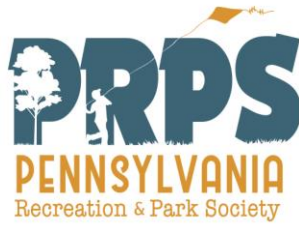


Pennsylvania House of Representatives
Children and Youth Services Committee
Hearing on regulation of municipal preschool recreation programs
Rep. Karen Boback, Chair
October 29, 2019

Written Testimony & Supporting Documents Packet

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Testimony

Tim Herd, Certified Park and Recreation Executive
Chief Executive Officer, Pennsylvania Recreation and Park Society

Introductions

I am Tim Herd, CEO of the Pennsylvania Recreation and Park Society. PRPS is the statewide professional association providing industry leadership, advocacy, training and resources to those who work in the parks, recreation, and related essential community services.

Along with me today, are two other Recreation and Park Professionals to testify about their experiences in providing preschool programming and attempting to comply with the daycare facility regulations. We are also submitting written testimony from a number of other municipal recreation and park agencies on their experiences.

True Story

A few years ago, a shy, little five-year-old girl named Becky attended a week of summer nature day camp in Nazareth Boro Park in Northampton County. She joined a small group of other preschoolers in an adventure called Roving Rangers Nature Safari. Led by a Teacher-Naturalist and an assistant, they used their imaginations and group experiential learning to search for a new home for a shy woodland elf named Tiki.

Through their explorations, Becky discovered how friend Squirrel can climb and build a leafy nest in a tree, while Chipmunk burrows cozy tunnels under the ground. Fish makes pebbly nests in its watery world, while Robin builds sturdy nests of mud and grass to raise her young. Nearby, Butterfly flutters from a homespun sleeping bag attached to a leaf. What would be the right kind of home for Tiki?

Becky and her new friends made a little raft to float on the creek. Near the playground, they played a game demonstrating how frogs eat only moving food. On the hillside, they sang a Habitat Song. Under the footbridge over the stream, they discovered aquatic insects in their watery home. In the woods, they found signs of burrowing animals, and played a tunneling game. In the field, they learned and practiced the Rules of Picking. They named the four stages of butterfly metamorphosis. They crafted a set of feelers for their own spunky heads. They got dirty, they got wet, they interacted with nature and among themselves. They learned new skills, new things, new people, new places. They had fun. They went home tired and enriched.

This story originates from Nazareth, but the same scenario was repeated in the Berks County Heritage Center in Wyomissing; 5 Mile Woods in Lower Makefield Township; Monocacy Park in Bethlehem; Shank Park in Derry Township; Shamona Creek Park in Downingtown; Reamstown Memorial Park in East Cocalico Township; Kalmbach Memorial Park in Macungie; Ephrata Archery Club in Ephrata; Historic Grange Estate in Havertown; Landis Woods in Manheim Township; Lenape Park in Perkasie; City Island Park in Harrisburg; and a couple of dozen other locations across the state.

I tell this story as a small example of how preschool recreation programs fill a niche that private day care centers cannot. And how regulations designed for private daycare facilities—but now increasingly enforced for preschool municipal recreation programs—would prohibit this kind of irreplaceable and unique learning experience for all little Beckys throughout the state.

Background

The first parks were created to alleviate the stresses of modern living by providing all people and all ages with public access to open space for the healthful and restorative benefits of clean air, clean water, and active recreation.

Public recreation programs have been a function of most municipalities in the Commonwealth for the past hundred years. The city of Lancaster founded its Recreation Commission in 1909 – 110 years ago!

Pennsylvania Department of Human Services Day Care Certification regulations provide standards to aid in protecting the health, safety and rights of children to reduce risks in child day care centers.

The purpose of PA Code Title 55 Chapter 3270 is to facilitate the safe and healthful care of a child in a “child day care center.” These regulations have been extended *by interpretation* by the Department of Human Services to extend to municipal recreation and park services.

While the safety and security of children enrolled in day camps, swim lessons, nature play, and other indoor and outdoor recreation programs is always vitally important, (and include strict legal and ethical standards in staff recruitment and training); municipal recreation agencies also legitimately provide emotional, cognitive, communicative, perceptual-motor, physical and social development of children outside the confines of a private and traditional “child day care center.”

