHARAPAN: We tried again in 2018, and then
14 when we hadn't heard from anybody in those six months, when
15 we finally did hear back, we were instructed to reapply.

16 REPRESENTATIVE SCHROEDER: Reapply?

17 MS. SHARAPAN: Yes.

18 REPRESENTATIVE SCHROEDER: Okay.

19 MS. SHARAPAN: So one was our choice, and one was
20 not.

21 REPRESENTATIVE SCHROEDER: Okay. And I have a
22 five-year-old. I, you know, Mommy and Me, music making
23 class in one of my municipalities a lot of moms were using
24 for a while there. A lot of these are outdoor activities,
25 right, too, so it's weird to be maybe put in that same box

1 as daycare I think anyway because they're very different.
2 But also opportunities for internships or camp counselors
3 with, you know, older students going through college and
4 stuff, do you see a lot of that? And that would kind of
5 hinder that opportunity for them as well in their field,
6 right?

7 MR. HERD: Yes.

8 MS. SHARAPAN: Absolutely.

9 MR. HERD: Yes.

10 REPRESENTATIVE SCHROEDER: Okay. Thank you.

11 MR. HERD: I might add to the previous question,
12 in Haverford Township where their preschool program is in
13 conjunction with schools and are in the school buildings,
14 they don't own the buildings. Their agreement is to
15 provide the programming. So to certify that or to try to
16 certify that program would just shut it down because
17 they're not going to be able to get the schools to do that.

18 MAJORITY CHAIRWOMAN BOBACK: Chairman Petrarca.

19 DEMOCRATIC CHAIRMAN PETRARCA: Thanks, Karen.

20 These programs are, I think, important in all of
21 our districts, certainly my district in southwestern
22 Pennsylvania. And, as a parent, I think we all remember
23 those situations and those summers where our children went
24 through these kinds of activities.

25 And I guess I don't really understand what's

1 going on with DHS and your application and that process.
2 Maybe we will be enlightened. I know that DHS, like many
3 of our agencies, have a lot going on --

4 MS. SHARAPAN: Absolutely.

5 DEMOCRATIC CHAIRMAN PETRARCA: -- and children
6 and their safety certainly of the utmost importance. But
7 I'm curious to see what is going on with that.

8 To me, I had hoped and maybe still hope that this
9 is, you know, a very large miscommunication because I don't
10 really understand, you know, comparing the municipal, you
11 know, operations and the private daycares.

12 But, Mr. Herd, I'm sorry I missed some of your
13 testimony, but have there been different discussions with
14 DHS where there is some confusion here in your opinion?

15 MR. HERD: We started in 2016. We did a member
16 survey of our members to find out who is doing preschool
17 programs and what the impact would be. And we actually met
18 with Tanya and her staff in the OCDEL office in January of
19 '17 where we tried to explain what recreation is and how we
20 do it. And at the time we understood that they had some
21 discretion in enforcing, so we said great, and that's when
22 we went back and we developed the protocol. And by May of
23 '17 we submitted that to them thinking that perhaps, all
24 right, this can be the compromise.

25 And essentially we were turned down flat and said

1 they will help anyone who wants to to work through the
2 process. Well, that's not actually what we were trying to
3 do. So it was after that that we thought, well, that
4 discussion is falling flat. What we think we need is a
5 legislative fix to bring that clarity. So that's brought
6 us to today.

7 DEMOCRATIC CHAIRMAN PETRARCA: Thank you.

8 MAJORITY CHAIRWOMAN BOBACK: Representative
9 Rader.

10 REPRESENTATIVE RADER: You mentioned there's
11 someone in Monroe County doing this. Could you tell me who
12 that is?

13 MR. HERD: Well, there's Stroud Region Open Space
14 and Recreation --

15 REPRESENTATIVE RADER: Okay.

16 MR. HERD: -- Commission. I was the Executive
17 Director there --

18 REPRESENTATIVE RADER: So that's where --

19 MR. HERD: -- a few years ago.

20 REPRESENTATIVE RADER: Yes. And I was a part of
21 Jackson Township's Open Space --

22 MR. HERD: Yes.

23 REPRESENTATIVE RADER: -- I know they did a few
24 things, but they did not do this.

25 MR. HERD: Yes.

1 REPRESENTATIVE RADER: Yes, okay. Thank you.

2 MAJORITY CHAIRWOMAN BOBACK: I think what I'm
3 hearing -- and feel free, any of you, to jump in -- but
4 it's the clarity. Some are under the auspices of Parks and
5 Recreation, some are under municipal authority?

6 MR. HERD: Well, most Parks and Recreation
7 departments are a municipal department.

8 MAJORITY CHAIRWOMAN BOBACK: Most but not all?

9 MR. HERD: There are some -- Ephrata rec center
10 is a separate entity, and this is why we put it in the
11 language of the bill, those that adhere to the protocol as
12 adopted by municipal ordinance or resolutions. So the
13 Ephrata rec center, for example, have to answer to the
14 borough of Ephrata. And if they enact this by resolution
15 and then that would cover them.

