Early Childhood Education Professional Development Organization (ECEPDO) Policies, Clarifications, and Guidance

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Pennsylvania’s Office of Child Development and Early Learning (OCDEL) is committed to supporting Pennsylvania’s early childhood education (ECE) workforce as a key partner in professionalizing the ECE field while raising the stature, compensation, and competencies of all ECE professionals. OCDEL recognizes the challenges an under-resourced and under-compensated ECE professional faces when pursuing traditional higher education opportunities. OCDEL also acknowledges the financial obstacles ECE programs face in supporting robust professional development (PD) and offering fair compensation to retain qualified staff. In order to equitably address these systemic challenges, OCDEL has undertaken three specific strategies to raise the floor for all ECE professionals while raising the bar for those in STAR 3 and 4 programs to ensure all ECE professionals can produce positive outcomes for all children.

Why Change the Professional Development System?
The Institute of Medicine (IOM)/National Research Council (NRC) explored the implications of the science of child development for the professionals working with children from birth through age eight in the report, Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation. The committee highlighted what ECE professionals need to know and are able to do, and the professional learning supports required. With that lens, OCDEL has identified opportunities within the current system to systemically improving the quality of education children experience and the current working

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1 Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation a report by the National Academies of Sciences Engineering Medicines, April 1, 2015.
conditions for ECE professionals. As an example, ECE providers routinely share their frustration about the lack of access to high level PD content, the challenges of meeting both the organization PD needs, and the individual PD needs of their ECE professionals and barriers to compensating their staff for their knowledge attainment. The revisioning of Keystone STARS offered an opportunity to look at PD for the ECE workforce through a different lens and fostered the recent procurement of the Professional Development Organizations (PDOs).

Building a professionalized workforce requires investment in degree attainment through credit-bearing course work. PD is needed to continue one’s expertise in that profession and support structural the quality of that profession. The following strategies have been developed with that philosophy in mind.

**Strategy 1: Focus on ECE Degree Attainment**

**Organization:** Professional Development Organizations (PDOs)

PDOs develop partnerships with Pennsylvania-based institutions of higher education (IHE) and community-based partners to provide credit-bearing professional preparation for ECE professionals working to provide high-quality early learning services to children and families. Credit-bearing coursework must align with Pennsylvania’s Early Childhood Education Career Pathway. The pathway is best realized through a sequence of stackable, portable credentials that reflect developmentally and culturally appropriate content supporting ECE professionals in teaching practice, need to advance their individual career, and education attainment. PDOs address the broad needs of their regions while supporting the individual needs of professionals through partnerships that demonstrate a strong relationship between IHE and community-based organizations.

**Anticipated Outcome:** Streamlined and highly accessible ECE degree systems producing sufficient numbers of degreed and experienced staff to meet the STAR 4 Staff Qualifications indicator in the Keystone STARS system.

**Strategy 2: Focus on Professional Development to Support Structural Quality**

**Organization:** Early Learning Resource Centers (ELRCs)

**Description:** ELRCs support ECE providers build and maintain structural quality in ECE programs. ELRC Quality Coaches provide performance-based coaching to ECE programs prioritizing STAR 1 and STAR 2 programs. Quality Coaches help programs identify and coordinate PD needs (like regulatory referral from Certification) and encouraging degree attainment.

**Organization:** The Pennsylvania Key

**Description:** The Pennsylvania Key, through the Pennsylvania Professional Development Registry (PD Registry) will provide access to PD courses. Through the PQAS system for trainers and the Director Credential process, the ECE system of PD can address the needs of ECE professionals by strengthening and maintaining their professional knowledge base. Online courses developed in-state and nationally will continue to be offered through the PD Registry. Non-funded PD, offered by consultants and other organizations, will continue to be available across the commonwealth. OCDEL will invest in foundational courses like the 10-hour Health and Safety courses, the STARS 101 and 102 courses and other initiatives addressing OCDEL priorities like supporting Child Care and Development Block Grant (CCDBG) compliance, supporting English Language Learners, and cultural competency.
Anticipated Outcome: ELRCs meet regional STAR level movement targets to produce increased access to high-quality ECE programming for all children.

Organization: Early Intervention Technical Assistance (EITA)

EITA provides state, regional and local PD based on the analysis of statewide data, including program monitoring results, state and federal requirements, relevant research, and planning with state department staff. Examples include positive behavior supports, coaching, inclusion, autism and leadership. The primary recipients of EITA training and technical assistance are the local Infant/Toddler and Preschool Early Intervention agencies that provide supports and services to children birth to school age with developmental disabilities and their families. EITA also includes Family Support Consultants who provide training and technical assistance to the OCDEL funded family support and home visiting programs. EITA is part of the Pennsylvania Training and Technical Assistance Network (PaTTAN)

Strategy 3: Building Comprehensive Systems and Scaling Best Practices and Innovation
Organization: Office of Child Development and Early Learning (OCDEL)

Description: OCDEL’s role is to design and support an ECE system that works for children, families, and the ECE workforce. OCDEL will identify local, regional, and national best practices and innovations to ensure all partners and grantees have every resource available to support ECE professionals in attaining and maintaining high-quality ECE programming. When a best practice or innovation is identified, OCDEL works with the Pennsylvania Key, the PDOs, and the ELRCs to ensure all appropriate staff are offered professionally recognized degrees, PD opportunities and support in implementation, like communities of practice (CoP). Recent examples include Simple Interactions (a regional innovation) and Relationship Based Competencies (a national innovation) session. OCDEL works diligently to ensure Pennsylvania’s ECE workforce (including policy makers and systems level supporters) have the tools they need to continually raise the floor of the ECE profession.

Organization: The Pennsylvania Key

Description: The Pennsylvania Key provides statewide support and coordination for multiple initiatives within Pennsylvania’s ECE system including Pre-K Counts, Early Head Start Child Care Partnerships (OCDEL’s Grantees), Head Start State Collaboration, Program Quality Assessment (PQA), the PD Registry, ECE Apprenticeship coordination, coaching to support the ELRCs, school-age supports, STAR 3 and 4 internal coaches, and coordination of Infant and Early Childhood Mental Health Consultation. The Pennsylvania Key’s role is to ensure the larger system is responsive to the needs of organizations that support ECE programs in attaining higher STAR levels through data driven decision making and regionally responsive supports.

Anticipated Outcome: An equitable, culturally and developmentally responsive ECE system that builds a professional workforce, fosters innovation and ultimately produces meaningful child outcomes.