Municipal recreation and park agencies are also closely aligned with other essential local governmental services of fire, police, and emergency services. They are governed by codes and policies and operating procedures enacted to provide for the wellbeing and safety of the public at all times. A municipal public recreation system is a well-designed, collaborative and comprehensive approach utilizing the collective best of the local resources. Please note in particular the written testimony of Radnor Township on how they go well beyond normal child protective requirements, yet it is not practical for them to come into day care compliance.

PRPS affirms the tremendous personal and community value of (and popular demand for) safe and secure, developmentally appropriate, child-centered recreation services provided apart from certified child day care centers. However, the highly limiting restrictions imposed by the DHS interpretation of the Code prevent most recreation providers from feasibly complying with such certification requirements in the outdoor settings of parks and the indoor multi-use amenities of recreation centers and other facilities.

In order to resolve the conflict between the indispensable public municipal services for enriched development of our children, PRPS has been in extended contact with the Pennsylvania Bureau of

Certification Services, Office of Child Development and Early Learning, Departments of Education and Human Services (DHS).

To articulate our issues with the regulations, we have:

- Conducted a member Survey, June 2016
- Approved a Position Statement, September 2016
- Met in person with DHS personnel, January 2017
- Established and proposed a Protocol for Public Preschool Recreation Programs, May 2017

However, our dialogue with the DHS has fallen flat, and it refuses to acknowledge the legitimacy of our position.

We are here because we respectfully disagree with DHS's interpretation and enforcement of private daycare facilities on public recreation programs. But we are not here to argue, but rather to communicate our perspective so you can understand.

While we have worked with Representatives Barry Jozwiak and Mary Jo Daley on bi-partisan legislation that would provide legal clarity to this issue, we are very open and willing to pursue a constructive dialogue with the committee, DHS and other stakeholders to craft an administrative solution to this issue if it can be found. This issue is not unique to Pennsylvania; other states have found resolutions.

It's not a matter of having only one "right" way to educate, care for and enrich the lives of our preschoolers—as the daycare Code would like to dictate! Municipal recreation programs for preschoolers are a legitimate and popular need and desire by parents and other caregivers. One that offers rewards and values that cannot be achieved through private day care centers.

Impact of Enforcement

The DHS is attempting to enforce the private daycare facility regulations to public recreation programs. I say "attempting" because they certainly don't have the capacity, and even their own field inspectors have questioned why and how daycare facility regulations even apply to outdoor programming. Tiny toilets and places for napping are not applicable out in the park. And a city recreation center cannot close to all other members of the public simply because it might have a dozen preschoolers enrolled in a Making Music class.

Yet, because of the threat of noncompliance, many recreation departments have either scaled back or simply cancelled their popular preschool programming, some of which have been a vital part of the community for 30, 40, even 50 years!

- In our members survey, we found that 68 percent conduct programming for preschoolers, and 96 percent of them are exclusively outdoors or in a combination of both indoor and outdoor settings.
- 88 percent are conducted seasonally or year-round. In 70 percent of the programs, parents do not participate.
- Many agencies serve hundreds of children per year, generating tens of thousands to over a hundred thousand dollars in revenues; developing the workforce, creating jobs and using paid staff.

I want to share just three comments from our Member's Survey:

"Our swim lessons have introduced thousands of children to water. We teach swimming and safety skills in each class held six times per year."

"The Little Sprouts preschool and pre-kindergarten programs have provided a valuable resource for our community. The class is affordable and accessible for all. The kindergarten teachers in our school district claim that Little Sprouts students are the most prepared for Kindergarten."

"[Our] outdoor play program has been a staple of municipal recreation since the 1950s. To force municipal departments to provide the kinds of facilities stipulated would not only be cost prohibitive but also negate the benefits of introducing preschoolers to the park system and outdoor play."

Such services are clearly not being fulfilled by private day care centers. And it makes little sense to enforce the private daycare regulations for these highly successful, long-term programs.

Moreover, in the three years since many agencies have ceased their preschool recreation program offerings under the threat of fines for noncompliance of regulations that don't apply, we've already failed to serve a whole "generation" of preschoolers. This is an offense to the ideals of social equity!

