

October 18, 2022

Member of the PA House Children & Youth Committee
Re: Child Care Certification Regulation Rewrite Project

Dear Esteemed Members:

I am writing to you today with some, what I hope you will find, sobering news. In the past five years family childcare (which is legally, licensed care in a home for up to six children unrelated to the provider) has **dropped by 30%**. In June 2018, there were 1,646 licensed family childcare providers in the commonwealth, in June 2022, that number has decreased to 1,144. **Parents are finding it more and more difficult to choose a mixed-age environment in a home with one constant practitioner providing continuity of care.**

Family childcare has been my chosen profession for the last 37 years. Since September 1991, I have owned and operated, a STAR IV licensed childcare home in Montour County, PA. Just so you understand the atmosphere of family child-care, I work a 12-hour day, 5 days a week (that's 60 hours, plus training time, grocery shopping, interviews, etc.) My children stay with me until they graduate college, get married, and then I care for their children. Currently, I have **ALL second-generation** children in my care. I have graduated marine biologists, nuclear, mechanical, and aeronautical engineers, doctors, lawyers, teachers, nurses, prison guards, chemical operators, salesmen and women, a few small business owners, and members of ALL the armed forces. I am invited to birthday parties, graduations, weddings, annual barbeques, and I have "children" all over the country. My parents schedule their pregnancies around my openings, an 8-year-old told his mom (his dad is the 1st generation child) that when he is grown up and married, he is bringing his children to "Miss Nece" (I think I will be retired by then though.) This is the epidemy of family childcare. **Family childcare is the poster child for "continuity of care."** Continuity of Care is having the same caregiver for long periods of time, such as years. Continuity of care on this level cannot be achieved in any center or in the public education system, no matter how hard they try and what a tragedy that these regulations can potentially take away that choice and benefit from future families.

In my many years in the profession, I have been an advisor to every governor since Tom Ridge (1995) and was a founding member of the Governor's Task Force on Early Care and Education (2000) which has transformed into The Governor's Early Learning Council. I am considered by many, including those in DHS licensing, to be the expert in Pennsylvania on family childcare and it is not a title I take lightly. In the past 30 years, I have been a loud and prominent advocacy voice for home-based childcare. Currently on a National level, I am doing work with Home-Grown, the Office of Child Care, and the State of California.

This is not the first time I have testified before the Children and Youth Committee, however it is the first time I cannot support a rewrite as written and it is the first time that I can say unequivocally in my professional opinion that these proposed regulations, as written, will destroy the industry and **will decimate family childcare**. If we are fortunate, based on my 37 years in the field, we will be lucky to keep 50% of all current providers. The regulations as written are unattainable in a mixed-age group, home-based setting.

In 2003-2004, under the direction of the Secretary of Welfare, Estelle Richman and Kate Holod, Deputy Director Department of Public Welfare Child Care Licensing, a rewrite of what we affectionately in the field referred to as the pink book, yellow book, and green book (these were our regulations) took place. The process included separate committees for each setting, comprised of 5 providers from each licensing region, 2 representatives from the advocacy community and 3 field inspectors, and 1 supervisor. We met at the licensing office on Baas Street, and we lined each regulation, green for good as written, yellow for proceed with minor changes, red for proceed with major changes, and black for toss out. That process worked, it was and still is the basis for our current regulations.

This process was far different than the recent process. DHS used an in-house team of "experts", whose names have never been revealed to us, wrote the proposed regulations then from the over 600 providers who responded, "teams" were chosen to review and offer opinions on certain regulations. All opinions were offered in a vacuum, we were provided with our section but had no access to the overall regulations. Opinions and recommendations were offered in abundance by providers in the field with children daily. Those professional, expert opinions and recommendations were ignored, and the regulations were pushed through as written. **This is your opportunity to right this wrong.**

You also need to understand that we are required to have HEALTH AND SAFETY STANDARDS FOR CHILDREN....MANY OF THESE PROPOSED REGULATIONS FAR OVER REACH THAT DESCRIPTION.

Simple things were omitted like we have a definition for sanitize, which is to reduce germs on a surface, but no definition for disinfect which is to clean something especially with a chemical in order to **destroy bacteria**....the "experts" reference Caring for Our Children throughout these new regs...3.2.1.4 Step 7 in diapering, (which is the current requirement for our diapering practices and under the proposed regs as well)...d. Wet the entire changing surface with a **disinfectant** that is appropriate for the surface material you are treating....so a requirement with no definition and no one caught it, because none of the "experts" works in the field with children.