How Do These Strategies Work Together?
OCDEL is committed to building systems that work together in a focused and equitable way. When the above strategies are linked they produce a robust foundation allowing for individual flexibility while consistently raising the floor for all. OCDEL, the Pennsylvania Key, and the ELRCs are focused on systems alignment and supporting ECE programs in quality attainment. The PDOs are focused on supporting individuals in their ECE degree attainment. When the pieces of the system are aligned, ECE programs
have quality staff and quality applicants, and the ECE workforce has the skills and credentials they need to provide comprehensive, developmentally appropriate learning experiences while continuing professional growth.

**Definitions**

**Accessible**
Easily obtained. Used in reference to the ability of each early childhood education professional to enter and navigate the PA Career Pathway.

**Apprenticeship**
A specific career pathway for early childhood education professionals to transition from holding a CDA to an AA or BA while working in an early childhood setting. A collective approach to a career pathway in which many partners collaborate to provide a combination of credit-bearing on-the-job learning, related instruction, and coaching.

**Articulation**
Agreements between AA and BA degree granting institutions that allow practitioners, upon successful completion of the associate degree program in early childhood education, to transfer between 54 and 60 academic credits to a baccalaureate degree program.
Credit-Bearing Professional Development
Professional development that provides credit to advance career pathway levels.

Early Childhood Education Professional
An individual who promotes the learning, development, and well-being of children birth through age 8 in all early childhood education settings, while meeting the qualifications of the profession and having mastery of specialized knowledge, skills, and competencies.

Early Childhood Education Workforce
Individuals who support early childhood education professionals in promoting the learning, development, and well-being children birth through age 8 in all early childhood education settings.

Equitable
In PDO context: each early childhood education professional receives necessary supports in a timely fashion to develop their potential. Advancing equity requires remediating differences in outcomes that can be traced to biased treatment of individuals as a result of their social identities. Equity is not the same as equality. Equal treatment, laid upon unequal starting points, is inequitable. Instead of equal treatment, early childhood education professionals aim for equal opportunities. Requiring consideration of individual and group starting points, then distributing resources equitably (not equally) to meet their needs. Attempting to achieve equality of opportunity without consideration of historic and present inequities is ineffective, unjust, and unfair.

Mixed Delivery Model
References different types of modalities for delivery of course content to meet the needs of the field and account for on the job experiences. Examples in a mixed delivery model might include, but is not limited to, face-to-face classes, online learning, cohorts, competency-based credits through portfolios or on the job assessments.

Pennsylvania’s ECE Career Pathway
OCDEL’s Career Pathway serves as guide for early childhood education professional wanting to advance their knowledge, skills and competencies over time. For specific Career Pathway information visit: https://www.pakeys.org/get-professional-development/career-pathway/.

Professional Development Organization
References the grant awardees of the OCDEL PDO RFA.

Professional Learning Organization
Local, regional, and state organizations that offer on-going professional learning for early childhood education professionals.

Project Plans
Also referred to as work plans.

Relevant
Referring to course content appropriate to the current time, period, or circumstances and includes the most current research and practices to support the learning, development, and well-being of children birth through age 8 in all early childhood education settings.
Stackable
Sequential postsecondary awards that allow individuals to progress on a career path.

Portable
Credentials independently verified or issued from an accredited institution thereby making them acceptable across a variety of settings (e.g. state, employers and educational institutions) throughout the state (or country).

Turnover
Turnover is defined as those activities that the PDO(s) must perform at the end of the grant period, to turnover service delivery to a successor Applicant(s), or to commonwealth resources.

Vulnerable Populations (special populations?)
Pennsylvania defines “vulnerable” as those children living in families at or below 300 percent of the federal poverty level, children enrolled in the child welfare system, migrant families, children living in families experiencing homelessness, and children with special needs.

Professional Development Organization Grants and Awards
PDO agreements will commence on the effective date. The initial grant term will be in effect from Oct. 1, 2019, to June 30, 2021. The Commonwealth, may renew the agreement for three (3) additional one (1) year periods. Contracts are awarded through Department of Human Services procurement and are competitive. Current PDO service areas and grantees can be viewed in Appendix A.

Subgrants
Sub-grantees will be awarded based upon ability to support students in completing courses successfully. Data-informed decision making will influence grant availability based upon the an Institution of Higher Education’s (IHE) ability to offer a stackable and portable credentials.

Project Plans
Initial project plans will be submitted as part of the application process. PDOs must describe the relationship between project personnel and the specifics tasks, assignments, and deliverables (specify the number of staff hours allocated to each task) to meet the policies detailed throughout this document. The PDO should clearly state how the objectives of the project will be met and how each task will be performed.

Project plans will be enhanced within the first ninety (90) days of the grant agreement effective date and refined at least annually based on the data-informed processes detailed below.

PDOs will conduct a strategic planning process. The result will be the development of a detailed project plan outlining the sequencing of events and the time required to fully implement the plans of this project. The PDO must include a clear project timetable from beginning to end. The plan must be based on data provided by OCDEL and collected by the PDO regionally that includes specific targets for education attainment that align to Pennsylvania’s Early Childhood Education Career Pathway and the ELRC STARS movement targets. The PDO project plan must be approved by OCDEL prior to implementation and include the PDO’s approach to:

- Knowledge attainment of Keystone STARS Performance Standards, particularly the Staff Qualifications Indicators requirements;
• Knowledge attainment of current ECE workforce education levels;
• A regional partnership strategy to address systems building for identified regions to support the shift from non-credit bearing PD to a focus on degree attainment for the ECE workforce;
• Plan to implement a mixed delivery approach to community and institutional based courses, including student cohort-based formats, resulting in the attainment of ECE degrees;
• Timeline to Postsecondary and IHE:
  o Articulation and Transformation Agreements;
  o Mixed delivery models; and
  o CDA Credentials to AA/AS/AAS to BA/BS.
• Identification of opportunities for coordination of federal, state, and local funding beyond funding provided as a result of the grant agreement(s) awarded to support equitable access for the ECE workforce including coordination with existing tuition assistance programs;
• Process to conduct outreach to the ECE workforce and support enrollment in credit-bearing course offerings.

Turnover
During the turnover period, the PDOs will work cooperatively with any successor and the Department of Human Services.

During turnover, the PDOs will ensure program stakeholders do not experience any adverse impact from the transfer of services. Six (6) months prior to the end of the grant term, or upon the Department’s request, the PDOs must develop and submit a Turnover Plan, which specifies the proposed transition schedule, activities, and resource requirements for the necessary turnover tasks to be implemented upon the Department’s request.

