

# ANNOUNCEMENT

## C-21-09



Pennsylvania Office of Child Development and Early Learning  
Bureau of Early Learning Policy and Professional Development and Bureau of  
Certification

**Issue Date:** December 6, 2021

**Effective Date:** January 6, 2022

**End Date:** N/A

**Subject:** Reinstating and Extensions of Child Care Certification  
Regulation Suspensions Due to Act 73

**To:** Certified Child Care Facilities  
Early Learning Resource Centers  
Office of Child Development and Early Learning Staff

**From:** Tracey Campanini *Tracey Campanini*  
Deputy Secretary, Office of Child Development & Early  
Learning

## PURPOSE

To inform certified child care providers of the reinstatement of certain child care regulations, and extension of some child care regulatory suspensions that were extended pursuant to Act 73 of 2021. This Announcement explains what regulations will remain suspended, and what regulations will be reinstated effective January 6, 2022.

## BACKGROUND

Pursuant to Act 73 of 2021, the suspensions of various regulatory provisions under the state disaster emergency declaration were extended until March 31, 2022, unless sooner reinstated by the Department.

Effective December 6, 2021, the Department has reinstated a number of suspended regulations, in whole or in part. A list of suspended regulations and their current status is available [here](#).

In addition, the following guidance issued by OCDEL has been updated or rendered obsolete as a result of the reinstatements:

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- This announcement replaces [Announcement C-20-04 Revised Suspension of Regulatory Requirements for Certified Child Care Facilities During the COVID-19 Pandemic](#) in its entirety.
- OCDEL also issued [Frequently Asked Questions: Guidance for Tuberculin Skin Testing \(TST\) and COVID-19 Vaccinations](#) on June 24, 2021, which will also be obsolete with the release of this announcement.
- As a reminder [Announcement C-21-06: Ending of Child Care Certification Regulations Suspensions Under the State Disaster Emergency Declaration](#) was obsolete effective Oct. 18, 2021.

## DISCUSSION

To maintain compliance with the Office of Child Care (OCC) federal requirements (relating to § 98.41 health and safety requirements and § 98.42 Enforcement of licensing and health and safety requirements), certain child care regulations extended under Act 73 of 2021, will be reinstated effective January 6, 2022. There will be some child care regulations that will continue to be suspended until further notice.

To assist child care providers with the transition of the reinstatement of certain regulatory requirements, and continued suspension of other regulatory requirements, OCDEL has provided a *Regulation Reinstatement or Suspension End Dates: OCDEL Guidance Chart* (See [Appendix A](#)). The chart outlines the regulation sections that were reinstated or suspended, and when child care certification staff will begin measuring compliance for the regulations that were reinstated. Some of the compliance dates will vary.

The regulations discussed below have been either reinstated or remain suspended, as described below:

## Reinstated Child Care Certification Regulations

### I. PREVIOUSLY REINSTATED:

#### Annual Inspection

55 Pa. Code §20.31, an authorized agent of the Department will conduct an on-site inspection of a facility or agency at least once every 12 months. This regulation was previously reinstated, effective October 18, 2021, for all certified child care centers, group child care and family child care homes.

### II. REINSTATED EFFECTIVE JANUARY 6, 2022

The following regulations will be fully reinstated and compliance with the regulations will be measured during inspections starting January 6, 2022

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### **Application for and Issuance of a Certificate of Compliance**

55 Pa. Code § 3270.11(g); § 3280.11(h); § 3290.11(k) “An agent of the Department will annually conduct at least one on-site unannounced inspection of a child care facility.”

### **Age and Training**

55 Pa. Code § 3270.31(e) and § 3280.31(e), a staff person is required to obtain an annual minimum of 12 hours of child care training. Under regulation in 55 Pa. Code § 3290.31(f), a staff person is required to obtain an annual minimum of 12 clock hours of child care training.

Renewal inspections conducted December 19, 2021, and thereafter will require staff who were hired on or before December 19, 2020, to have completed 12 hours of annual professional development.

New staff who were hired after December 19, 2020, must complete 12 hours of annual professional development within one year of the hire date.