16 MAJORITY CHAIRWOMAN BOBACK: See, what I'm not
17 sure about, though, my municipalities that would offer a
18 program like this, I don't know if they're under Parks and
19 Recreation. That's something I would need to ask, I guess,
20 but I think that, in essence, is a part of the
21 clarification because if a municipality is doing it this
22 way and hiring high school students with one Director --

23 MR. HERD: Well, that's why we established the
24 protocol, to bring some standardization to the program as
25 well.

1 MAJORITY CHAIRWOMAN BOBACK: But you have Parks
2 and Recreation, so wouldn't my municipality have to go
3 through you first then to establish that protocol?

4 MR. HERD: If they adopt this protocol, they say
5 this is how we are going to operate. Then the way we are
6 talking that if this is established so, then it's fine.
7 But --

8 MAJORITY CHAIRWOMAN BOBACK: If it's established.

9 MR. HERD: But if there are places that choose
10 not to adopt our protocol, then certainly they're going to
11 have to answer to the child daycare centers regulations.

12 MAJORITY CHAIRWOMAN BOBACK: And does every
13 municipality know that you have a protocol that they could
14 go to parks? Because this is new to me. That's why we're
15 having the hearing to learn about this issue.

16 MR. HERD: No, not everybody knows.

17 MAJORITY CHAIRWOMAN BOBACK: That's another part
18 of the problem.

19 MR. HERD: Yes.

20 MAJORITY CHAIRWOMAN BOBACK: Okay. I think we're
21 getting to the nitty-gritty now. And I think what
22 Department of Human Services is looking for is that
23 constant variable. And maybe what they are -- well, we'll
24 hear from them. I'll let you speak on your own. But I'm
25 going the aha moment, aha. How can you have a municipality

1 that hires only high school students with one Director if
2 in fact they do that in this day and age? I don't know.
3 At one time they did because the high school students would
4 raise money that way. But are they qualified to take care
5 of young ones, especially preschoolers? And do they still
6 do that? I don't know. So I'm looking for answers with
7 the next panel. But you've sparked my brain. You've
8 tickled my brain, so hopefully we'll find some answers with
9 the next panel.

10 But I do want to thank you so much. And if you'd
11 like to wait and hear what DHS has to say, you're certainly
12 welcome.

13 Did you have something else, Chalet?

14 MS. HARRIS: I just wanted to mention how we
15 work. I'm actually employed by my municipality. We have a
16 Parks and Recreation department in the municipality, and I
17 am a member of Pennsylvania Rec and Parks Society, so
18 that's how the information train factors through with how I
19 get the information. So to help with the clarity question,
20 that's how it works with us, municipal parks and rec, and
21 then I get the information from the committee that we're
22 part of.

23 MR. HERD: There are smaller --

24 MS. HARRIS: Organization.

25 MR. HERD: -- boroughs and townships that may

1 have a volunteer park and rec board, and for the most part
2 they're not attempting this kind of programming.

3 MS. HARRIS: They don't even know --

4 MR. HERD: They don't have the staff or the
5 expertise. But they may exist, but you won't see this
6 issue as a prime --

7 MAJORITY CHAIRWOMAN BOBACK: Or do they have like
8 a municipal playground and they allow parents to come and
9 who is surveilling that? So, again, I'm looking for
10 answers with the Department because it just seems
11 inconsistent. What you're offering certainly sounds valid
12 and secure, and of course it's always in public safety is
13 what we're looking for. So I thank you.

14 Any other questions?

15 All right. Thank you very much for being here.

16 MR. HERD: We thank you.

17 MAJORITY CHAIRWOMAN BOBACK: We appreciate it.

18 MR. HERD: Yes.

19 MAJORITY CHAIRWOMAN BOBACK: Next, we have the
20 Office of Child Development and Early Learning. We have
21 Tanya Vasquez, Director of Certification Services. And we
22 have Tracey Campanini, Deputy Secretary. Did I get the
23 name correct?

24 MS. CAMPANINI: You absolutely did. I am
25 impressed.

1 MAJORITY CHAIRWOMAN BOBACK: It's the Italian
2 gene in me.

3 MS. CAMPANINI: Thank you. So good morning. We
4 worked together to combine our testimony, which I believe
5 you also should have a copy of.

6 As the Deputy Secretary of the Office of Child
7 Development, our office is focused on the licensing of
8 childcare settings across the Commonwealth. And just to
9 echo what Mr. Herd says, we're not here to argue, but we
10 are here just to share our perspective on the issue and to
11 speak back to that concern around the general health and
12 safety of young children out of their parental care.

13 So I'm going to turn this over to Tanya, who is
14 our expert in talking about certification services.

15 MS. VASQUEZ: Good morning. My name is Tanya
16 Vasquez, and I am the Certification Director of the Office
17 of Child Development and Early Learning -- I'll refer to
18 that OCDEL throughout the testimony -- and the Department
19 of Human Services, DHS. Thank you for the opportunity to
20 testify today regarding how the State regulates childcare
21 programs and its implication for preschoolers attending
22 summer camps.

23 I will give an overview of childcare licensing,
24 provide clarification around childcare licensing and
25 municipal recreation programs, and discuss our concerns

1 with House Bill 1831 and a proposal by the Pennsylvania
2 Parks and Rec Society.