The PDOs must:
• Execute the approved Turnover Plan in cooperation with the incoming PDO’s Transition Plan,
• Maintain service delivery staffing levels during the turnover period unless otherwise expressly approved by the Department Grant Administrator,
• Work closely with the Department to ensure turnover of responsibilities and the necessary knowledge transfer are completed by the end of the grant period, and
• Respond in a reasonable time to all Department requests regarding turnover information.

State and Federal Regulatory Requirements.
The PDOs must comply with the following federal regulations and restrictions as it applies:

CCDF regulations, 45 CFR § 98.56(b)(1), Restrictions on the use of funds:

Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS Awards, 45 CFR Part 75: https://www.law.cornell.edu/cfr/text/45/part-75

Contract Cost Principles and Procedures, 48 CFR Part 31, For-Profit Agencies:
https://www.law.cornell.edu/cfr/text/48/part-31
Provider Eligibility
PDOs must be Pennsylvania community-based nonprofit or for-profit organizations, Pennsylvania local education agencies, or IHEs. If the applicant is not an IHE, it must submit a letter of commitment to the Project from one or more IHEs.

If an applicant offers child care as part of its services, 75 percent or more of these locations must be at least a STAR 3 as of the submission date of the application. The 75 percent threshold must be maintained or exceeded during the duration of the grant agreement.

Conflict of Interest
PDOs operating a child care program, must develop and implement an organization approved conflict of interest policy. This policy must preclude employees (including child care staff) from receiving any advantage to access PD offered by the PDO. PDOs must provide a notarized copy of the conflict of interest policy to the Department for review and approval during the Readiness Review period.

At a minimum, the conflict of interest policy shall include provisions for:

1. Documenting the implementation of the conflict of interest policy.

2. Addressing any conflicts of interest or perceived conflicts of interest if the PDO includes child care and how those staff will not be shown favoritism in accessing PDO supports.

As part of the response, the Applicant must submit complete organizational information including an organization chart listing all relationships with child care providers part of the legal entity.

The PDO must be free of any conflicts of interest throughout the grant period with the Department.

Staff Clearances
The PDO, including all subcontractor’s staff performing services pursuant to this Project, must obtain written clearances, at its own expense, from the Pennsylvania State Police and the Office of Children, Youth and Families’ ChildLine and Abuse Registry.

Criminal background checks are conducted via the Criminal History Request Online at the Pennsylvania State Police website, under PSP Services, http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspxhttp://www.compass.state.pa.us/CWIS/public/home.

Child abuse clearances are obtained from http://www.compass.state.pa.us/CWIS/public/home.

For any staff who has not been a Pennsylvania resident for the previous five (5) years, the PDO must obtain a Federal Criminal History and Child Abuse History record from the Federal Bureau of Investigation (“FBI”), child abuse clearances, and a Criminal History Record from the Pennsylvania State Police.

The PDO must provide written confirmation the background checks are completed before the commonwealth will permit access to the PDO’s staff. If it is discovered a PDO employee has an impermissible criminal record, the PDO shall not assign the employee to any commonwealth service program; shall remove any access privileges given to the employee and shall not permit the employee remote access unless the Department consents to the access, in writing. Persons with convictions of one of the prohibited crimes are not permitted access to program data and systems and salaries of such
persons cannot be supported, either in part or in full, by the ECE PDO grant. Failure of the PDO to comply with the terms of this paragraph may result in default of the PDO under its Agreement.

OCDEL Organizational Structure
PDO policy and practices will be developed by the PDO Steering Team which will include, but not be limited to, participation from the following or designated proxy:

- Deputy Secretary of OCDEL
- Bureau Director of Early Learning Policy and Professional Development
- Bureau Director of Early Learning Resource Center Monitoring
- Division Chief of Early Learning Standards and Professional Development
- Division Chief of Early Learning Resource Center Policy
- Bureau of Finance, Administration, and Planning staff (fiscal focus)
- PDO Program Manager
- External Stakeholder liaison
- Pennsylvania Key Executive Director
- Pennsylvania Key Director of Programs

The primary contact person for the PDOS will be the PDO Program Manager. PDO’s should direct communications to the PDO Program Manager who will be responsible for serving as liaison between the PDOS and the PDO Steering Team. The PDO Program Manager will be responsible for monitoring PDO grant and policy compliance.

PDO Organizational Structure
The PDO must submit the organizational structure/chart of the PDO and a description of how the organizational structure will support the Project, including all personnel related to this project and reporting relationships to OCDEL.

The organizational chart must illustrate the lines of authority, designate the positions responsible and accountable for the completion of each component of the Project, indicate the names and job title and number of personnel assigned to each role, and the number of hours per week each person is projected to work on the Project.

Personnel
A primary contact must be identified for the management of the Grant Agreement.

A PDO Director/Manager must be assigned for this Project.

Roles and responsibilities for each project-funded individual should be clearly defined for this Project.

PDO Director/Manager Diversions or Replacement
PDO director/managers are approved by the Department, the PDO may not divert or replace the PDO director/manager without prior approval of the Department’s Grant Administrator. The PDO must provide notice of a proposed diversion or replacement to the Department’s Grant Administrator at least thirty (30) days in advance and provide the name, qualifications, and background check (if required) of the person who will replace the diverted personnel. The Department’s Grant Administrator will notify
the PDO within ten (10) business days of the diversion notice whether the proposed diversion is acceptable and if the replacement was approved.

Divert or diversion is defined as the transfer of the PDO director/manager by the PDO or subcontractor to another assignment within the control of either the PDO or subcontractor. Advance notification and approval do not include changes in PDO director/manager due to resignations, death, disability, dismissal for cause or dismissal as a result of the termination of a subcontract, or any other causes beyond the control of the PDO or its subcontractor. The Department must approve the replacement of the PDO director/manager.

The Department’s Grant Administrator may request the PDOs remove personnel from this Project at any time. If a person is removed from the Project, the PDOs will have ten (10) days to fill the vacancy with a person acceptable in terms of experience and skills, subject to the Department Grant Administrator’s approval.

**Resource Requirements**

Meeting rooms and normal office space for personnel, including equipment, computers and monitors, network and internet connectivity, supplies, clerical assistance, and administrative support needed to perform the Project must be supplied by the PDO.

PDOs are required to maintain, at a minimum, a toll-free telephone number and electronic communications via email and web presence, have high-speed internet accessibility, and consider internet capabilities to deliver services in all counties included in the PDO Service Region.