The definition of weapon...Any object, device or instrument designed as a weapon or **capable of threatening or inflicting serious bodily harm, or which may be used to inflict self-injury. So, I will be locking up all my kitchen knives and my baseball bats which can be used as "weapons". And it's a good thing I don't have a black belt in karate, or that would include my hands and feet...MEAN WHAT YOU SAY AND SAY WHAT YOU MEAN....firearms...and that's a Second Amendment right and for another discussion.**

3310.11 Communication with Families.

a. The operator shall establish policies that ensure communications with all parents/guardians including those whose **preferred language is not English** or those who require alternative communication methods, including oral, written, non-verbal or visual modes of communications which are understandable and accommodating to parents or guardian or both.

1. *Honestly, I don't know where to start with this one...except to say you are setting up reverse discrimination because if I have one slot open and I have an English-speaking family and one whose preferred language is not English, who do you think I'm choosing??* 2. *Agreements in particular are legally binding documents and as such can't be translated by Google Docs, but must be handled by an attorney, and my handbook is also a legally binding document since my parents sign off that they have read, understand and agree to the terms therein. After ten years the commonwealth saw fit to give me a raise for my subsidized children a DOLLAR a DAY raise in pay so I can afford an attorney!!* 3. *When DHS starts leading by example and provides pre-certification training, certification documents and our regulations to providers in the field for whom English is NOT THEIR PREFERRED LANGUAGE then so will I, but I'm afraid hell will freeze over first. **THIS IS AN UNREASONABLE, UNATTAINABLE AND FINANCIALLY BURDENSOME REGULATION.***

3310.21 Teaching staff qualifications and responsibilities.

11. When the operator is absent from the family childcare home, the operator shall:

- i. Designate a teaching staff person who is responsible for compliance with this chapter. The individual designated must satisfy the qualification of teaching staff as specified under this section.
- ii. Provide written notification to the Department if the operator's absence exceeds 14 days. *You just required me to have a "qualified staff person" so you have no need, nor do I have any obligation to report to you if I will be absent for 14 days or more. What does this standard have to do with the health and safety of children??? I have determined with standards developed by the department that this person is qualified to care for children in my absence an hour, a day, 30 days....*

3310.31 Activities and Programming.

1. A written curriculum.....consistent with the PA Early Learning Standards
2. Lesson Plans.....

What part of HEALTH AND SAFETY references written curriculum and Lesson Plans? Not that I don't think they are a "good idea" but not vital to the health and safety of children.

3310.32 Infant and Toddler Program Activities and Development.

a. The operator shall limit the time an infant or toddler who is awake spends in confining equipment, such as a crib, infant seat, swing, highchair or playpen.

b. After removing infant or toddler from confining equipment the child must be able to move freely in a clean area protected from foot traffic.

Have you ever been a child?? Have siblings close in age to you?? Have children close in age?? Where in childcare yourself or have children in childcare??

*I have enrolled an infant (5 months), 4 toddlers (2 to 2 ½) and 1 pre-schooler who will be 5 in December (5 boys and 1 girl so you can imagine how active my house is?)....Have you ever been in an environment with children? Well I invite you to my home any time, any day to help me choose a "clean area protected from foot traffic" and it's **INSULTING** that you would think we would put a child in a "dirty area"....*again in a home, in a mixed-age group most likely**

UNREALISTIC, BURDENSOME AND UNATTAINABLE..

3310.33 Outdoor Activity

2. Children are dressed appropriately for the weather when going outside and are provided with **appropriate shelter** for the weather conditions as applicable. *Remember this as we get further into this chapter.*

c. Before taking children outdoors, the operator will ensure:

1. That weather conditions do not pose a health risk to the children in care. Weather that poses a health risk to children includes wind chill factors **BELOW -15 DEGREES FAHRENHEIT** and a heat index at or above **90 degrees**.

I don't let my dogs out at -15 DEGREES AND THEY ARE FAT LABS, IF YOU THINK I AM TAKING TODDLERS AND AN INFANT (WHO IS NOT MOBILE AND THEREFORE CAN'T CREATE BODY HEAT) OUT IN -15 DEGREES I HAVE A BRIDGE IN BROOKLYN TO SELL YOU (THIS IS NOT A TYPO I QUESTIONED THE TEMPERATURE). Much less let's consider the frost bite factor. This is not healthy nor is it safe....and in reference to the shelter I guess I can build an igloo...

