

ANNOUNCEMENT

C-21-08




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

Issue Date: Sept. 15, 2021

Effective Date: Sept. 7, 2021

Subject: Compliance with Acting Secretary of Health's Face Covering Order

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

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

PURPOSE

The Department of Human Services (DHS) previously announced the applicability of the Aug. 31, 2021, Order of the Acting Secretary of Health directing face covering to child care providers licensed by DHS. See Announcement C-21-07. The purpose of this announcement is to: (1) clarify the minimum necessary documentation that must be maintained by a child care provider to demonstrate an exception for a medical condition under Section 3.B of the Order; (2) clarify the enforcement actions that DHS will take for noncompliant licensees; and (3) update Appendix A of Announcement C-21-07 accordingly. For purposes of this Announcement, all DHS licensed child care center, group child care homes, and family child care homes will be collectively referred to as "child care providers".

BACKGROUND

Masking significantly increases our chances of keeping our schools and early learning programs open, maintaining a safe and healthy learning environment, and allowing sports and other activities to continue. Universal masking in schools and child care, which the Centers for Disease Control and Prevention (CDC) and the American Academy of Pediatrics recommend, reduces the risk that entire centers will need to quarantine due to a positive COVID-19 case.

Until June 28, 2021, Pennsylvania businesses, including child care providers, were operating under an Order from the Secretary of Health to wear face masks. The CDC has since recommended that all schools and early learning programs continue to wear face masks, regardless of community transmission or vaccination status.

The Delta variant is highly transmissible and dangerous to the unvaccinated, many of whom are children too young to receive the vaccine. As cases among children increase in Pennsylvania and across the country, we need to continue to protect our children, teachers, and staff. In order to do so, on Aug. 31, 2021, Pennsylvania's Acting Secretary of Health issued the Order requiring face coverings to be worn in all school entities, including school districts, brick and mortar and cyber charter schools, private and parochial schools, career and technical centers, intermediate units, and early learning and other child-care settings. This Order is not "optional" and was effective beginning 12:01 a.m. on Tuesday, Sept. 7, 2021.

DISCUSSION

On Aug. 31, 2021, OCDEL issued [Announcement C-21-07](#) to all certified child care providers indicating the Order would be enforced effective Sept. 7, 2021, and child care providers would be cited for failure to comply with the regulatory citations in Appendix A of that announcement. Additional citations have been identified and are included with this announcement as Appendix A-Revised *COVID-19 Certification Requirements: OCDEL Guidance Chart*.

Child care providers striving for compliance with the Order by having staff and children wear a face covering during the indoor portion of the child care day can work closely with certification representatives for strategies and resources to maintain full compliance with the Order.

However, OCDEL is aware that some child care providers are flagrantly violating the Order and do **not** intend to comply.

Failure to implement measures for staff and children to follow the Order subjects a child care provider to the following child care licensing enforcement actions:

- Initial citations for non-compliance.
- Failure to return a license inspection summary with an acceptable Plan of Correction (POC) within ten (10) calendar days after notification of non-compliance may result in the DHS denying, refusing to renew or revoking your certificate of compliance.
- A downgrade to a Provisional Certificate of Compliance as a result of non-compliance to the Order will result in the inability to apply for, or receive, a Child Care Stabilization Grant. Communications to states related to the issuance of American Rescue Plan Act funds was issued in Information Memoranda CCDF-ACF-IM-2021-02. Applicants for these Stabilization grants attest through the application that the provider will, when open and providing services, implement

policies in line with guidance and orders from corresponding state, territorial, tribal, and local authorities and, to the greatest extent possible, implement policies in line with guidance from the CDC, available at [COVID-19 Guidance for Schools and Child Care](#).

- Continued non-compliance may result in continued enforcement action up to and including issuance of an Emergency Removal Order.

Citations will not be issued to providers where there are temporary instances when staff and children are not wearing their face mask but there is intent to comply with the Order. Providers will be responsible for demonstrating their intent to comply and can do so by implementing best practices and can contact OCDEL for guidance and support.

Process for Exemptions to the Face Covering Order

Compliance with the Order is **not** optional. Any child care facility simply permitting a parent's/caretaker's sign-off without medical documentation that the child has a medical or mental health condition or disability that precludes the wearing of a face covering is **not** in compliance with the Order. Under the Order, child care facilities must require all individuals, two years of age and older, to wear face coverings unless the individual has an exception to the Order as identified in Section 3 of the [Order of the Acting Secretary Directing Face Coverings in Schools.pdf \(pa.gov\)](#). Additionally, in accordance with Section 3 of the Order, before an individual is exempt from the face covering requirements, all alternatives to a face covering, including a face shield, are to be exhausted.