If the Applicant determines any internet accessibility issues in the Service Region or counties within the Service Region, it must provide a detailed explanation to OCDEL.

PDOs must be able to accept and send both fax and email.

PDOs must establish and publicize an operational schedule allowing ECE professionals an opportunity to access the PDO supports for those unable during office hours.

**Communication**

PDO related communications and branding must be consistent with the Department’s use of logo and style guides.

The PDOS will provide comprehensive information on all agency services; provide a timely response to all inquiries within two (2) business days; and resolve complaints within two (2) business days in a professional manner. PDO staff will respond to voice, fax, and e-mail messages within two (2) business days. This includes responding to OCDEL staff, PDO partners, and the ECE workforce.

Partner calls and director calls will occur on a regular schedule as determined by the Department each month. For FY 2020 partner calls are scheduled to occur on the Thursday of each month and director calls are scheduled for second Thursday of each month. At least one member of the leadership team is expected to participate in each call.
Communicating and Acknowledging OCDEL

OCDEL requires Pennsylvania Early Childhood Education (ECE) Professional Development Organizations (PDOs) award recipients to acknowledge OCDEL when describing projects or programs funded by OCDEL.

Publicly acknowledging your award helps families, ECE professionals, and community partners better understand OCDEL’s mission to coordinate and facilitate access to credit-bearing coursework and credentials for the ECE workforce.

Requirements

Please include both the acknowledgement statement and the OCDEL logo on all PDO communication(s). This might include but is not limited to:

- Press releases and other public statements
- Publications and other documents
- Toolkits/Resource guides
- Websites
- Visual Presentations
- Printed Materials
- Newsletters
- Requests for proposals
- Bid solicitations

If you are unsure if you need to include the acknowledgement statement and OCDEL’s logo, contact the Pennsylvania Key’s Communication Team (commsteam@pakeys.org).

Acknowledgement Statement

This [project/publication/program/website, etc.] [is/was] supported by the Office of Child Development and Early Learning (OCDEL) of Pennsylvania’s Department of Human Services (DHS) and Pennsylvania’s Department of Education (PDE). For more information, visit dhs.pa.gov and education.pa.gov.

The acknowledgement statement is recommended in a 10-12 pt. font and must be no smaller than 8 pt. font. The size and font must be legible.

Logo Usage

OCDEL provides the logo for use by PDOs. When PDOs display logos or contributors or sponsors, OCDEL’s logo must also be displayed. Do not alter the shape, proportion, color or orientation of the logo. The logo must be large enough to legibly read “Office of Child Development and Early Learning” and can be no less than 3/8” tall in print or 36 px tall digitally. To request a print-ready logo, contact Pennsylvania Key’s Communication Team (commsteam@pakeys.org).
Communicating with ECE Workforce
The PDOs will develop and implement communication strategies to inform the ECE workforce of credit-bearing PD opportunities and to obtain feedback from ECE professionals and ELRCs about workforce needs.

The PDOs will communicate new opportunities to ECE professionals.

Upon request from the Department, the PDOs will distribute information on services offered and other information on quality initiatives and support services offered to ECE professionals.

Fiscal Considerations
The PDOs will develop and implement a funding strategy specifying layering and leveraging federal, state, and local resources to support the enrollment of the ECE workforce. Strategy must address an equitable approach towards enrollment and funding with priority given to ECE professionals serving high numbers of children accessing Child Care Works (CCW) funding. The PDO will utilize all direct service allocations annually to support ECE workforce enrollment in credit-bearing coursework.

Payment Provisions
Payment provisions for each PDO grantee are outlined in Rider 1 of the Grant Agreement.

Budget Projections
A budget for each fiscal year should be submitted to OCDEL for approval. Any changes in an approved budget must comply with PDO contract language found in Rider 1.

Set Aside Funding
Set Aside funding will be 80 percent of the total funding amount allocated to the PDO.

In year one (1) of the ECE PDO award, release of set aside funding is contingent on OCDEL approval of the initial Project Plan.

Funds associated with direct tuition payment for individuals or groups, and development and dissemination of credit-bearing coursework must meet the needs and access preferences of the ECE workforce within the region. PDOs must:

- Negotiate all tuition and credit costs at the lowest possible rate;
- Establish procedures to allow IHEs to invoice and receive payment for individuals or groups in a regular and timely fashion; and
- Implement a monitoring process so contracted deliverables, such as newly developed course modules or classes, are completed and offered in accordance with agreed-upon terms.
Prioritization Plans for Recruitment
PDOs must develop a plan to prioritize recruitment based on set aside funding priorities.

Prioritization must include and highly support the recruitment of educators or leaders working in Department licensed programs:

- serving higher numbers of CCW children, and
- currently STAR 1 or 2 and working with Quality Coaches to improve quality.

Once the above priorities have been met and verified by OCDEL, the prioritization plan may be expanded for recruitment using needs assessment data, information compiled and analyzed from the OCDEL provided data mapping tools, and information collected from a variety of stakeholders.

Participant Eligibility
To receive PDO funding, participants must meet the following eligibility criteria:

- Be a Pennsylvania resident
- Be a current employee at a certified child care program for 3 months or more or demonstrate employment history of 6 months in child care if newly hired. Participants actively enrolled in PDO activities will not be impacted by change of employer as long as the new employer is a certified child care program
- Work a minimum of 25 hours per week directly in a certified child care program
- Be interested in pursuing coursework at a participating college toward an AA or BA degree or a CDA credential
- GPA and course grades meet transfer requirements; a watch plan is developed for participants at not meeting transfer requirements

Individuals not meeting the above eligibility criteria who are interested in participating in PDO funded activities, can participate, however, funding for these individuals to participate will need to come from another source. It is encouraged that although not receiving direct PDO financial support, individuals from non-DHS certified child care programs can be offered PDO sponsored options at reduced fees.

Data-Informed Decision-Making
Professional Development (PD) Registry
The PDO will use the PD Registry as prescribed by the Department to select PD opportunities and support ECE professionals in getting placed on their career pathway.

Information Handling
PDOs must abide by Pennsylvania regulations and requirements concerning confidentiality of information and the Business Associate Addendum provided in Appendix B.

PDOs must protect the confidentiality of all commonwealth information.

The PDO is responsible for implementing and maintaining adequate measures to prohibit unauthorized access, copying, and distribution of information. PDO must develop a disclosure statement for enrolled students for information sharing across systems such as the PD Registry and other ECE systems.