True to the very philosophy of public parks and recreation is the idea that all people – no matter the color of their skin, age, income level or ability – have access to programs, facilities, places and spaces that make their lives and communities great. Forcing public recreation programs to function as certified daycare center facilities—which is definitely not their purpose!—actually creates social inequities! And that is a very great shame.

Value and Benefits

Let me also explain that today's recreation and parks are not your mom and dad's playground program! They are multifaceted physical and socioeconomic systems that daily deliver the foundational needs and essential human services of our modern existence. It's not just fun and games!

The loss of these programs to the community creates a void. In them, not only do the children develop physically, mentally and socially, they keep engaged in developmentally appropriate activities as they age into other levels and offerings of recreation and park programming.

Providing public recreational programming to preschoolers of all socioeconomic classes permits parents with a choice in their children's development. Introductory play programs developing physical motor and social skills are imperative to their proper growth. In addition, the research proving the many and varied benefits for children connecting to nature is strong and continues to build. Just a smattering: The research proves that engagement with nature...

- strengthens motor and cognitive skills in young children
- builds experiential learning, team cooperation and leadership
- alleviates attention deficit disorders
- fosters risk resiliency and independent mobility skills
- expedites medical recovery and boosts immune systems
- fosters diversity and cross-cultural cooperation
- establishes a sense of place and belonging

In addition, a [2018 report](#) from the American Academy of Pediatrics confirms that play enhances creativity, imagination, dexterity, boldness, teamwork skills, stress-management skills, confidence, conflict resolution skills, decision-making skills, problem-solving skills and learning behavior. Play is an essential part of the human experience, and a lack of play can have troubling short and long-term ramifications for children.

Legal Analysis

Moreover, a professional legal analysis of the PA Public Welfare Code and the DHS Child Daycare Center Regulatory Regime reveals that:

- Part-day programs for preschool children are not mentioned in the regulations.
- None of the defined terms in the definitional section of the regulations mention any municipalities, authorities, or other public entities, thereby making the application of the regulations to municipal recreation programs highly questionable.

This legal analysis by Geoffrey L. Beauchamp, General Counsel for the Delaware Valley Property & Liability Trust, is included in our written testimony.

Preschool Protocol

To address the components of the regulations that *are* applicable—and to assure parents and other stakeholders of the high standards of care in municipal recreation—PRPS has established a Protocol for Public Preschool Recreation Programs that addresses the core concerns of both professional recreation providers and the Department of Human Services Office of Child Development and Early Learning.

The Protocol addresses:

- Program Duration
- Exclusivity
- Minimum Age
- Parental Consent and Authorizations
- Food and Drink
- Industry Certifications and Training
- Staffing and Personnel
- Personnel Supervision
- Safety and Security Provisions
- Provisions for Health and Wellbeing of Participants
- Compliance Documentation
- Compliance with other State and Federal Laws.

Proposed Legislation

We are here because we are seeking legislative clarity, although we are open to an administrative compromise.

The legislation we propose amends the definition of a “Child Day Care Center” in the Pa. Public Welfare Code to include the following statement:

The term does not include public municipal preschool recreation programs that are operated in accordance with the Pennsylvania Recreation and Park Society, Inc (PRPS) Protocol for Public Municipal Preschool Recreation Programs as adopted by municipal ordinance or resolutions. Municipal means any “local government” under 53 PS. C.S.A. § 2302 (relating to definitions).

Conclusion

I need to tell you a brief postscript to little Becky's story. Two years ago, after my mother's funeral, I went to Nazareth Boro Park for a walk with my now grown-up daughter Becky. As we headed for the edge of the woods, she suddenly stopped, and stooped. "Here!" she exclaimed. If not for her chirpy tone of voice, I would have been slightly alarmed. But "here!" she said, at the base of a large tree, "Here is where we made a home for Tiki the elf!"

The foundational experiences that recreation—not daycare— structured recreation programs—bring to our youngest members of society form the basis of life skills, lifelong learning, and responsible citizenship in a world increasingly at odds with itself. This is why we do this. This is why municipal recreation needs to be recognized—and unregulated as a certified day care center facility— for its own unique contributions to a better society.