3 So the Bureau of Certification Services, it's
4 within, again, OCDEL. We impact the lives of thousands of
5 children and families throughout the Commonwealth of
6 Pennsylvania. The bureau has the responsibility to certify
7 childcare facilities. I say certify; license is a common
8 term. We use certify. It is one in the same. And there
9 are currently 4,895 childcare centers, which are facilities
10 serving more than seven children; 709 group childcare
11 homes, which are facilities serving 7 to 12 unrelated
12 children; and 1,553 family childcare homes, and these are
13 facilities serving four to six unrelated children. They
14 care for approximately 300,000 children on any given day in
15 the Commonwealth.

16 Of all the various types of facilities regulated
17 by the Department of Human Services, childcare represents
18 the largest group. The bureau staff inspect childcare
19 facilities to ensure they are following the law, Article 9
20 and 10 of the Human Service Code, and the childcare
21 regulations authorized by the law. That's Chapter 3270 for
22 childcare centers, Chapter 3280 for group childcare homes,
23 and Chapter 3290 for family childcare homes. Certification
24 staff make more than 13,000 visits to childcare facilities
25 on an annual basis.

1 So regulations identify the minimum level of
2 compliance necessary to obtain the Department's certificate
3 of compliance or license and provides standards to aid in
4 protecting the health, safety, rights of children, and to
5 reduce risks to children. If a childcare facility is
6 compliant, regulations require the facility to post the
7 license in a conspicuous location with instructions for
8 parents on how to contact the appropriate regional OCDEL
9 office. If a childcare facility does not meet regulations,
10 the facility is cited. The facility can receive a
11 provisional license or, if necessary, a license revocation.

12 Some licensing exemptions exist within childcare
13 regulations for programs serving children. The exemption
14 relevant to our discussion today is the exemption in Title
15 55, Chapter 3270.3 A(1), which exempts a part-day school-
16 age program that operates for less than 90 consecutive days
17 per calendar year from the date the program opens to the
18 date the program closes. The exemption allows children who
19 have completed kindergarten or who are older to participate
20 in summer camp programs that are not regulated by any
21 authority.

22 As you consider House Bill 1831, it is important
23 to understand that distinction. OCDEL does not require
24 summer camps to operate as certified childcare providers if
25 they choose to serve children who have at minimum completed

1 kindergarten. We are strongly opposed to exempting
2 municipalities from licensure when serving preschool
3 children in summer camps.

4 DHS has the following concerns with the proposal
5 shared with us by the Pennsylvania Parks and Rec Society
6 and the proposed House Bill 1831. Parks and rec's programs
7 are not monitored to ensure compliance. There is no
8 licensing or oversight authority. Staff who have the
9 responsibility for children and who are included in the
10 staff-to-child ratio may be as young as 16 years of age in
11 the proposal. Current childcare regulations require a
12 minimum age of 18.

13 The proposal does not contain specific
14 requirements for transportation. Under current DHS
15 regulations, an individual transporting children may not be
16 considered part of the staff-child ratio when preschool
17 children are included.

18 The proposal does not provide specific
19 requirements for preschool-aged children under swimming
20 activities taking place beyond requiring a lifeguard to be
21 present. Under current DHS regulations, when a swimming
22 activity occurs with preschool children, a qualified
23 lifeguard must be present and may not be included in the
24 staff-to-child ratio. Further, childcare regulations
25 require an additional lifeguard to be on duty beyond those

1 designated by the swim facility operator. This extra
2 person is designated to specifically monitor the childcare
3 children.

4 The proposal does not address summer camp staff
5 competencies, especially training and knowledge of very
6 young children. Three- to four-year-old children have not
7 yet reached certain developmental milestones. They're not
8 able to follow directions or be independent, which is why
9 kindergarten generally starts around age five. Many three-
10 year-olds are still working to dress themselves and take
11 care of their own toileting needs. They eat things off the
12 ground. They nap after lunch. They find joy in mess and
13 no joy in standing in lines. They need help transitioning
14 from one activity to another, and they need someone to open
15 their lunch for them and help them with their drinks.

16 The proposal does not require an assessment of
17 the safety of the child's environment such as an outdoor
18 playground area as part of the program. A key component of
19 licensure under DHS regulations is that assessment by
20 inspectors to ensure toxins and environmental safety
21 hazards are not present. OCDEL is supportive of
22 programming offered by municipal recreation programs in
23 affording school-age children an opportunity to participate
24 in the summer camps.

25 I want to thank the Committee for your dedication

1 to ensuring safety and well-being of Pennsylvania's
2 children and families and the opportunity to testify today.
3 Thank you.

4 MAJORITY CHAIRWOMAN BOBACK: Thank you, Ms.
5 Vasquez. I'd like to mention that we've been joined by
6 Representative Nesbit from Mercer/Butler Counties.

7 So it sounds as if as long as these programs are
8 offered to students, children five years or older,
9 kindergarten completion or older, they're fine?

10 MS. VASQUEZ: That is correct, yes. There is no
11 licensure required.

12 MAJORITY CHAIRWOMAN BOBACK: Thank you.
13 Questions? Representative Rader?

14 REPRESENTATIVE RADER: It sounds like they've
15 been doing this for a long period of time. Do you know how
16 many of the major safety issues have happened in the years
17 subsequent to this when they were operating without the
18 license? Do you have any idea?

19 MS. VASQUEZ: I would have no idea. We do track
20 incidents of certified facilities, but I would not have
21 information for uncertified facilities.