The PDO is responsible for proper disposal of both hard and electronic working copies of information and any remaining information upon the completion of the Grant period.
The PDOs will follow Commonwealth procedures for information handling and sharing when transferring sensitive information to external agencies.

The PDOs will retain all records for seven (7) years after becoming fully inactive or until the disposition of court hearings, audits, and appeals are complete. The PDOs are responsible for following record retention procedures for all applicable federal, state, and local government agencies.

The PDOs must establish and maintain all archived files in an accurate, secure, and confidential manner for seven (7) years from the record closed date, as mandated by applicable federal, state and local rules and regulations. PDOs must make archive system and purge procedures, available to the Department as requested.

Data Requests
Appendix B: the Business Associates Addendum, signed by PDOs governs the sharing of data. The Addendum is sufficient to provide contracted entities with data needed as long as the data requested aligns with the Grant Agreement. PDOs must complete and submit a data request form and include how the requested data will be used to request data from OCDEL. If the data is strictly to be used for internal purposes, such as developing work plans or strategizing for field work for example, then the data does not need to go through data governance. If data is to be used to create public facing products or manipulate raw data for public consumption then Department Data Governance would need to review and apply suppression (aggregate data) if necessary.

If the PDO subcontracts or awards sub-grants with another entity and the duties of the subgrantee or subcontractor requires access to or use of OCDEL data, the Department requires the contract between the PDO and subcontractor/subgrantee have the exact same provisions regarding confidential information found in Appendix B (Business Associates Addendum). copies of subcontracts must be provided to OCDEL before any exchange of OCDEL data could occur to external entities.

Monitoring and Reporting
OCDEL will monitor the PDOs through review of narrative reports, data mapping, and fiscal reports. The PDO must submit quarterly and annual progress reports on day 15 of the month.

Upon request, PDOs should be prepared to enter data into a central reporting and monitoring system.

Narrative Reporting
The Narrative report requires the PDO to describe events, activities and progress made on the approved project plans for each quarter in detail. PDOs will describe how these activities have helped to achieve the goals and what gaps may still exist to better understand the use of resources and strategies used by the PDO. Narrative Reports will ensure funding compliance and identification of effective strategies or policies for spanning. Through narrative reports, PDOs will report how:

1. Equity has driven resource distribution, eligibility and systems design
2. Activities and expenditures completed during each reporting period and how they supported the goals of the PDO
3. Synopsis of participant experience and satisfaction and how this will inform IHE work moving forward
4. the PDO has developed transparent, clearly articulated career pathways for all levels of profession
5. Activities leading to increased participation of ECE professionals in credentialing
6. Activities leading to increased ECE professionals completing degrees

Reporting documents for each fiscal year will be shared electronically and PDOs will update and submit to OCDEL contact no later than day 15 of October, January and April. A yearly report will be submitted by August 15. If day 15 falls on a non-business day, reporting should occur on the business day prior to day 15.

Data Reporting
Data reporting will demonstrate how coordination with ELRC’s and recruitment is aimed at increasing access of quality programming for young children and their families across PDO service regions. Reports will include STAR level, type of provider, CWW rates and/or other qualifying factors that demonstrate inclusivity of special populations.

Provide information on credential programs in PDO service region. Report on the value added for PDO participants including, cost and time saving, advantages to PDO strategies.

Reporting documents for each fiscal year will be shared electronically and PDOs will update and submit to OCDEL contact no later than day15 of October, January and April. A yearly report will be submitted by August 15. If day 15 falls on a non-business day, reporting should occur on the business day prior to day 15.

Fiscal Reporting
Fiscal reporting must be completed in compliance with the payment provisions outlined in Rider 1 of the Grant Agreement. PDOs should invoice for expenditures in compliance with Rider 1 at least quarterly. Final expenditures for a fiscal year are due within 90 days after the end of the state fiscal year.

Calendar of Report Due Dates

<table>
<thead>
<tr>
<th>July</th>
<th>August</th>
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<tbody>
<tr>
<td></td>
<td>15th Final Quarter (for previous fiscal year) narratives and data report due</td>
</tr>
<tr>
<td>September</td>
<td>30th Final expenditures due for previous state fiscal year</td>
</tr>
<tr>
<td>October</td>
<td>15th First Quarter narratives and data report due</td>
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<tr>
<td>November</td>
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<tr>
<td>December</td>
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<tr>
<td>January</td>
<td>15th Second Quarter narratives and data report due</td>
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<td>February</td>
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<td>March</td>
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<tr>
<td>April</td>
<td>15th Third Quarter narratives and data report due</td>
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<tr>
<td>May</td>
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<td>June</td>
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Partner Monitoring
PDOs will monitor providers to manage progress. PDOs must describe a management approach, including how it will implement its project plan. Where applicable, PDOs should provide specific examples of methodologies or approaches, including monitoring approaches. PDOs must describe the
management and monitoring controls it will use to achieve the required quality of contract services and all performance requirements for itself and the IHEs included in the scope of the Project.

Meeting the Needs Early Childhood Education Professionals
The overall objective of the PDOs is to support direct access across each identified service region for ECE professionals to participate in CDA Credential (Infant/Toddler, Preschool, and Family Child Care), Associate of Arts (“AA”), Associate of Science (“AS”), Associate of Applied Science (“AAS”), Bachelor of Arts (“BA”), and Bachelor of Science (“BS”) programs through a mixed delivery model.

The PDO must develop the Project Plan to coordinate and facilitate the delivery of credit-bearing PD at the regional, county and local level and support non-traditional students.

PDOs can fund non-credit bearing CDAs because this will advance an individual’s career pathway level, however, preference should be given to CDAs with regional or statewide articulation agreements to AA or BA programs.

PDOs can fund PK-4 certification in cases where attainment of a PK-4 certification would advance the ECE professional’s career pathway level and is a determined need in the needs assessment. PA PKC professionals seeking PK-4 certification should use PA PKC funding for this purpose.

OCDEL will collect both qualitative (narrative reports) and quantitative (data mapping reports) to understand and track the following:

- The extent to which the PDO has developed transparent, clearly articulated career pathways
- Increased participation of ECE professionals in credentialing
- Increased rates of ECE professionals in completing degrees

Pennsylvania’s ECE Career Pathway
The Career Pathway defines entry points and on-going leveling for the ECE Professional Workforce. For more information on the Career Pathway visit: https://www.pakeys.org/get-professional-development/career-pathway/.

Career Advising/ Liaison/Coordinator/ Resource Navigation
PDOs must provide a point of contact who provides career coaching for ECE professionals as they navigate their career pathway.