3310.35 Pets

(f) Animals are prohibited from the following facility areas:

4. Rooms or areas used by infants or toddlers.

*This is my home, my pets teach children responsibility, give them unconditional love and support, and countless infants have learned to walk as toddlers hanging on necks and tails. Again, in small homes **UNREASONABLE, UNATTAINABLE AND BURDENSOME**. We care for children in the environment where we, our family, and our pets live. I have a two-year-old who greets my cats before me in the morning.*

3310.42 Age levels and ratios.

(a). Consistent with the requirements specified in 3310.43, the number of children in care may not exceed six children at any one time. When related and unrelated children are in care, the following limitations apply:

Infant- 1 staff to every 4 children

Young toddler- 1 staff to every 5 children

Older toddler/Preschool/School-age - 1 staff to every 6 children

YOU HAVE NOW SET US UP FOR FINANCIAL FAILURE...if a family childcare provider accepts an infant or young toddler, we must hire a staff person. (1 staff for every 4 or 5 children) If we charge an average of \$150.00 a week per child that means, we gross \$900 per week based on 6 children. We now need to hire a staff person for 40 hrs. based on \$14 per hour because you can earn this amount asking "do you want fries with that"; so factoring in, our ½ of social security, workmen's' compensation, unemployment insurance at approximately 15% adder, this staff person will now cost me \$644@ week; leaving me \$256@week for food, clothing, shelter for our family and oh wait we have to take expenditures to operate our business from that amount. The practitioner will be grossing \$4.26@ hour which by the way was minimum wage in 1991.

Even for me and I charge more than \$200.00@week. I would gross personally \$6.80@ hour which is minimum wage from 2008.

Our current licensed capacity is for six children and is managed by ratio by the number of our infants with a maximum of 2 infants and 4 additional children with 1 practitioner.

THIS STANDARD WILL BANKRUPT THE FAMILY CHILDCARE INDUSTRY and we will have no choice but to discriminate against infants and toddlers because we can't afford to provide their care; and they will lose the continuity of care that is even more important and critical for children under the age of three.

3310.43 Children of the Operator or a Facility Person.

(a) The related or foster children of a facility person, including the operator, shall be counted in the requirements specified in 3310.42 (relating to age levels and ratios).

I don't have the words to respond to this, except that's not true I have plenty of words

...Practitioners choose this business so they can stay home with their own children, not to be penalized for doing so.

What this regulation will succeed in doing as will 3310.42 is to drive practitioners out of regulated licensed care and into the legally unregulated system where they can have 3 children unrelated to them, all of which can be infants and an unlimited number of relative children- children, step-children, foster children, grandchildren, step-grandchildren, nieces and nephews in an environment that may or may not have smoke detectors, may have lead in their water and or lead paint, have no means of safe egress in an emergency or a plan or practice for emergency situation. Cared for by a provider with no First Aid/CPR, fire safety, child clearances, or basic training in health and safety practices. Legally in this commonwealth that person could care for upwards of 10 children alone, be paid cash, so they are not contributing to our tax base, and are totally free of the restraints of licensing.

UNREALISTIC, UNATTAINABLE AND BURDENSOME

Let's not mess with what works and it works for us to care for our relative children.

3310.49 Building Surface Requirements.

(d) The operator shall ensure there are at least **24 inches of moisture resistant** and cleanable material or barrier around sinks, drinking fountains (*because every practitioner has a drinking fountain in their home*) **and toilets.**

My degree is not in construction, so I don't know the definition of moisture resistant, are walls moisture resistant? Or will I need to install ceramic tile on the walls around my toilet or the lovely Vinyl kickplate that you see in gas station lavatories? Again this is our HOME and families choose family childcare for the home environment.

3310.55 Rest Equipment

(2) That linens, blankets and rest equipment are cleaned **at least every 30 days.**

Are you NUTS??? You are requiring me in 3310.32 to have a "clean" area to put infants on the floor safely, and you think it's safe to take children out in -15 degrees, and you also think after just coming through a pandemic that it's safe, healthy, and appropriate to sleep on linens that are only washed every 30 days!! Would any of you have that standard again in your home??