Position Statement

Child Day Care Center Certification Regulations

16 September 2016

Pennsylvania Department of Human Services Day Care Certification regulations provide standards to aid in protecting the health, safety and rights of children to reduce risks in child day care centers.

The purpose of PA Code Title 55 Chapter 3270 is to facilitate the safe and healthful care of a child in a “child day care center.” These regulations extend to care provided for a preschool child in private or public, profit or nonprofit facilities, which by certain legal interpretation, include municipal recreation and park services.

While the safety and security of children enrolled in day camps, swim lessons, nature play, and other indoor and outdoor recreation programs is always vitally important, (including strict legal and ethical standards in staff recruitment and training), municipal recreation agencies also legitimately provide emotional, cognitive, communicative, perceptual-motor, physical and social development of children outside the confines of a “child day care center.”

The Pennsylvania Recreation and Park Society (PRPS) is the statewide professional association providing industry leadership, advocacy, training and resources to those who work or volunteer in parks, recreation, athletics, aquatics, playgrounds, therapeutic recreation, trails, greenways, and other healthful indoor and outdoor quality-of-life opportunities and related essential community services.

PRPS affirms the tremendous personal and community value of (and popular demand for) safe and secure, developmentally appropriate, child-centered recreation services provided apart from certified child day care centers. However, the highly limiting restrictions imposed by the Code prevent most recreation providers from feasibly complying with such certification requirements in the outdoor settings of parks and the indoor multi-use amenities of recreation centers and other facilities.

On behalf of more than 2000 professional member practitioners, and parents, preschoolers and communities throughout the Commonwealth, PRPS advocates that public recreation and park programs be specifically exempted from complying with Child Day Care Center Certification regulations by the Department of Human Services.

Issue

The Department of Human Services Day Care Certification regulations in 55 Pa. Code §§3270 provides standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance. It applies to facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to seven or more children, 15 years of age or younger, including:

- (1) Care provided to a child at the parent's work site when the parent is not present in the child care space.
- (2) Care provided in private or public, profit or nonprofit facilities.
- (3) Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

It does not apply to care provided in a facility where the parent is present at all times child care is being provided. <http://www.pacode.com/secure/data/055/chapter3270/chap3270toc.html>

Notification of compliance/noncompliance

The Delaware Valley Insurance Trust issued a memo on May 26, 2016 to its municipal members advising them to cease their preschool programming unless they can comply with the DHS regulations. This is not necessarily the interpretation of the law by other municipalities. Nonetheless, this advice is being taken seriously by recreation and park providers across the state.

The Department of Human Services has not contacted local governmental and recreation and park agencies concerning compliance with Chapter 3270 regulations.

However, when Chapter 3490 PA Child Protection Services Act was enacted, child programming providers were contacted so that they would be educated in the requirements and come into compliance with the law.

Goal

Clarify or amend the law and regulations of DHS to exempt public recreation programming from compliance with child care certification requirements.

Rationale

Recreational and educational programs for preschool-aged children provide unique opportunities outside the role and abilities of most child care facilities. Such popular and cost-effective methods utilize the both constructed recreation facilities as well as the natural features of outdoor park settings. These crucial learning and growing opportunities offer development in gross and fine motor skills, social interaction, connections to nature and healthy living, and contribute to prosperous and desirable communities.

It appears that the law is intended to regulate facilities used in traditional "child day care centers," but was not intended to be applied to parks and outdoor settings that have a legitimate and important recreational role for children. However, it appears that the wording of the law can be construed to demand the same compliance by recreation and park providers in conducting swim lessons, nature exploration, day camps, play sports and other indoor and outdoor activities for preschool children, which were not considered in the crafting of this law.

Findings of the 2016 Park and Recreation Agency Survey

regarding impacts of the PA Dept. of Human Services (DHS) Child Day Care Certification Regulations

Statistical Findings

To determine the impact of this law and its interpretation, the Pennsylvania Recreation and Park Society polled recreation and park providers throughout the state. Following are some of the statistical findings:

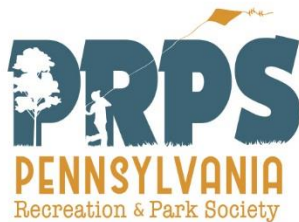
- **Programming:** 68 percent of respondents conduct recreational or educational programs for preschoolers, many of them for more than 20 years, and in some cases, more than 40 and 50 years. Their long-term success and popularity speak to the desirability and demand for such programming by recreation and park agencies.
- **Facilities:** 96 percent of responding agencies conduct their preschool programs exclusively outdoors or in both indoor and outdoor settings. Just 6 percent of recreation and park facilities are certified for preschool use by the DHS.
- **Format:** 88 percent of the agencies provide preschool programming seasonally or year-round. 31 percent conduct programs that are 2 hours or less in duration per session; 69 percent provide more than 2 hours per session.
- **Enrollments:** Total enrollments in preschool programming by recreation and park agencies vary from a few as 6 to as many as 100. In 70 percent of the programs, parents do not participate with their children.
- **Revenues:** Many recreation and park preschool programs enroll multiple hundreds of children in structured activities per year, generating thousands of dollars in revenues. Some of the larger programs report over \$100,000 and even a few over \$200,000 annually.
- **Staffing:** 66 percent of preschool programs utilize paid staff. 32 percent augment paid staff with volunteers. Staff to child ratios range from 1:3 to 1:20. Most report within a range of 1 adult to 6-10 children.
- **Wages:** Recreation and park agencies annually hire and train staff specifically for their preschool programs, varying from one to as many as 34. These jobs generate several hundred to several hundred thousand dollars in wages paid annually per agency.

Provider Comments

Selected quotes from survey participants on how complying with DHS regulations to become certified day care facilities would impact recreation and park programming and related issues.

- Programs for children of preschool age have been part of the Township Parks and Recreation program for over 30 years and with great success... The loss of these programs to the community will create a void. Not only do the children benefit by participating in the many programs but the Department benefits by having the families introduced to what the department offers. The preschool programs feed the school age and even adult programs. The community will suffer an economic loss as well as staff who are hired to implement the programs.
- The Park-n-Tots program is a great, low-cost option for our residents to send their preschool aged children to summer camp. The kids learn, play, and spend much-needed time in the outdoors. Park-n-Tots is a precursor to our traditional day camp (most children participate in day camp once then age out of Park-n-Tots). This program keeps kids engaged in our programs over the years.
- Our swim lessons have introduced thousands of children to the water. We teach swimming and safety skills in each class held 6 times per year.

- The impact to our programs will be drastic. Instead of providing service to 60 preschool children each summer, we'll need to reduce the number to five preschool children per week. The associated expenses with certification are cost prohibitive.
- The Little Sprouts Pre-school and Pre-Kindergarten programs have provided a valuable resource for our community. The class is affordable and accessible for all. The Kindergarten teachers in our school district claim that Little Sprouts students are the most prepared for Kindergarten.
- We would need to restructure our entire program, by adding additional staff, possible other changes to be certified by DHS. This would increase our expenses and force us to raise the fee of the program for the participants. It will then be an unknown to how the higher fees will affect registration.
- This will restrict our ability to offer 1/2 day and full day Preschool programs at a reasonable price. By requiring parents to remain on site, will inconvenience and potentially affect the program outcomes. Some children of these ages, are very shy and have difficulty participating if mom or dad are in the room. It will impact the programming that we offer, the staff will not be rehired, supplies will not be purchased and entertainers will not be used.
- We have been running these programs at a high level for over a decade. A big impact this has is not only do we lose the Pre-K children, but their older siblings who participate in our programs as well. Parents want to be able to drop-off and pick-up their kids from the same location and time.
- Our program consists of 3 two weeks sessions of 3 hours / day. Staff has all required background checks. This program is an introduction to the camp experience. Activities include arts & crafts, story time, games and exploring in the park. In no way is our program designed to be a Day Care or take the place of Day Care. Recreation and recreation programming should not be regulated by DHS without representation from Park & Recreation professional representation.
- The impact across the state is going to be large. Providing recreational programming to preschoolers of all social economic classes, in the development of their child is their choice of provider. Programs that are introductory in the area of reading, physical motor skills, and social development skills, are imperative to the development of the child. The need for children to be outside, learning about the environment, is on the forefront of our children being linked to their surroundings, and the future of our state resources. The benefits of preschool programming and the development of a child needs to be in the hands of the parents, not the state.
- This would severely impact our ability to offer seasonal preschool programs. Compliance would be too cumbersome and not cost effective.
- Pre-School programs are the gateway to a lifetime of public parks and recreation programs. We have children who begin in "Mini" people camp and continue through until they're teenagers. They work at the programs. It is essential that Pre-School age children are allowed to continue in our programs. These are low cost, close to home options.
- The outdoor play program has been a staple of municipal recreation since the 1950s To force municipal departments to provide the kinds of facilities stipulated would not only be cost prohibitive but also negate the benefits of introducing preschoolers to the park system and to outdoor play.
- PA Code 3270 forced us to suspend our preschool program this year, to the dismay of many parents in the Township. We felt that we could not meet the requirements of the code, particularly the requirements for the staff's educational background. To meet those requirements, we would need to hire several additional employees and pay them substantially more than our current staff is making. Additionally, the school district allows us to use one of their buildings, and getting into the building prior to camp to make sure the building meets 3270's requirements is not possible, since school is still in session until days before camp begins. We hope that the requirements for Code 3270 can be waived for municipal recreation camps.



