

ANNOUNCEMENT

C-21-06



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

Issue Date: Aug. 24, 2021

Effective Date: Sept. 30, 2021

End Date: N/A

Subject: Ending of Child Care Certification Regulations Suspensions
Under the State Disaster Emergency Declaration

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 provide updated information to certified child care providers who are impacted by announcements and guidance issued as a result of Governor Tom Wolf's Proclamation of Disaster Emergency and communicate the end of the child care regulations suspension.

BACKGROUND

Per Act 21 of 2021, the suspension of various regulatory provisions under the state disaster emergency declaration will expire on **Sept. 30, 2021**. A list of the regulations that were suspended in whole or in part and their current status is available on the [DHS website here](#). Please continue to watch this page for additional updates as we get closer to Sept. 30, 2021.

In addition to these regulations, some regulations have been reinstated prior to Sept. 30, 2021. Those regulations are also designated in the list on the [DHS website](#).

Please note the Sept. 30, 2021, expiration date only affects state regulations that were suspended under the state disaster emergency declaration. Federal flexibilities provided

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under the federal public health emergency will remain in place as long as the federal public health emergency remains in effect. On July 19, 2021, the U.S. Department of Health and Human Services (HHS) extended the federal public health emergency to Oct. 17, 2021, (90 days). Please visit www.phe.gov/emergency regularly for updates on the federal public health emergency. Additionally, in a [letter](#) to state governors dated Jan. 22, 2021, the HHS Secretary indicated that HHS will provide states with 60-days' notice before terminating the federal declaration.

DISCUSSION

This announcement serves as the notification that [Announcement C-20-04 Revised Suspension of Regulatory Requirements for Certified Child Care Facilities During the COVID-19 Pandemic](#) has been updated with a sunset date (end date) of **Sept. 30, 2021**.

OCDEL also issued [Frequently Asked Questions: Guidance for Tuberculin Skin Testing \(TST\) and COVID-19 Vaccinations](#) on June 24, 2021, which will also end **Sept. 30, 2021**.

To assist child care providers with the transition of the reinstatement of the regulatory requirements, OCDEL has provided a *Regulation Suspension End Dates: OCDEL Guidance Chart* (See [Appendix A](#)). The chart outlines the legal citations, regulatory language that was suspended, and when child care certification staff will begin measuring compliance for the regulations that were suspended, as some of the compliance dates will vary.

As a reminder, [Announcement C-21-05 Obsolete Certification Announcements for Child Care providers](#) was issued on July 12, 2021, identifying the following announcements will end **Sept. 30, 2021**:

- C-20-02: *Operational Recommendations for Early Childhood Providers Due to Coronavirus (COVID-19)*
- C-20-03: *Reporting Early Learning Programs Closings Due to Coronavirus (COVID-19)*
- C-20-07: *Fire Safety Training for Child Care Centers may be obtained online during the COVID-19 Pandemic*
- C-20-09: *Emergency Temporary Relocation of Facility due to the Governor Issuing a Declaration of Disaster – Specific to Novel Coronavirus (COVID-19)*
- C-20-13: *Reopening of Certified Child Care Facilities Temporarily or Permanently Closed Due to COVID-19*

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The following announcement will **end as of August 31, 2021**:

- [C-20-11: Non-Licensed Part-Day School Age Child Care Program or Learning Pod Notification of Operation](#)

NEXT STEPS

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

Regional Office of Child Development and Early Learning: Central Region 800-222-2117; Northeast Region 800-222-2108; Southeast North and Southeast South Region 800-346-2929; Western Region 800-222-2149.

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Appendix A- Regulation Suspension End Dates: OCDEL Guidance Chart