22 REPRESENTATIVE RADER: Okay. Thank you.

23 MAJORITY CHAIRWOMAN BOBACK: Representative Friel
24 Otten.

25 REPRESENTATIVE FRIEL OTTEN: So I can certainly

1 appreciate your concerns. I have a four-year-old and a
2 five-and-a-half-year-old, so I have one in one category and
3 one in the other. And so I guess I have two questions.
4 One is if we're not applying this rule to camp programs
5 that serve five-year-olds, I would have a concern as a
6 parent that some of those things weren't a requirement for
7 my five-year-old, especially, you know, safety of
8 playgrounds, environmental concerns.

9 My son, who's five and a half, has a very severe
10 dairy allergy, so one of the things that we worry about is
11 like sharing of food and things like that and, you know, if
12 a 16-year-old who didn't quite understand the severity of
13 food allergies was overseeing that, that would be a concern
14 of mine.

15 And for my four-year-old, I know that we struggle
16 with things for her to do in the summer and that her
17 brother gets to maybe go to a two-hour or three-hour camp
18 program and have a fun time, and she's not old enough
19 because we do have one of those township municipalities
20 where we have a volunteer parks and rec board. We don't
21 have these preschool programs. But I do know we have a
22 local moms group that has come together to create those
23 programs for our kids because the municipality doesn't.
24 And so, you know, we have preschool play dates and things
25 like that, which obviously there's parents supervising.

1 So I guess my question is kind of around like I
2 have a four-year-old and a five-and-a-half-year-old. I
3 would really as a parent like to see them both kind of have
4 the same oversight, but also, I'd love to see my four-year-
5 old have opportunities as well. And how do we balance
6 that? Is there a middle ground? How do we work with local
7 municipalities to be able to provide these programs under
8 guidelines without having to restrict them to the point
9 where they wouldn't want to offer the program because
10 there's too much to deal with? Is there a middle ground
11 here?

12 MS. CAMPANINI: So I'll adjust the consistency in
13 programming for your four-year-old and five-year-old. I
14 think as we look at preschool programs developmentally, the
15 expectation is is that children are starting a preschool
16 program per the Department of Education's standards or
17 commonly accepted practices at two years seven months or
18 older, and that that's typically the window of time until
19 they transition into kindergarten when they're accepted
20 into those environments.

21 So certainly there is always going to be
22 circumstances where families have younger siblings and are
23 dealing with that sort of unfairness of an older child
24 being able to go and participate in a program, but it also
25 sets up a tone of creating interest and momentum as the

1 younger child approaches their special time to be able to
2 transition to those activities. So in terms of supporting
3 families, I understand how that presents a challenge, but
4 it's common practice where older children are usually
5 entering into program services prior to their younger
6 siblings.

7 In terms of middle ground, I think from the
8 perspective that we talk frequently about within our office
9 is that we feel that the exemptions are set out within the
10 chapters in 3270 around when we have the opportunity to not
11 adhere to program regulations. And so I think we're doing
12 our best to adhere with what the regulations are and be
13 compliant and supportive where we can be. And I don't
14 know, Tanya, if you want to add anything to that.

15 MS. VASQUEZ: The only thing I would add is that
16 Mr. Herd did mention I believe the Lancaster rec program
17 and there are other programs, I believe Spring Grove
18 Municipality, over the years, they do have certified
19 programs and they are licensed. And the Department does
20 work with providers who wish to become certified. And we
21 have, again, almost 7,200 certified programs throughout the
22 Commonwealth. And we would continue to offer our
23 assistance to work with programs who do wish to become
24 certified.

25 MAJORITY CHAIRWOMAN BOBACK: Do you know how many

1 municipalities actually take advantage of the
2 certification?

3 MS. VASQUEZ: I can't give you a number off the
4 top of my head, but I do know I worked with Spring Grove
5 municipality. That's been quite some time ago. As I said,
6 Lancaster rec program has many programs that are certified.
7 I'm not sure though. I can't give you a number.

8 MAJORITY CHAIRWOMAN BOBACK: Thank you.

9 MS. CAMPANINI: Can I add just a piece of
10 clarification? The way our office finds out about the
11 operation of a preschool-serving municipal program is when
12 somebody calls in with a complaint. We found that there's
13 often the expectation that parents feel that providers are
14 licensed, and so they understand who they can reach out to
15 to sort of voice concerns or frustrations. Without a
16 complaint, we don't have any mechanism to understand what
17 the realm of operation is across this provider type, so
18 we're only hearing about those incidences where there might
19 be a challenge or concern.

20 MAJORITY CHAIRWOMAN BOBACK: And when you do
21 grant certification for those under five or under
22 kindergarten age, what is the liability? I mean, do you
23 mandate that they have liability insurance? I was just
24 wondering if that was a criterion.

25 MS. VASQUEZ: It is a requirement under the

1 regulations for childcare centers and group childcare homes
2 that they have liability insurance, yes.

3 MAJORITY CHAIRWOMAN BOBACK: Chairman Petrarca?

4 DEMOCRATIC CHAIRMAN PETRARCA: Thank you, ladies.
5 You know, as I listen to this and start to understand more
6 about this, it seems to me that we're going to lose more
7 municipal programs across Pennsylvania than we're going to
8 gain. And how many municipalities -- I mean, do you have a
9 lot of open files or cases of municipalities trying to be
10 certified currently?