While there are exceptions to the Order, a parent's/caretaker's opposition to the Order is **not** one of them. Parents/Caretakers indicating their child is exempted from the Order due to a medical condition **must** have individualized documentation from the child's physician. Form letters and parental/caretaker notes are not sufficient for documentation of compliance. Child care providers are expected to enforce the Order as they do other state laws and school rules and policies. When able to do so, providers should provide a mask or alternative face covering.

Parents/caretakers indicating their child or children meet a medical exemption under Section 3 of the Order, if not already noted in a child's health report, will have until **Tuesday Sept. 21, 2021**, to submit appropriate documentation signed by a medical professional of the medical exemption to the child care provider.

Staff indicating a medical exemption under Section 3 of the Order, if not already documented in the staff's health report, will have until **Tuesday Sept. 21, 2021**, to submit appropriate documentation signed by a medical professional of the medical exemption to the child care provider.

NEXT STEPS

Child care providers must:

1. Read this Announcement and share with appropriate staff.
2. Stay up-to-date on the most recent [CDC Guidance for Operating Child Care](#).
3. For additional resources on COVID-19 developed for early learning programs in Pennsylvania click [here](#).
4. Direct all questions and comments to your child care Certification Regional Office.

Certification 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

Appendix A-Revised COVID-19 Certification Requirements: OCDEL Guidance Chart

Updated citations are noted below in **Red**

Area of Compliance	Provider Type	Legal Citation	Regulatory Language
Wearing a face mask	Child Care Center Group Child Care Homes (GCCH) Family Child Care Homes (FCCH)	55 Pa. Code §3270.14 55 Pa. Code §3270.21 55 Pa. Code §3280.14 55 Pa. Code §3280.20 55 Pa. Code §3290.18	Compliance with pertinent laws and regulations Conditions at the facility may not pose a threat to the health or safety of the children
Reporting diseases (positive COVID-19 cases)	Child Care Center Group Child Care Homes (GCCH) Family Child Care Homes (FCCH)	55 Pa. Code §3270.136(d) 55 Pa. Code §3280.136(d) 55 Pa. Code §3290.136(d)	A facility person who knows of a communicable disease for which 28 Pa. Code Chapter 27 (relating to communicable and noncommunicable diseases) requires reporting, or who knows of a group expression of an illness which may be of public concern, whether or not it is known to be of a communicable nature, shall report it promptly to the appropriate division of the Department of Health as specified in Chapter 27, or to a local department of health.
Utilizing the DHS Licensed Facility COVID Data Tool and/or reporting to child care certification staff	Child Care Center Group Child Care Homes (GCCH) Family Child Care Homes (FCCH)	55 Pa. Code §3270.136(d) 55 Pa. Code §3280.136(d) 55 Pa. Code §3290.136(d)	A facility person who knows of a communicable disease for which 28 Pa. Code Chapter 27 (relating to communicable and noncommunicable diseases) requires reporting, or who knows of a group expression of an illness which may be of public concern, whether or not it is known to be of a communicable nature, shall report it promptly to the appropriate division of the Department of Health as specified in Chapter 27, or to a local department of health.

<p>Informing parents of suspected outbreaks</p>	<p>Child Care Center Group Child Care Homes (GCCH) Family Child Care Homes (FCCH)</p>	<p>55 Pa. Code §3270.136(b) 55 Pa. Code §3280.136(b) 55 Pa. Code §3290.136(b)</p>	<p>The operator shall inform parents of enrolled children when there is a suspected outbreak of a communicable disease or an outbreak of an unusual illness that represents a public health emergency in the opinion of the Department of Health</p>
<p>Documentation of Exemption as identified in Section 3 of Face Mask Order</p>	<p>Child Care Center Group Child Care Homes (GCCH) Family Child Care Homes (FCCH)</p>	<p>55 Pa. Code §3270.131(c) 55 Pa. Code §3270.131(d)(4) 55 Pa. Code §3280.131(c) 55 Pa. Code §3280.131(d)(4) 55 Pa. Code §3290.131(c) 55 Pa. Code §3290.131(d)(4) 55 Pa. Code §3270.151(c)(4) 55 Pa. Code §3280.151(c)(4) 55 Pa. Code §3290.151(c)(4)</p>	<p>The operator shall require and maintain appropriate documentation of staff and each enrolled child's qualifying condition under the Order of the Secretary of Health from Section 3.</p>