Protocol for Public Preschool Recreation Programs

10 May 2017

The Pennsylvania Recreation and Park Society (PRPS) is the principal state association providing professional leadership, development, advocacy and resources for those working and volunteering in the parks and recreation field.

The Society's members include managers of municipal and state recreation and park systems, recreation therapists and wellness specialists, higher education professors and students, managers and programmers of commercial recreation facilities, suppliers and manufacturers of recreation and park products and services, and citizen members of community recreation and park boards across the Commonwealth.

PRPS assists and represents recreation and park professionals in solving community problems and meeting the recreational needs of all Pennsylvanians.

On behalf of recreation and park professionals and political subdivisions of the Commonwealth, PRPS submits the following protocol as an official standard for providing public preschool recreation programming.

This protocol addresses the core concerns of professional recreation providers and the Department of Human Services (DHS) Office of Child Development and Early Learning, while not conceding the DHS's authority to regulate municipal preschool summer camps and other preschool programming.

1. Program Duration

All programs will run less than 90 consecutive days on a full or half day daily schedule, with fully adequate insurance coverage. No overnight operations allowed.

2. Exclusivity

Although program participants may not have exclusive use of any indoor or outdoor recreational facilities they will be closely and exclusively supervised by the highly qualified and well-trained program staff.

3. Minimum Age

All program participants will be at least 3 years of age and toilet trained.

4. Parental Consent/Authorizations

Parental consent forms will require the parent/guardian to provide the following:

- a. necessary contact information;

- b. disclosure of any disabilities, allergies and vaccination histories;
- c. contact information and relationship of those persons who are allowed to pick up the children from the program premises.

5. Food & Drink

There will be ready access to tap or bottled water, as well as food and snacks even if the children are asked to bring their own.

6. Industry Certifications and Training

The Recreation and Park profession maintains a system of national certifications to ensure commitments to the highest standards of ethical and professional practice in the delivery of park and recreation programs. PRPS endorses the educational standards for certifications and encourages all Pennsylvania recreation and park professionals and agencies to seek, obtain and adhere to their standards. See the *Appendix* for a brief description of these certifications.

7. Staffing and Personnel

While individual titles vary, the following list describes the operational roles in a public preschool recreation program or camp. A staff to child ratio of 1:8 shall be maintained at all times.

a. Organizational Director

The Organizational Director is a professional who creates or organizes a program/camp. This person is responsible for program/camp registration, employment and other duties related to the preparation of the program/camp prior to it beginning. This person is not necessarily delivering the program/camp or on-site at the program/camp on a daily basis.

- 1) Must be 21 years or older and have completed training in preschool recreation program development and management; first aid; and in child, fire, and environmental safety;
- 2) Comply fully with all applicable Pennsylvania Child Protective Services Law (CPSL) training and certification requirements.

b. Program Instructors/ Camp Supervisors

The Program Instructor/Camp Supervisor is an individual who directly administers and oversees a program/camp. This person is on-site during the delivery of the program/camp and is responsible for the daily well-being of the participants, running the program/camp and is in charge of other on-site employees (where applicable).