11 MS. VASQUEZ: Again, I am aware of a few, but I
12 also have six regional offices throughout the Commonwealth
13 in Pittsburgh, Scranton, Harrisburg, Philadelphia,
14 Johnstown, and Selinsgrove, so I'm not aware of everything
15 that the region -- because it's our regional office staff
16 that would be working with these providers, so I would not
17 know that information.

18 DEMOCRATIC CHAIRMAN PETRARCA: Why would a
19 situation have occurred like has or is occurring in
20 Plymouth Township I guess it is? What is going on there?
21 Why would they have had to submit numerous applications and
22 still haven't had it resolved to this point? I guess I
23 don't understand that. And if this process is so difficult
24 for them, I guess I can, you know, see that it would be
25 difficult for many municipalities, organizations across the

1 Commonwealth.

2 MS. VASQUEZ: Although there is a requirement
3 that a prospective operator attend both an online and an
4 in-person orientation, I can tell you that the majority of
5 the applications received in the regional office are
6 incomplete meaning they do not have all of the documents
7 required for what is a complete application. When that
8 happens, the regional office does return the entire
9 application packet to the legal entity, and that is -- I
10 can't speak with certainty, but I will look into that if
11 that's what happened in this case, that we returned it
12 because there were incomplete pieces of the application,
13 and then the applicant has to resubmit everything.

14 After that, there is a four- to six-week waiting
15 period once we get a complete application until it is
16 reviewed and assigned to a certification rep to conduct an
17 initial inspection. I am unsure of why there's been a two-
18 month delay in responding, and I will look into that. I
19 was not aware of that until today.

20 DEMOCRATIC CHAIRMAN PETRARCA: Yes, it sounds
21 like that has been going on longer than obviously two
22 months there.

23 And what about the other issue with Ms. Sharapan
24 from Plymouth Township in terms of being a Director? If
25 her credentials and degree, you know, are not suitable to

1 be a Director, again, I look at this as a problem that's
2 going to be occurring all over Pennsylvania. And what is
3 the reason there? Is there reason there that that is
4 happening?

5 MS. VASQUEZ: We look at the qualifications under
6 the regulations that require an individual have a degree in
7 education or human services. There is a defined list of
8 what is human services. So in addition to what the degree
9 is, we would have to look at that based upon her
10 qualifications, and then there would be additional credits
11 required and childcare experience.

12 DEMOCRATIC CHAIRMAN PETRARCA: Okay. I don't
13 know where Plymouth Township is, but I would appreciate you
14 looking into those situations. Thank you.

15 MAJORITY CHAIRWOMAN BOBACK: Representative Friel
16 Otten.

17 REPRESENTATIVE FRIEL OTTEN: Thank you, Ms.
18 Chair.

19 So I guess my question becomes what is the
20 difference between the safety requirements for kids who've
21 completed kindergarten and kids who haven't completed
22 kindergarten, and why would we hold these programs
23 accountable differently? You know, being the parent of two
24 children that are in those age groups, I guess I don't
25 really understand the difference in oversight. I get it

1 that like my older son has a little bit more ability to
2 communicate with me and to, you know, be independent, but,
3 you know, safety of playgrounds, food oversight, health and
4 safety issues, he's certainly not capable of managing on
5 his own.

6 So I guess I'm having a disconnect on why we
7 would treat preschool differently than first grade. And I
8 don't necessarily have a strong opinion one way or another
9 whether we should or shouldn't require these things. I
10 guess I feel like it should be consistent. And so if we're
11 going to require it of preschool programs, we should
12 probably be requiring it of school-age programs, too. And
13 I guess I just don't understand the difference in why we
14 would offer the exemption for six-year-olds that we
15 wouldn't offer for four-year-olds.

16 And like I guess again the question is is there a
17 middle ground? Is there a way to get there and make --
18 because, ultimately, we want to offer more programs for
19 kids, right? Like that's the goal. So how do we make this
20 more doable at the municipal level and empower local
21 municipalities to be able to offer these programs versus
22 trying to, you know, create some kind of hard line between
23 a four-year-old and a five-year-old, which, as a parent of
24 one of each, I just don't see a lot of difference when it
25 comes to health and safety. So can you maybe -- I'm sorry

1 to keep asking that question.

2 MS. CAMPANINI: That's okay. So I can't speak to
3 how the regulation was established, but as we've had
4 conversations about this, both Tanya and I have been part
5 of the OCDEL team over the course of time when the parks
6 and rec have brought this issue to the office. As we've
7 put our heads together through a leadership capacity, we
8 still feel comfortable that after a kindergarten child has
9 experienced a year of formal education, they're often
10 receiving increasing levels of responsibility in terms of
11 their personal self-management within the school setting
12 that they're more accustomed to being in that structured
13 setting that a parks and recreation summer program may
14 offer them. And so we look at that as being a
15 developmental gain that perhaps a young child who is aged
16 three or four or in some cases even a little bit younger
17 hasn't yet achieved yet.

18 So as we've talked about sort of what our
19 position is on the issue, we do see that developmentally
20 there's a difference between a preschool-age child and the
21 majority of children who have finished their kindergarten
22 year. So we think that that, in terms of being able to
23 afford them continued access to an enrichment program is
24 what the distinction is when we're looking at the
25 conversation and defining preschool as different than

1 school-age participants.

