

**House Children & Youth Committee
Hearing on the Child Care Certification Regulation Rewrite Project**

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pennsylvania
DEPARTMENT OF HUMAN SERVICES

Good morning Chair Delozier, Minority Chair DeLissio, members of the House Children & Youth Committee, and staff. My name is Shante' Brown, Acting Deputy Secretary of the Office of Child Development and Early Learning (OCDEL). I am joined by Kesley Shaw, Director of OCDEL's Bureau of Early Learning Policy and Professional Development. Kesley and I serve as the joint leaders of the child care certification regulation rewrite.

In October 2021, OCDEL and the Office of Child Care's State Capacity Building Center (SCBC) embarked on the Child Care Certification Rewrite Project. This initiative provided an opportunity to rewrite Pennsylvania's child care certification regulations in a way that builds stakeholder confidence in the process and increases alignment with quality standards, promotes greater equity, and decreases the burden experienced by child care providers. The updated regulations are still being drafted and nothing has been formally submitted to the Independent Regulatory Review Commission (IRRC). I appreciate the opportunity to provide the Committee with an update on OCDEL's goals and process for internal and external stakeholder engagement.

What Has the Process Looked Like?

OCDEL staff has been leading the internal working groups for this initiative with the support from our various business partner organizations – The Pennsylvania Key, Early Intervention Technical Assistance (EITA), Early Learning Resource Centers (ELRCs), and Professional Development Organizations (PDOs). The work groups used the [Guiding Questions for Reviewing the OCDEL Child Care Certification Regulation Rewrite](#) to address both the equity and quality lens and the ease of provider burden for the child care certification regulation rewrite project. The guiding questions focused on overall clarity and organization, quality, equity, provider burden, and compliance. Quality, equity, provider burden, and compliance were defined to ensure a uniform definition was used by all writers in the internal working groups and reviewers.

Drafts of the child care regulations were sent from the work groups to the newly-formed [Ad-Hoc Subcommittee](#) of the Early Learning Council (ELC). The Ad-Hoc Subcommittee is made up of both ELC members and other stakeholders such as family, group, and center child care providers and other subject matter experts who have reviewed and provided input and suggestions for revisions. The internal work groups incorporated appropriate feedback before releasing an updated draft in August 2022 for the entire early childhood community to review and provide feedback on. OCDEL received nearly 400 comments on the draft Chapter 3310 regulations – Family Child Care Homes and more than 1,600 comments on draft Chapter 3320 regulations – Child Care Centers. OCDEL reviewed all the feedback that was gathered through the informal comment period, and appropriate feedback will be incorporated before submitting the proposed draft Certification Regulations through the Regulatory Review process.

Once the proposed draft certification regulations are submitted to IRRC and the Standing Committees, there will be a formal 30-day public comment period. OCDEL values the feedback, comments, and input that has been provided over the last year and we look forward to continuing to work closely with early childhood advocates to successfully move the draft regulations through the Regulatory Review process.

What Will the Proposed Regulations Look Like?

OCDEL has recommended that each of the two proposed Chapters will contain five Subchapters organized in the following way:

- Subchapter #1: Purpose and Authority
- Subchapter #2: Family and Community

- Subchapter #3: Professional Development, Training, and Requirements
- Subchapter #4: Early Childhood Education Program
- Subchapter #5: Program Certification and Oversight

Rewrite Process and Timeline

OCDEL began the process for rewriting the child care certification regulations in October 2021. Draft regulations were developed using an iterative process of writing, reviewing, and revising for each section of the certification regulations. OCDEL is in the final stages of internal revisions before the proposed regulations will be submitted to IRRC and the Standing Committees. The below timelines are tentative and necessarily flexible to accommodate the engagement process and feedback we receive.

Phase	Timeframe	Activities
Project Beginning Phase	June 2021 – October 2021	<ul style="list-style-type: none"> • Project presentation with Office of Child Care (OCC) State Capacity Building Center (SCBC) • Internal work group lead selections and assignment • Project research and External Stakeholders planning
1st Phase – Project Plan	November 2021 – March 2022	<ul style="list-style-type: none"> • Internal work group and external kick-off meetings • Internal work group members identified, and regulations assigned into Subchapters • Internal work group begin review of assigned regulations and drafts are created
2nd Phase – Initial Review Process	April 2022 – June 2022	<ul style="list-style-type: none"> • Initial review process begins: <ul style="list-style-type: none"> ○ OCDEL internal ○ Ad-Hoc group ○ OCDEL leadership, DHS policy, and DHS legal • Review and implementation of feedback based on reviews by internal work groups
3rd Phase – External Review Process	July 2022 – September 2022	<ul style="list-style-type: none"> • Review process begins: <ul style="list-style-type: none"> ○ Existing stakeholders and general public

		<ul style="list-style-type: none"> ○ OCDEL leadership, DHS policy, and DHS legal ● Review and implementation of feedback based on reviews by work groups
4th Phase – Formal Regulatory Review Process	Winter 2022 –2023	<ul style="list-style-type: none"> ● Proposed regulation package is prepared for submission to IRRC and the Standing Committees ● 30-day public comment period occurs during this stage ● Review begins by IRRC and legislative oversight committees ● Review of public comments and IRRC comments and implementation of feedback ● Preparation of final form regulation package
5th Phase – Final Regulatory Stage	October 2023 – October 2024	<ul style="list-style-type: none"> ● The final form regulation package will be submitted to IRRC and the Standing Committees prior to the public IRRC meeting to review the regulations. ● Begin training plan and release supporting documents on implementation after publication of the Final Rule ● Publication of the Final Rule

Thank you again for the opportunity to share OCDEL’s intentions and process behind the child care certification regulations rewrite project. I want to reiterate that the updated regulations are still being drafted and nothing has been formally submitted to IRRC. Kesley and I will be happy to answer any questions members have at this time.