55 Pa. Code § 3270.31(e)(4)(i); § 3280.31(e)(4)(i); § 3290.31(f)(4)(1) (relating to pediatric first-aid training and pediatric cardiopulmonary resuscitation (CPR)). Competence is the completion of training of pediatric first-aid and pediatric CPR by all staff persons in the facility. A staff person is any person included in the staff: child ratio who is responsible for child care activities. Pediatric first-aid and pediatric CPR training must be renewed on or before expiration of the most current certification.

### **General Requirements for Facility Persons**

55 Pa. Code § 3270.33(d) and § 3280.33(c), one or more facility persons must be competent in pediatric first-aid and pediatric CPR at the facility when one or more children are in care.

### **Suitability of Persons in the Facility**

55 Pa. Code § 3290.32(d), one or more persons competent in pediatric first-aid and pediatric cardiopulmonary resuscitation techniques shall be at the facility when one or more children are in care.

### **Emergency Contact Information and Individual Records (Child)**

55 Pa. Code § 3270.124(f), § 3280.124(f) and § 3290.124(e), a parent must review and update in writing, emergency contact information once in a six-month period or as soon as there is a change in the information.

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55 Pa. Code § 3270.181(c) and § 3280.181(c) also require a parent to review and update the financial agreement at least once every six months or as soon as there is a change in the information. Regulations in 55 Pa. Code § 3270.181(e) and § 3280.181(e) further require that if emergency information is updated in a master file, it must also be updated accordingly in other facility records.

### **Child and Adult Health Information**

55 Pa. Code § 3270.131(a) and § 3280.131(a), the facility operator must require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than 60 days following the first day at the child attends the facility. 55 Pa. Code § 3290.131(a) requires the operator to obtain the parent of an enrolled child to provide an initial health report no later than 60 days following the first day of attendance at the facility.

55 Pa. Code § 3270.131(b), § 3280.131(b), and § 3290.131(b) operators shall require a parent to provide an updated health report in accordance with the following schedules:

- (1) At least every six months for an infant or young toddler.
- (2) At least every twelve months for an older toddler or preschool child.

55 Pa. Code § 3270.151(c)(2), § 3280.151(c)(2), § 3290.151(c)(2), that requires a tuberculosis screening to be completed as part of the health assessment.

### **Pick-up and Drop-Off Points**

55 Pa. Code § 3270.171(a) and § 3280.171(a), the operator shall notify local traffic safety authorities annually in writing of the location of the facility and about the program's use of pedestrian and vehicular routes around the day care facility.

### **Continued Suspended Child Care Certification Regulations:**

The following regulations continue to be suspended and compliance will **not** be measured during inspections for child care facilities until further guidance from OCDEL is issued:

### **Measurement and Use of Indoor Child Care Space**

Pursuant to regulations 55 Pa. Code § 3270.61(a) and § 3280.61(a), a facility shall provide indoor child care space for individual and group small muscle activity. 55 Pa. Code § 3270.61(b) and § 3280.61(b), indoor child care space may not be used simultaneously as play space. OCDEL will continue to suspend these regulations in full.

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OCDEL will temporarily allow a certified child care center and group home to convert an indoor play space to child care space, as long as the facility has outdoor play space. The allowable number of children in the converted space can be determined by dividing the total square feet in a space by 40. Child care providers must continue meet staff-to-child ratios.

Pursuant to regulations 55 Pa. Code § 3270.61(e) and § 3280.61(e), measured indoor space excludes space occupied by halls, bathrooms, offices, kitchens and locker rooms. OCDEL will continue to suspend these regulations in full.

Any child who shows symptoms of illness that could potentially be COVID-19 must be isolated from other children in care until the child can be picked up. OCDEL will allow certified child care centers and group homes to use non-measured child care space on the premises to isolate the child as long as the temporary isolation space is free and clear of health and safety hazards and all other regulations can be met regarding required supervision and staff-to-child ratios. Family child care homes need to isolate the child but still maintain supervision until the parent can pick up the child.

### Agreement

Due to the impacts on child care facilities, such as uneven attendance patterns for children enrolled in child care facilities and the focus on maintaining a healthy and safe environment for children, child care facilities may suspend information gathering efforts to document a child's growth and development for the child service report.