2 And I don't disagree with you. The items that we
3 hold to high regard and related to health and safety, there
4 should be consistency. But when we look at the application
5 of what we're responsible for, I think that's why we felt
6 that we should continue to hold the position around
7 preschool children and younger. And, again -- okay.

8 MS. VASQUEZ: That's fine.

9 MAJORITY CHAIRWOMAN BOBACK: Thank you.

10 Representative Nesbit.

11 REPRESENTATIVE NESBIT: Yes, thank you, Madam
12 Chair.

13 I guess my concern is an overarching thing that
14 we're overregulating some of these activities to the point
15 we're having unintended consequences to where now, because
16 of some of the regulations coming in my district -- I'll
17 just speak for my district -- we've lost some church
18 daycares, we've lost some -- and people are not able to
19 find -- every daycare that I'm aware of has a waiting list
20 at this point. So if we continue with this, we're going to
21 end up the unintended consequences of having completely
22 unregulated, you know, people where they're not supposed to
23 be.

24 And so I guess I would follow up. Is it a lot of
25 complaints that you're getting? Because you said you only

1 know about problems if people report them. I mean, is it a
2 lot of the parents complaining? Do we have a lot of the
3 safety issues? Because I just have a hard time figuring
4 out that the municipalities would not be compliant just
5 based on regulations already, based on liability, based on,
6 you know, it's open to the public. So, I mean, is it a
7 pressing concern that we're trying to clamp down? I just
8 worry we're going to put good programs out and we're going
9 to force people into the, for lack of a better term,
10 underground daycares if that makes sense.

11 MS. VASQUEZ: We probably last year received
12 about 2,500 complaints. There were very few of those that
13 involved this type of complaint, whether it's a
14 municipality where a child has been injured or unsupervised
15 or operating illegally. So it is a very small percentage.
16 Generally, as Tracey said, it does come to us in that
17 realm, though, that something does happen perhaps and then
18 a parent calls and wishes to make a complaint, and then we
19 find that this particular program is not certified. That's
20 generally how they come to our awareness. But I can't say
21 that we have received a lot of complaints from --

22 REPRESENTATIVE NESBIT: Okay.

23 MS. VASQUEZ: -- these types of programs.

24 REPRESENTATIVE NESBIT: But roughly 2,500 across
25 the State?

1 MS. VASQUEZ: Twenty-five hundred complaints,
2 whether that's regulated facilities where someone is
3 contacting us because there is an allegation that they are
4 not complying with regulations or that someone is calling
5 us because they think this program is operating without a
6 license.

7 REPRESENTATIVE NESBIT: Okay.

8 MS. CAMPANINI: That's not specific to summer
9 camps.

10 MS. VASQUEZ: Right.

11 MS. CAMPANINI: That's the universe of complaints
12 that we receive.

13 REPRESENTATIVE NESBIT: And that's total across
14 the board?

15 MS. CAMPANINI: Correct.

16 REPRESENTATIVE NESBIT: Okay. And is the
17 licensing for traditional daycare not in a summer camp, is
18 it similar to what you just described, education degree and
19 staffing ratios and those things? Are they kind of steady
20 across the board from summer to traditional?

21 MS. VASQUEZ: Yes. Yes. We apply the same set
22 of regulations for any program who wishes to become
23 certified, whether it's a summer program, a 12-year
24 program, a nine-month program such as our school-age
25 programs. It's the same regulations that are assessed and

1 applied.

2 REPRESENTATIVE NESBIT: Okay. Thank you.

3 MAJORITY CHAIRWOMAN BOBACK: Do you know how many
4 of these programs do even accept children under the age of
5 five? I'm sorry I didn't ask Mr. Herd that, but are there
6 many that would accept -- that's another question I have.

7 MS. VASQUEZ: I believe there are -- from my
8 understanding in my discussion and my meeting with Mr. Herd
9 a few years ago I believe there are quite a few, but
10 perhaps he would be better able to answer that. But I
11 believe, yes, there are many programs that have three- and
12 four-year-olds.

13 MAJORITY CHAIRWOMAN BOBACK: Representative
14 Schroeder.

15 REPRESENTATIVE SCHRODER: Thank you, Chair.

16 Representative Nesbit actually asked one of my
17 questions, so I guess I want to just leave with this. I
18 guess as a parent who has a young child, having the options
19 available to me to make that consumer choice of where I
20 would want to send my child, it's not something mandatory
21 that we send our children to this type of camp or program.
22 You know, you have many options to choose from, so it's
23 just giving another option I think for parents and to
24 empower our parents or empower municipalities to kind of do
25 what fits their area and their community best. So I feel

1 like we shouldn't accidentally overregulate where we're not
2 making this available for people. I'd just like to
3 emphasize that.

4 MAJORITY CHAIRWOMAN BOBACK: Representative
5 Miller.

6 REPRESENTATIVE MILLER: Thank you. And thank you
7 for your testimony.

8 I'm not going to repeat a lot of what was said
9 previously, but I do share the concern that there does not
10 appear to be a need for this and that these regulations in
11 fact will result in less programs for the young people,
12 which we need.

13 My question to you goes to the application
14 process. Someone applies, and it was referenced earlier
15 about six months. What is the process for taking such an
16 amount of time? Why is that?