Activities include:

- Assuring accurate use of the PD Registry to support student entry and ongoing participation in the Career Pathway
- Assist students plan and attain degrees or progression of coursework
- Link students to financial resources to support degree attainment or coursework
- Align coursework to enable students to obtain relevant degrees
- Provide initial training institutes and support for apprentice coaches
Tracking and responding to barriers to participation

Engaging ECE professionals in understanding barriers
PDOs should review available and/or collect data to understand the demographics of the population of the ECE workforce in the service region. PDOs must outreach to and engage underserved and hard to reach populations in the service region based on this information.

PDOs must implement an approach to reduce barriers to credit-bearing PD opportunities. PDOs will identify diverse ECE workforce populations in the service region and include a description of strategies to support PD needs in supporting children with limited or no English proficiency and ECE professionals with LEP in developmentally and culturally appropriate ways.

Responding to Common Barriers

Mixed Delivery Models
PDOs are encouraged to implement different types of modalities for delivery of course content to meet the diverse needs of the field and to potentially account for on the job experiences. Examples in a mixed delivery model might include, but is not limited to, face-to-face classes, online learning, cohorts, competency-based credits through portfolios or on the job assessments.

Apprenticeship
Apprenticeship is a specific model successful in addressing barriers to entry and advancement of career pathways for early childhood education professionals while working in an early childhood setting. A collective approach to a career pathway which many partners collaborate to provide a combination of credit-bearing on-the-job learning, related instruction, and coaching. It is one approach that may be used by PDOs to address barriers.

For more information and resources related to Apprenticeship:

Systems Building
OCDEL has made it a priority to develop and implement a PD system for the ECE workforce that integrates services. PDOs will develop a regional partnership strategy to address systems building for identified regions to support the shift from non-credit bearing PD to a focus on degree attainment for the ECE workforce.

The PDO(s) must work in an integrated and collaborative way regionally and statewide within the early learning community to implement the ECE PDO; facilitate community planning for access to PD; support systems building across the commonwealth; and support partnerships and activities with community-based organizations, ECE providers, Workforce Development Boards, Labor Training Centers, and IHEs not initially identified as partners in the application.

PDOs must engage and play a leadership role in regional and local communities and build on the enhanced visibility of the ECE PDO as a hub supporting the Early Childhood Educator Career and Educational Pathway by a diverse group of community stakeholders including ECE providers, ELRCs, school districts, higher education, Head Start/Early Head Start, Early Intervention, business representatives, local government agencies, and philanthropic funders.
Coordination between PDOs
The PDOs represent a systems approach at state, regional and local levels. Through a collaborative approach PDOs can align with each other and share innovative approaches, supports and resources. A goal of the PDOs is to share and build upon innovative approaches that represent statewide goals for the ECE workforce, align systems, and, use state funds in a coordinated way. Financial coordination or sharing of services, including funding statewide cohorts, supplementing services should be negotiated before recruitment and must align to needs assessment and workplan of the PDOS.

Coordinating with Early Learning Resource Centers (ELRCs) to Increase Quality Performance Targets
PDOs must coordinate with and support the ELRCs in improving the quality of ECE programs. Coordination will include involvement of relevant ELRCs in the development of prioritization and recruitment plans.

A data request form must be submitted to OCDEL prior to any sharing of data between a PDO and an ELRC.

The PDOs will advocate to ECE providers to increase Keystone STARS level, participate in the credit-bearing PD system, and increase educational attainment.

ELRC information can be obtained at https://www.dhs.pa.gov/Services/Assistance/Pages/ELRCs.aspx.

PDO Advisory Team
The formation and implementation of a PDO advisory team with OCDEL representation is encouraged but not required. This team should consist of local and regional stakeholders positioned to advise and potentially make decisions to guide the work of the PDOs either solely or in the context of broader local and regional workforce development efforts.

Partnering with Institutions of Higher Education (IHE)
The PDOS will communicate, coordinate, and collaborate with IHEs to achieve goals of articulation and transformation agreements, increased support for the attainment of ECE credentials, increased number of IHE programs offering ECE coursework and teacher certification, and increase opportunities for student teaching at high-quality early learning programs. Partnering with IHEs should result in access to credit-bearing, stackable, portable coursework and credentials for the ECE workforce, and the development and delivery of community and institutional based coursework, including student cohort-based formats, resulting in the attainment of an ECE degree.

PDOs must partner with at least one IHE, but partnerships with multiple IHEs, including community colleges, are encouraged.

There must be a signed Letter of Commitment, Memorandum of Understanding (MOU) and /or a formal contract in place between the PDO and partnering IHEs. This formal documentation of the partnership must describe the IHE’s involvement in the Project including any human resources, resources, space, and funding it will contribute. Formal documentation must be signed by an official of the IHE with capacity and authority to allocate resources to the Project.

The PDOs will review funding priorities to promote credit-bearing offerings and explore alternative higher education opportunities, such as distance or online education and on-the-job learning through apprenticeship models, portfolios, or competency-based education.
Program to Program Articulation
A goal of partnering with multiple IHEs is to increase articulation between credentials and degree programs (CDA, AA, BA).

Program to program articulation agreements are established, agreed upon and advocated for by IHE partners, including Community Colleges and Bachelor granting partners. PDOs monitor this for effectiveness and compliance through data mapping. PDOs can support the development of articulation agreements between CDA, AA and BA programs through successful methods and reduce barriers to stackable degrees. PDOs will report out on techniques used to advance articulation in narrative reports. CDA transformation agreements may be regionally based and PDOs should monitor for compliance and advocate for formalizing policy so agreements to do not lapse.

Coursework Alignment to Competencies
Partnering with IHEs should positively impact the quality and alignment of offered coursework to assure relevance to the field. PDOs will encourage partnering IHEs to participate in coursework alignment activities as prescribed by the Department through their formal partnership agreements.

Partnering with Professional Learning Organizations (PLOs)
The PDOs will communicate, coordinate, and collaborate with PLOs to achieve goals of content alignment, and increased support for the attainment of ECE credentials.

Partnering with Local and Regional Community Organizations
The PDOs will communicate, coordinate, and collaborate with community-based organizations to achieve goals of alignment of priorities, increased support for the attainment of ECE credentials, and increase opportunities for student teaching at high-quality early learning programs.

Stakeholder Engagement
To build and strengthen shared leadership throughout the Service Region, PDOs must engage a wide range of stakeholders, including those with limited English proficiency (“LEP”) and those with limited geographic access, in the planning and delivery of credit-bearing PD.