Pursuant to regulations in 55 Pa. Code § 3270.123(a)(3), § 3280.123(a)(3) and § 3290.123(a)(3), operators and parents must sign an agreement that includes what services are to be provided to the family and the child, including OCDEL's approved [form](#) to provide information to the family about the child's growth and development in the context of the services being provided. The operator must complete and update the form and provide a copy to the family every six months.

OCDEL has partially suspended the requirement for child care facilities to complete a child care service report (OCDEL's form) to provide information about the child's growth and development. Child care facilities must complete all the requirements outlined in § 3270.124(f); § 3280.124(f); § 3290.123(f) (relating to emergency contact information) as those regulations have been reinstated

### School Age Child Care

Pursuant to regulations in 55 Pa. Code § 3270.241(a) and § 3280.221(a), if a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P.S. §§ 1101—27-2702) and if the child is not enrolled and if the child is not

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exempted from enrollment under the Public School Code, a child day care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

OCDEL has suspended these regulations because local school districts and private schools are issuing modified schedules and methods of school attendance as a strategy to mitigate the spread of COVID-19. During days when school age children are not required to attend face-to-face instruction at school due to the school entity announcing and the child utilizing Hybrid Learning Model or Online/Remote instruction, a child day care facility may admit a child for care during the hours when the child is engaged in online or remote instruction.

OCDEL continues to advise child care providers to strive to maintain compliance with all remaining suspended regulations in anticipation of their eventual reinstatement.

### NEXT STEPS

1. Child care programs:
  - a. Read this Announcement and share the updates with appropriate staff.
  - b. Direct all questions and comments to your Regional Office.

| <b>Certification Regional Office of Child Development and Early Learning:</b> |  |
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| Central Region 800-222-2117   | Southeast North and Southeast South Region<br>800-346-2929 |
| Northeast Region 800-222-2108   | Western Region 800-222-2149                                |

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### Appendix A- Regulation Reinstatement or Suspension End Dates: OCDEL Guidance Chart

| Legal Citation  | Reinstated or Suspended | Regulatory Language   | Date to Begin Measuring Compliance  |
|---|-------------------------|---|---|
| <b>55 Pa. Code § 3270.11(g)<br/>§ 3280.11(h)<br/>§ 3290.11(k)</b> | Reinstated              | An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.           | <b>Jan. 6, 2022</b>   |
| <b>§20.31</b>   |                         | An authorized agent of the Department will conduct an on-site inspection of a facility or agency at least once every 12 months. | <b>Oct. 18, 2021</b>  |
| <b>55 Pa. Code § 3270.31(e)<br/>§ 3280.31(e)<br/>§ 3290.31(f)</b> | Reinstated              | A staff person shall obtain an annual minimum of 12 clock hours of child care training.   | <b>Jan. 6, 2022</b><br>Child care certification staff will begin verifying compliance with annual professional development.<br><br><b>Renewal inspections conducted Dec. 19, 2021 and thereafter</b> will require staff that were employed on or before December 19, 2020 to have completed 12 hours of annual professional development.<br><br><b>New staff that were employed</b> |

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| Legal Citation  | Reinstated or Suspended | Regulatory Language   | Date to Begin Measuring Compliance   |
|---|-------------------------|---|--|
|   |                         |   | <b>after Dec. 19, 2020</b> must complete 12 hours of annual professional development within one year of the hire date. |
| <b>55 Pa. Code § 3270.31(e)(4)(i) § 3280.31(e)(4)(i) § 3290.31(f)(4)(1)</b> | Reinstated              | Competence is the completion of training by a professional in the field of first-aid and cardiopulmonary resuscitation (CPR). All staff persons shall renew their certification in pediatric first aid and pediatric CPR on or before the expiration of the most current certification.   | <b>Jan. 6, 2022</b>  |
| <b>55 Pa. Code § 3270.33(d) § 3280.33(c) § 3290.32(d)</b>                   | Reinstated              | One or more facility persons competent in first-aid techniques shall be at the facility when one or more children are in care.  | <b>Jan. 6, 2022</b>  |
| <b>55 Pa. Code §3270.61(a) 3280.61(a)</b>                                   | Suspended               | A facility shall provide indoor childcare space for individual and group small muscle activity.   | Extended until further notice  |
| <b>55 Pa. Code § 3270.61(b) § 3280.61(b)</b>                                | Suspended               | Indoor childcare space may not be used simultaneously as play space.  | Extended until further notice  |
| <b>55 Pa. Code § 3270.61(e) § 3280.61(e)</b>                                | Suspended               | Measured indoor space excludes space occupied by halls, bathrooms, offices, kitchens and locker rooms.  | Extended until further notice  |
| <b>55 Pa. Code § 3270.123(a)(3) § 3280.123(a)(3) § 3290.123(a)(3)</b>       | Partially Suspended     | The services to be provided to the family and the child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in | Extended until further notice  |