17 MS. VASQUEZ: Again, I can't speak to the
18 specific situation provided because I do not know the
19 details of that. I know there are many reasons. We've
20 received a complete application, we've gone out, we've done
21 inspections, we might issue a citation regarding a specific
22 regulation that's not in compliance. We issue an
23 inspection summary, and there have been situations where
24 we've never received the plan of correction from the
25 provider. So we can't do anything as a department with

1 that particular application to move forward to issue a
2 license to operate because they have to provide a plan of
3 correction. I mean, so that's just one example.

4 Typically, again, when we do an initial
5 inspection, if the provider is in compliance with all
6 relations, then we issue the license right away for them to
7 operate. So there was something here in this situation
8 that I don't know why this particular situation has been
9 held up this long.

10 MS. CAMPANINI: So I will clarify a part of that
11 process is when the initial license to operate is issued,
12 that's a provisional license that does run for six months.
13 We want to make sure that providers are maintaining their
14 compliance with all of the regulations, and so at the end
15 of that six-month period if the license has been issued,
16 they have another unannounced inspection to confirm that
17 they're maintaining their compliance. And then at that
18 time if there are children in care and they're complaint,
19 they can be issued a full certificate of compliance.

20 So when I heard a little bit of the description,
21 there was a gap in the process that I think Tanya and I
22 want to follow up with, but there was also the discussion
23 of a six-month and six-month window to get the full
24 operation certificate is what I heard. And if there were
25 no children in care over the winter months, we can't make

1 an assessment of whether they're fully compliant until we
2 can observe them with children in care. And so I think
3 that was part of what I heard in the description.

4 REPRESENTATIVE MILLER: So if everything went
5 perfectly with an application from start to when they
6 receive their provisional, how much time would that take?

7 MS. VASQUEZ: It could take up to 100 days.

8 REPRESENTATIVE MILLER: So if everything's
9 perfect, we're at three months-plus --

10 MS. VASQUEZ: Yes.

11 REPRESENTATIVE MILLER: -- just for the initial
12 provisional, and then they have six months after that until
13 they get their final, assuming everything's perfect?

14 MS. VASQUEZ: Correct.

15 REPRESENTATIVE MILLER: Thank you.

16 MAJORITY CHAIRWOMAN BOBACK: For those agencies
17 or those programs that you issued a cease-and-desist order,
18 do you know what the ratio of children under five were
19 being taken care of? Was it a lack of certification? Was
20 it a ratio of maybe five to one adult? Or do you have any
21 idea? I don't mean to put you on the spot. I was just
22 curious about that.

23 MS. VASQUEZ: I do not know. I'd have to have
24 that information in front of me to be able to answer that
25 question. I don't know because we would -- at the time of

1 the inspection, we would ask for that information, the ages
2 of the children that are present, the number of children
3 present that day, what is the maximum number of children
4 present on any given day in your program, are there any
5 high-risk issues that we might observe such as swimming or
6 transporting or the ratio or numbers of young children, the
7 ages of the staff. We look at all those variables when
8 we're out there conducting an inspection of an uncertified
9 facility.

10 MAJORITY CHAIRWOMAN BOBACK: Thank you. And even
11 in a private home a person, an adult who is babysitting --
12 it's not a daycare but more or less taking children in
13 their home, the maximum if they're under five can be four
14 to six unrelated?

15 MS. CAMPANINI: So speak to when we expect them
16 to be regulated.

17 MS. VASQUEZ: So an individual must be regulated
18 when they have four unrelated children. So if you have
19 three or less unrelated children, there is no requirement
20 for an individual to be licensed in the Commonwealth. Once
21 you have the fourth child in care -- and this is at any one
22 time, so four or more at any one time, and you're
23 restricted to six then.

24 For an individual in his or her own home, if they
25 are caring for children, there is a restriction on the

1 number of infants and toddlers an individual may care for,
2 so it can never be more than five. So if I have two
3 infants in my care, I may not have more than three
4 toddlers. And that situation includes my own children,
5 related children, and unrelated children because we don't
6 want one individual to have so many young children that
7 they either, you know, can't properly care for them, or if
8 something happens, we want them to be able to use their
9 emergency plan to get all those children out of their home
10 if that were to happen. So there is a limited number of
11 infants and toddlers in a family childcare home.

12 MAJORITY CHAIRWOMAN BOBACK: And I don't to
13 belabor this, but now I'm going to transfer into a
14 municipal program. So do you require for those who get the
15 certification that there are so many adults that would
16 maintain children under five for diaper changes? I saw,
17 you know, the bullets that you produced, diaper changing,
18 changing of their clothing if they're going to go swimming,
19 so certainly that's what you're looking at there, too.
20 It's a transfer --

21 MS. VASQUEZ: Correct. So, yes, for preschool
22 children, for instance, the ratio would be one to ten, and
23 when you're swimming, it cuts in half basically as one to
24 five. For children who have completed kindergarten, that's
25 considered a preschool child. That's a 1-to-12 ratio, so

1 there is a difference in the number of staff for the number
2 of children in the preschool versus the school age.

3 MAJORITY CHAIRWOMAN BOBACK: Thank you. And I do
4 respect where you're all coming from. I'm sure the
5 headline here as far as I'm concerned is matter of public
6 safety for the children of our Commonwealth. And I think
7 we're all on the same page when it comes to that. It's
8 just seeing how we get there. Maybe we're already there
9 because everything is fine until there's a catastrophe, God
10 forbid, that involves a child, and then everybody is why,
11 who was watching the store, and that kind of a thing.