The PDO will convene a minimum of two (2) stakeholder meetings for the purpose of planning and coordination annually. Required participants are representatives from OCDEL, partnering postsecondary agencies, the PDO Director/Manager, ELRC staff, ECE professionals, and other stakeholders supporting the Project Plan.

The PDO will make the meeting agenda and attendance available for OCDEL’s review.

Coordinating Funding Streams
PDOs must coordinate federal, state, and local funding beyond Child Care Development Fund (“CCDF”) dollars to support equitable access to education by the ECE workforce. Strategies and accomplishments toward this task will be reported in the narrative reports.

PDOs will also coordinate with other tuition assistance programs and PD opportunities funded with CCDF dollars. Funding and eligibility requirements:

https://www.pakeys.org/get-professional-development/financial-assistance/

Activities toward this task will be outlined in the narrative report.
Policy Exceptions

Exceptions to PDO policy may be granted by OCDEL upon written request.

Guidance and Clarifications

Exceptions to PDO policy will be limited to situations when the policy impedes goals of the program. Written requests for policy exceptions should include reference to the specific policy being addressed, justification for the exception with specific details related to the goals of the program, the time frame for which the exception would apply and a plan which details how the policy will be met within the provided time frame.

Requests should be discussed with the PDO Grant Manager before submission to exhaust any potential supports to assist the provider in meeting the policy before a written request for exception is submitted for review.

Written requests should be submitted to OCDEL for review. OCDEL will have 30 days from receipt of the written request to review. The review could result in one of the following:

1) a request for follow up information,
2) denial of the request, or
3) approval of the request.

In cases where more information is requested, the provider must respond within ten (10) business days of the request for follow-up information. If follow-up information is not received within this timeframe, the exception will automatically be considered denied. When follow-up information is received within the designated timeframe, OCDEL will have an additional ten (10) business days to approve or deny the request.

Providers are expected to meet program policy until requests for policy exception are processed.
Appendix A: PDO Service Areas
Appendix B: Commonwealth of Pennsylvania Business Associate Addendum

WHEREAS, the Pennsylvania Department of Human Services (Covered Entity) and Contractor (Business Associate) intend to protect the privacy and security of certain Protected Health Information (PHI) to which Business Associate may have access in order to provide services to or on behalf of Covered Entity, in accordance with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA), the Health Information Technology for Economic and Clinical Health (HITECH) Act, Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (ARRA), Pub. L. No. 111-5 (Feb. 17, 2009) and related regulations, the HIPAA Privacy Rule (Privacy Rule), 45 C.F.R. Parts 160 and 164, as amended, the HIPAA Security Rule (Security Rule), 45 C.F.R. Parts 160, 162 and 164, ); as amended, 42 C.F.R. §§ 431.301-431.302, 42 C.F.R. Part 2, 45 C.F.R. § 205.50, 42 U.S.C. § 602(a)(1)(A)(iv), 42 U.S.C. § 1396a(a)(7), 35 P.S. § 7607, 50 Pa.C.S. § 7111, 71 P.S. § 1690.108(c), 62 P.S. § 404, 55 Pa. Code Chapter 105, 55 Pa. Code Chapter 5100, the Pennsylvania Breach of Personal Information Notification Act, 73 P.S. § 2301 et seq., and other relevant laws, including subsequently adopted provisions applicable to use and disclosure of confidential information, and applicable agency guidance.

WHEREAS, Business Associate may receive PHI from Covered Entity, or may create or obtain PHI from other parties for use on behalf of Covered Entity, which PHI may be used or disclosed only in accordance with this Addendum and the standards established by applicable laws and agency guidance.

WHEREAS, Business Associate may receive PHI from Covered Entity, or may create or obtain PHI from other parties for use on behalf of Covered Entity, which PHI must be handled in accordance with this Addendum and the standards established by HIPAA, the HITECH Act and related regulations, and other applicable laws and agency guidance.

NOW, THEREFORE, Covered Entity and Business Associate agree as follows:

1. Definitions.

"Business Associate" shall have the meaning given to such term under HIPAA, the HITECH Act, applicable regulations and agency guidance.

"Covered Entity" shall have the meaning given to such term under HIPAA, the HITECH Act and applicable regulations and agency guidance.


"Privacy Rule" shall mean the standards for privacy of individually identifiable health information in 45 C.F.R. Parts 160 and 164, as amended, and related agency guidance.
“Protected Health Information” or “PHI” shall mean any information, transmitted or recorded in any form or medium; (i) that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual, and (ii) that identifies the individual or which there is a reasonable basis to believe the information can be used to identify the individual, and shall have the meaning given to such term under HIPAA, the HITECH Act and related regulations and agency guidance. PHI also includes any and all information that can be used to identify a current or former applicant or recipient of benefits or services of Covered Entity (or Covered Entity’s contractors/business associates).


“Unsecured PHI” shall mean PHI that is not secured through the use of a technology or methodology as specified in HITECH regulations and agency guidance or as otherwise defined in the HITECH Act.

Stated Purposes For Which Business Associate May Use Or Disclose PHI. The Business Associate shall be permitted to use and/or disclose PHI provided by or obtained on behalf of Covered Entity for the purposes of providing services under its contract with Covered Entity, except as otherwise stated in this Addendum.

NO OTHER DISCLOSURES OF PHI OR OTHER INFORMATION ARE PERMITTED.

BUSINESS ASSOCIATE OBLIGATIONS:

Limits On Use And Further Disclosure. Business Associate shall not further use or disclose PHI provided by, or created or obtained on behalf of Covered Entity other than as permitted or required by this Addendum or as required by law and agency guidance.

Appropriate Safeguards. Business Associate shall establish and maintain appropriate safeguards to prevent any use or disclosure of PHI other than as provided for by this Addendum. Appropriate safeguards shall include implementing administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI that is created, received, maintained, or transmitted on behalf of the Covered Entity and limiting use and disclosure to applicable minimum necessary requirements as set forth in applicable federal and state statutory and regulatory requirements and agency guidance.

Reports Of Improper Use Or Disclosure. Business Associate hereby agrees that it shall report to DHS Chief Information Security Officer at (717) 772-6469, within two (2) days of discovery any use or disclosure of PHI not provided for or allowed by this Agreement.