Legal Citation	Regulatory Language to be Suspended	Date to Begin Measuring Compliance
55 Pa. Code §3270.11(e) and §3280.11(e) and §20.31	A facility will be inspected at least once every 12 months by an agent of the Department. §20.31. Annual inspection. An authorized agent of the Department will conduct an on-site inspection of a facility or agency at least once every 12 months.	Oct. 1, 2021 Annual on-sight renewal inspections will commence.
55 Pa. Code §3270.61(e) and §3280.61(e)	Measured indoor space excludes space occupied by halls, bathrooms, offices, kitchens and locker rooms.	Oct. 1, 2021 Measured indoor space can no longer include halls, bathrooms, offices, kitchens, and locker rooms.
55 Pa. Code §3270.62(a); §3270.62(b);	A facility shall provide indoor childcare space for individual and group small muscle activity.	Oct. 1, 2021 A facility must have indoor childcare space for individual and group muscle activity.
55 Pa. Code §3280.61(a); §3280.61(b)	Indoor childcare space may not be used simultaneously as play space.	Oct. 1, 2021 Indoor child care space may not be used simultaneously as play space.
55 Pa. Code §3270.31(e)(4)(i); §3280.31(e)(4)(i); (§3290.31 (f)(4)(1)	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.	Oct. 1, 2021 Child care certification staff will begin verifying compliance with first-aid training. All staff persons must be competent in pediatric first-aid and pediatric CPR.
55 Pa. Code §3270.33(d) and §3280.33(c)	One or more facility persons competent in first-aid techniques shall be at the facility when one or more children are in care.	Oct. 1, 2021 One or more facility persons must be competent in pediatric first-aid and pediatric CPR when one or more children are in care.
55 Pa. Code §3270.31(e) and §3280.31(e)	A staff person shall obtain an annual minimum of 12 clock hours of child care training.	On Dec. 19, 2020 , new child care regulations were implemented and the annual professional development requirement for all staff changed from 6 to 12 hours.

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Legal Citation	Regulatory Language to be Suspended	Date to Begin Measuring Compliance
		<p>Oct. 1, 2021 Child care certification staff will begin verifying compliance with annual professional development.</p> <p>Renewal inspections conducted Dec. 19, 2021 and thereafter will require staff that were employed on or before December 19, 2020 to have completed 12 hours of annual professional Development.</p> <p>New staff that were employed after Dec. 19, 2020 must complete 12 hours of annual professional development within one year of the hire date.</p>
<p>55 Pa. Code §3270.123(a)(3); §3280.123(a)(3); §3290.123(a)(3)</p>	<p>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 § 3270.124(f) § 3280.124(f); §3290.123(f) (relating to emergency contact information).</p>	<p>Oct. 1, 2021 Child care certification staff will commence reviewing child service report's and any the emergency contact information updates as specified in the regulation.</p>
<p>55 Pa. Code §3270.124(f); §3280.124(f); §3290.124(e)</p>	<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>Oct. 1, 2021 Child care certification staff will verify that emergency contact information and the financial agreement is updated once in a 6-month period or as soon as there is a change in information.</p>

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Legal Citation	Regulatory Language to be Suspended	Date to Begin Measuring Compliance
55 Pa. Code §3270.181(c); §3270.181(c)	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.	Oct. 1, 2021 Child care certification staff will verify that emergency contact information and the financial agreement is updated once in a 6-month period or as soon as there is a change in information.
55 Pa. Code §3270.181(e); §3280.181(e)	§3270.181(e); §3280.181(e); If emergency information is updated in a master file, it shall be updated accordingly in other facility records.	Oct. 1, 2021 Child care certification staff will verify that the master file is updated and with this information as well as other facility records.
55 Pa. Code §3270.131(a); §3280.131(a); §3290.131(a)	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. 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.	Dec. 1, 2021 Child care certification staff will verify that each enrolled child has an initial health report on file no later than 60 days following the first day of attendance at the facility.
55 Pa. Code §3270.131(b); §3280.131(b); §3290.131(b)	The operator shall require the parent to provide an updated health report in accordance with the following schedules: (1) At least every 6 months for an infant or young toddler. (2) At least every 12 months for an older toddler or preschool child.	Oct. 1, 2021 Child care certification staff will verify that children in care have updated health reports on file in accordance with the schedules stipulated in the regulation. The time schedule begins Oct. 1, 2021, for example 1) Infant DOB 3/6/2021 must have an updated health report on file by April 1, 2021 or sooner. 2) Older Toddler or Preschool age child has 12 months from Oct. 1, 2021 to have an updated health report on file, example: DOB 8/3/2019 must have an updated

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Legal Citation	Regulatory Language to be Suspended	Date to Begin Measuring Compliance
		health report on file by Oct. 1, 2022 or sooner.
<p>55 Pa. Code §3270.151(c)(2), §3280.151(c)(2), §3290.151(c)(2)</p>	<p>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</p> <p>(c) The health assessment must include the following:</p> <p>(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.</p>	<p>October 1, 2021</p> <p>Child care certification staff will begin verifying the health of assessment of each staff person to confirm it includes the required TB screening.</p>
<p>55 Pa. Code §3270.171(a); §3280.171(a)</p>	<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>	<p>October 1, 2021</p> <p>Child care certification staff will verify that local traffic safety authorities are notified annually in writing of the location of the facility and about the program's use of pedestrian vehicular routes around the child care facility.</p>