12 So we take this very seriously on Children and
13 Youth. And we thank you all for your testimony. And
14 again, I know it's in matters of public safety for
15 children, and if anybody else has any other questions?

16 DEMOCRATIC CHAIRMAN PETRARCA: One more I think.

17 MAJORITY CHAIRWOMAN BOBACK: One more, Chairman
18 Petrarca.

19 DEMOCRATIC CHAIRMAN PETRARCA: One more question.
20 I mean, obviously there are regulations in this area, and
21 you have an interpretation of those regulations and you
22 have a protocol in place on how to deal with this. And
23 there's a difference of opinion obviously with the folks
24 who want this changed and colleagues of mine who have
25 introduced legislation.

1 In light of, again, the regs and your protocols,
2 is there any room for negotiation on this to accomplish
3 what, again, this legislation would hope to accomplish
4 short of changing the law to do this?

5 MS. VASQUEZ: Again, not being in my position in
6 2008 when the law was changed, my understanding is that
7 that was the compromise at the time allowing these programs
8 to run unlicensed with the understanding, though, that
9 there would at least be school-age children in them and not
10 younger children. So I am not in a position to say that I
11 believe we can compromise on this. But I will let my
12 deputy also respond to that.

13 MS. CAMPANINI: Well, I think the proposed
14 legislation, as we've reviewed it, would completely remove
15 municipalities from this conversation of authority with
16 licensing for our office. So in terms of technical
17 assistance and best practices, that's part of the mission
18 of our office. We would be happy to share that. But if
19 the House bill moves forward as proposed, there's no need
20 for compromise because that eliminates municipal
21 authorities from the requirement.

22 DEMOCRATIC CHAIRMAN PETRARCA: That would then be
23 the easiest way to accomplish that?

24 MS. CAMPANINI: That would be the asked-for
25 approach from our friends here, yes.

1 MAJORITY CHAIRWOMAN BOBACK: And you would go
2 along with that?

3 MS. CAMPANINI: No, we still feel very strongly
4 about the position for preschool children. I'm just
5 agreeing with him in terms of the Chairman's statement.
6 Yes, that would be the easiest way forward, but we are very
7 committed to just considering how preschool children should
8 be in programs that are regulated.

9 MAJORITY CHAIRWOMAN BOBACK: And a personal
10 comment if I will. I was a kindergarten teacher and want
11 you to know from day one of the school year until the end
12 of the school year, night and day as far as taking care of
13 themselves, using toys, sharing, and particularly with
14 different -- I won't say health -- like you said, picking
15 up things or putting things in your mouth and stopping
16 that, so difference between night and day and very, very
17 big responsibility. So I thank you for being here. That's
18 my personal comment.

19 Anybody else?

20 REPRESENTATIVE TOOHL: I have a question.

21 MAJORITY CHAIRWOMAN BOBACK: Oh, yes,
22 Representative Toohil.

23 REPRESENTATIVE TOOHL: Thank you. Do you
24 license -- I don't know what -- DCNR has a program where
25 they deal with children. Are those children for DCNR,

1 Department of Conservation and Natural Resources, they have
2 park programs. Are those all age five and above or would
3 you be --

4 MS. CAMPANINI: So my understanding of the DCNR
5 programs that I'm aware of is families maintain their
6 presence on site. And so when we talk about the
7 circumstance when we're seeking to ensure that programs are
8 following our regulations is when parents leave and the
9 children are there without parental care oversight.

10 REPRESENTATIVE TOOHL: Okay. And all of the
11 programs, the municipal programs that we were talking about
12 from the testifiers before, there is not an issue with them
13 doing a municipal program and not having a license for five
14 and above, but it's just the pre-K?

15 MS. CAMPANINI: Correct, if families are leaving.

16 REPRESENTATIVE TOOHL: Okay.

17 MS. CAMPANINI: So I heard some talk about Mommy
18 and Me. Mommy and Me moms stay in my understanding, but in
19 a circumstance where a parent drops a child off at a
20 program and leaves for whatever period of time, those are
21 the programs that we're talking about.

22 REPRESENTATIVE TOOHL: Okay. And to clarify I
23 guess I meant Moms Day Out. That's what I was thinking of.
24 The Moms Day Out program I think is two hours rather than
25 Mommy and Me.

1 MS. CAMPANINI: So just to add a piece, for
2 programs that are regulated, if they're not regulated under
3 the Department of Human Services for a childcare facility,
4 they're licensed under the Department of Education under a
5 private academic preschool. So preschool children are aged
6 two years, seven months, through the time they transition
7 into kindergarten under PDE's private academic school
8 licensure definitions.

9 REPRESENTATIVE TOOHL: Thank you.

10 MAJORITY CHAIRWOMAN BOBACK: With that, I will
11 adjourn the meeting, but first, thank you once again for
12 your insight into this very important subject.

13 MS. CAMPANINI: Thank you.

14 MS. VASQUEZ: Thank you.

15 MAJORITY CHAIRWOMAN BOBACK: Meeting adjourned.

16

17 (The hearing concluded at 10:48 a.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

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