Reports Of Security Incidents. In addition to the breach notification requirements in section 13402 of the HITECH Act and related regulations, agency guidance and other applicable federal and state laws, Business Associate shall report to Department Chief Information Security Officer at (717) 772-6469, within two

Two (2) days of discovery any security incident of which it becomes aware. At the sole expense of Business Associate, Business Associate shall comply with all federal and state breach notification requirements, including those applicable to Business Associate and those applicable to Covered Entity. Business Associate shall indemnify the Covered Entity for costs associated with any incident involving
the acquisition, access, use or disclosure of Unsecured PHI in a manner not permitted under federal or state law and agency guidance.

Subcontractors and Agents. At any time PHI is provided or made available to Business Associate subcontractors or agents, Business Associate shall provide only the minimum necessary PHI for the purpose of the covered transaction and shall first enter into a subcontract or contract with the subcontractor or agent that contains the same terms, conditions and restrictions on the use and disclosure of PHI as contained in this Addendum.

Right Of Access To PHI. Business Associate shall allow an individual who is the subject of PHI maintained in a designated record set, to have access to and copy that individual’s PHI within five (5) business days of receiving a written request from the Covered Entity. Business Associate shall provide PHI in the format requested, if it is readily producible in such form and format; or if not, in a readable hard copy form or such other form and format as agreed to by Business Associate and the individual. If the request is for information maintained in one or more designated record sets electronically and if the individual requests an electronic copy of such information, Business Associate must provide the individual with access to the PHI in the electronc form and format requested by the individual, if it is readily producible in such form and format; or, if not, in a readable electronic form and format as agreed to by the Business Associate and the individual. If any individual requests from Business Associate or its agents or subcontractors access to PHI, Business Associate shall notify Covered Entity within five (5) business days. Business associate shall further conform with all of the requirements of 45 C.F.R. §164.524 and other applicable laws, including the HITECH Act and related regulations, and agency guidance.

Amendment And Incorporation Of Amendments. Within five (5) business days of receiving a request from Covered Entity for an amendment of PHI maintained in a designated record set, Business Associate shall make the PHI available and incorporate the amendment to enable Covered Entity to comply with 45 C.F.R. §164.526, applicable federal and state law, including the HITECH Act and related regulations, and agency guidance. If an individual requests an amendment from Business Associate or its agents or subcontractors, Business Associate shall notify Covered Entity within five (5) business days.

Provide Accounting Of Disclosures. Business Associate shall maintain a record of all disclosures of PHI in accordance with 45 C.F.R. §164.528 and other applicable laws and agency guidance, including the HITECH Act and related regulations. Such records shall include, for each disclosure, the date of the disclosure, the name and address of the recipient of the PHI, a description of the PHI disclosed, the name of the individual who is the subject of the PHI disclosed, and the purpose of the disclosure. Business Associate shall make such record available to the individual or the Covered Entity within five (5) business days of a request for an accounting of disclosures.

Requests for Restriction. Business Associate shall comply with requests for restrictions on disclosures of PHI about an individual if the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for treatment purposes), and the PHI pertains solely to a health care item or service for which the service involved was paid in full out-of-pocket. For other requests for restriction, Business Associate shall otherwise comply with the Privacy Rules, as amended, and other applicable statutory and regulatory requirements and agency guidance.
Access To Books And Records. Business Associate shall make its internal practices, books, and records relating to the use or disclosure of PHI received from, or created or received by Business Associate on behalf of the Covered Entity, available to the Secretary of Health and Human Services or designee for purposes of determining compliance with applicable laws and agency guidance.

Return Or Destruction Of PHI. At termination or expiration of the contract, Business Associate shall return or destroy all PHI provided by or obtained on behalf of Covered Entity. Business Associate may not retain any copies of the PHI after termination or expiration of its contract. If return or destruction of the PHI is not feasible, Business Associate shall extend the protections of this Addendum to limit any further use or disclosure until such time as the PHI may be returned or destroyed. If Business Associate elects to destroy the PHI, it shall certify to Covered Entity that the PHI has been destroyed.

Maintenance of PHI. Notwithstanding Section 3(k) of this Agreement, Business Associate and its subcontractors or agents shall retain all PHI throughout the term of the its contract and this Addendum and shall continue to maintain the information required under the various documentation requirements of its contract and this Addendum (such as those in §3(h)) for a period of six (6) years after termination or expiration of its contract, unless Covered Entity and Business Associate agree otherwise.

Mitigation Procedures. Business Associate shall establish and provide to Covered Entity upon request, procedures for mitigating, to the maximum extent practicable, any harmful effect from the use or disclosure of PHI in a manner contrary to this Addendum or the Privacy Rules, as amended. Business Associate shall mitigate any harmful effect that is known to Business Associate of a use or disclosure of PHI by Business Associate in violation of this Addendum or applicable laws and agency guidance.

Sanction Procedures. Business Associate shall develop and implement a system of sanctions for any employee, subcontractor or agent who violates this Addendum, applicable laws or agency guidance.

Grounds For Breach. Non-compliance by Business Associate with this Addendum or the Privacy or Security Rules, as amended, is a breach of the contract, for which the Commonwealth may elect to terminate Business Associate’s contract.

Termination by Commonwealth. Business Associate authorizes termination of this Agreement by the Commonwealth if the Commonwealth determines, in its sole discretion that Business Associate has violated a material term of this Addendum.

Failure to Perform Obligations. In the event Business Associate fails to perform its obligations under this Addendum, Covered Entity may immediately discontinue providing PHI to Business Associate. Covered Entity may also, at its option, require Business Associate to submit to a plan of compliance, including monitoring by Covered Entity and reporting by Business Associate, as Covered Entity in its sole discretion determines to be necessary to maintain compliance with this Addendum and applicable laws and agency guidance.

Privacy Practices. Covered Entity will provide and Business Associate shall immediately begin using any applicable form, including but not limited to, any form used for Notice of Privacy Practices, Accounting
4. **OBLIGATIONS OF COVERED ENTITY:** Provision of Notice of Privacy Practices. Covered Entity shall provide Business Associate with the notice of privacy practices that the Covered Entity produces in accordance with applicable law and agency guidance, as well as changes to such notice. Covered Entity will post on its website any material changes to its notice of privacy practices by the effective date of the material change.

Permissions. Covered Entity shall provide Business Associate with any changes in, or revocation of, permission by individual to use or disclose PHI of which Covered Entity is aware, if such changes affect Business Associate’s permitted or required uses and disclosures.

Restrictions. Covered Entity shall notify Business Associate of any restriction to the use or disclosure of PHI that the Covered Entity has agreed to in accordance with 45 C.F.R. §164.522 and other applicable laws and applicable agency guidance, to the extent that such restriction may affect Business Associate’s use or disclosure of PHI.