I HAVE THREE WORDS...UNSAFE, UNHEALTHY AND RIDICULOUS

(g) Rest equipment must be arranged so that children rest head-to-toe, or toe to toe. *Then let that head-to-toe arrangement qualify, like it does in national standards to meet the requirement for 24" of separation. Would go a long way in meeting standards in a small row home particularly in the inner cities.*

3310.65 Sleep and rest.

(a) The operator shall ensure that the program's activities are scheduled such that preschool and school-age children do not engage in small or gross motor activities in the same group space as children who are sleeping or resting. For children who are resting, but not sleeping, the operator may provide items for quiet play. Children may not be compelled to sleep.

*This was not a mistake that I bolded this standard. I would ask that you read it a second time; and then answer the original questions...were you a child? Do you have siblings close in age or are you own children close in age? Have you or your children ever attended childcare? Now let's add another question. **Do you have any knowledge of infants?** Infants sleep on their own schedule, not yours, mine or anyone else's...they sleep when they sleep. According to our supervision regulations, they need to be in the same room as the provider so they can be seen, heard, and assessed; not like 37 years ago when they could sleep in another room. **According to this standard, while my 5 month old is sleeping in the room surrounded by the other children for up to two or three hours, they cannot engage in small motor activities (drawing, cutting, playing with manipulatives, legos or blocks. They can't play with play dough, or practice writing or assemble puzzles); they cannot engage in large motor activities (yoga, music, dance, Simon says, Twister or Hopscotch) So tell me what are they supposed to do for 2 hours???** Sit on their hands on a chair???* Because screen time must be limited.

UNREALISTIC, BURDENSOME AND UNATTAINABLE

3310.95 Toxics.

(e) Safety Data Sheets (SDS) must be available onsite for each hazardous chemical that is on the facility premises.

I am not a chemical engineer nor a chemist. I don't work for whatever agency defines "hazardous chemicals" nor has the department provided a definition of hazardous chemical nor a reference as to where to obtain these safety data sheets.

3310.109 Business practices and goals.

(a) The operator shall establish and operating budget that includes a statement of income and expenditures.

(b) The operating budget specified in in subsection (a) must be updated at least once every 12 months.

(c) The operator shall maintain documentation of compliance with this section on file at the facility.

Question 1...What does this have to do with the health and safety of children???

Question 2...What type of training, business or accounting background does a DHS licensing inspector have to determine if the budget as presented meets the criteria?

Question 3...For those of you who are or were small, independent businesses owners, did you supply your budget to the government for annual approval?

*I have been in this profession for 37 years, as a **private business**, filing taxes as a sole proprietor, quite successfully I might add, without any input from DHS licensing, and it's honestly none of their business what my budget is....nor does it contribute in any way to the health and safety of children. It is honestly an attempt to micromanage my business and definitely an overreach of power. Do I think business practices needs to be a module in the pre-certification training? Absolutely, to help new practitioners succeed, but regulation is not where it belongs.*

AN OVER REACH OF POWER, AN INVASION OF PRIVACY AND PRIVATE BUSINESS PRACTICE.

DHS is going to try and tell you that these changes are required by the CCDF Reauthorization Regulatory Changes (09/23/2016) Title 45-Public Welfare and Human Services Part 98 Child Care and Development Fund. I would urge you to read those requirements before you render a decision on these proposed regulations; very little of what is proposed are required by the federal government.

I would like to tell you that I am speechless at the “hot mess” these proposed regulations are, but that has never been the case. I am disappointed that DHS failed to utilize a rewrite system that has been proven successful in the past and has gone “off the rails” in this endeavor. I am angry and disillusioned that the department fails to recognize and utilize the experts in the field that deal with children day in and day out. I am furious that they think and act like they know what’s best for us without knowing us. I am terrified at the thought of the potential damage to the industry and then the potential damage control for the fallout from these proposed regulations and I can guarantee you that the fallout will be providers; especially family providers “falling out” of the system.

For the last thirty years I have mentored hundreds of practitioners across the commonwealth, held their hands as they navigated local zoning, occupancy permits and the certification/licensing process. Witnessed their successes, helped them through failures. I would be hard pressed in good conscious to encourage anyone to come into this fractured system.

I am saddened and disheartened that the “love of my life” after God, my husband, my children, my family, and my country will be destroyed by these proposed regulations. I am fearful that thousands of children and families will no longer have access to family childcare. I am imploring you to allow us to start over with practitioners providing input from start to end; give us the opportunity to use a proven system that works and rewrite these regulations to last another twenty years.

Respectfully Submitted,

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