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| Legal Citation  | Reinstated or Suspended | Regulatory Language   | Date to Begin Measuring Compliance |
|---|-------------------------|---|------------------------------------|
|   |                         | §3270.124(f); §3280.124(f); §3290.123(f) (relating to emergency contact information).   |                                    |
| <b>55 Pa. Code § 3270.124(f)<br/>§ 3280.124(f)<br/>§ 3290.124(e)</b>          | Reinstated              | The parent shall update in writing emergency contact information once in a 6-month period or as soon as there is a change in the information.   | <b>Jan. 6, 2022</b>                |
| <b>55 Pa. Code § 3270.131(a)<br/>§ 3280.131(a)</b>                            | Reinstated              | The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than 60 days following the first day of attendance at the facility.  | <b>Jan. 6, 2022</b>                |
| <b>55 Pa. Code § 3290.131(a)</b>  |                         | The operator shall require the parent of an enrolled child to provide an initial health report no later than 60 days following the first day of attendance at the facility.   |                                    |
| <b>55 Pa. Code § 3270.131(b)<br/>§ 3280.131(b)<br/>§ 3290.131(b)</b>          | Reinstated              | The operator shall require the parent to provide an updated health report in accordance with the following schedules:<br>(1) At least every 6 months for an infant or young toddler.<br>(2) At least every 12 months for an older toddler or preschool child.   | <b>Jan. 6, 2022</b>                |
| <b>55 Pa. Code § 3270.151(c)(2)<br/>§ 3280.151(c)(2)<br/>§ 3290.151(c)(2)</b> | Reinstated              | A facility person providing direct care who comes into contact with the children shall have a health assessment conducted within 12 months prior to providing initial service in a child care setting<br>(c) The health assessment must include the following:<br>(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, physician's assistant, CRNP, the Department of Health or a local health department. | <b>Jan. 6, 2022</b>                |

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| Legal Citation                                 | Reinstated or Suspended | Regulatory Language  | Date to Begin Measuring Compliance |
|--|-------------------------|--|------------------------------------|
| <b>55 Pa. Code § 3270.171(a) § 3280.171(a)</b> | Reinstated              | <p>The operator shall notify local traffic safety authorities annually in writing of the location of the facility and about the program's use of pedestrian and vehicular routes around the day care facility.</p> <p>The operator shall notify local traffic safety authorities in writing of the location of the facility and about the program's use of pedestrian and vehicular routes around the group child day care facility.</p> | <b>Jan. 6, 2022</b>                |
| <b>55 Pa. Code § 3270.181(c) § 3280.181(c)</b> | Reinstated              | <p>The parent shall update in writing emergency contact information once in a 6-month period or as soon as there is a change in the information.</p> <p>A parent is required to review and update the emergency contact information and the financial agreement at least once every 6 months or as soon as there is a change in the information.</p>   | <b>Jan. 6, 2022</b>                |
| <b>55 Pa. Code § 3270.181(e) § 3280.181(e)</b> | Reinstated              | If emergency information is updated in a master file, it shall be updated accordingly in other facility records.   | <b>Jan. 6, 2022</b>                |
| <b>55 Pa. Code § 3270.241(a) § 3280.221(a)</b> | Suspended               | If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child day care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.                                      | Extended until further notice      |