- 1) Must be 18 years or older and have completed training in preschool recreation program delivery; first aid; and in child, fire, and environmental safety;
- 2) Comply fully with all applicable Pennsylvania Child Protective Services Law (CPSL) training and certification requirements;

c. **Assistant Program Instructors/ Assistant Camp Supervisors**

The Assistant Program Instructor/Assistant Camp Supervisor is an individual who assists the Program Instructor/Camp Supervisor in delivery of a program/camp. This position exists only if needed.

- 1) Must be 18 years or older and have completed training in preschool recreation program delivery; first aid; and in child, fire, and environmental safety;
- 2) Comply fully with all applicable Pennsylvania Child Protective Services Law (CPSL) training and certification requirements.

d. **Program/Camp Counselors**

The Program/Camp Counselor is an individual who assists the supervisory staff and is under their direct supervision at all times, but whose primary responsibility is to participate in activities with the preschool participants. This position would exist only if needed.

- 1) Must be 16 years or older and have completed training in preschool recreation program delivery; first aid; and in child, fire, and environmental safety;
- 2) Comply fully with all applicable Pennsylvania Child Protective Services Law (CPSL) training and certification requirements.

e. **Lifeguards**

Certified Lifeguards shall be employed for all programs involving aquatic instruction and activities, and shall enforce industry standards for water safety.

f. **Training Documentation**

All training documentation shall be maintained by the Organizational Director.

8. Personnel Supervision

- a. The Organizational Director shall supervise the Program Instructor/Camp Supervisor(s), who shall be on-site at all times; and
- b. The Program Instructor/Camp Supervisor(s) shall directly supervise the Assistant Program Instructor(s) /Assistant Camp Supervisor(s) and Program/Camp Counselor(s) in the presence of all preschool participants.

9. Safety and Security Provisions

a. **Supervision**

- 1) Program Instructor(s)/Camp Supervisor(s) shall oversee the children's activities and be in their presence at all times.

b. **Program Procedures**

- 1) Listing of authorized persons to drop off/pick up children;
- 2) Emergency drills (evacuation and lost/missing children);

- 3) Security procedures to prevent “escape” and/or abduction;
- 4) Incident reporting and investigation procedures;
- 5) Use of safety restraints when transporting children on field trips; and
- 6) Aquatics, when applicable: mandatory life vests for non-swimmers with a Program/Camp employee in the pool at all times.

c. Facilities

- 1) All playgrounds and related apparatus used by program participants will be inspected and certified by a Certified Playground Safety Inspector (CPSI);
- 2) All facilities shall be in compliance with local codes;
- 3) Ready access to fire and emergency personnel.

10. Provisions for Health and Well-Being of Participants

- a. Implementation of all standard Human Resources hiring and employment prerequisites and requirements;
- b. Accommodation of special needs and provisions for children who become ill;
- c. Identification of unvaccinated children and appropriate advice to parents;
- d. Verification that participants are healthy enough for physical activities;
- e. Identification of allergies;
- f. Administration of medications and Epi-Pens (with parental consent);
- g. Provision of adequate shelter from inclement weather with ready access to lavatory facilities;
- h. Supervision of children by at least 2 staff members when going to the lavatory; and
- i. Application of sunscreen when needed.

11. Compliance Documentation

All the compliance documentation will be maintained by the Organizational Director subject to inspection by DHS; and

12. Compliance with Other State and Federal Laws

All public preschool recreation programming will fully comply with all other applicable federal and state laws.

Appendix: Recreation and Park Industry Certifications

Certified Park and Recreation Professional (CPRP)

The CPRP certification is the national standard for all parks and recreation professionals at the forefront of their profession. Attaining the CPRP designation shows that they have met education and experience qualifications, and illustrates commitment to the profession as well as knowledge and understanding of key concepts within parks and recreation.

Certified Park and Recreation Executive (CPRE)

The CPRE certification is the national standard for managerial, administrative and executive parks and recreation professionals. This mastery-level credential focuses on the practical knowledge and current real-world skills necessary in today's changing park and recreation environment.

Certified Playground Safety Inspector (CPSI)

The CPSI is the industry leading certification program in playground safety. The certification program provides the most comprehensive and up-to-date training on playground safety issues including hazard identification, equipment specifications, surfacing requirements and risk management methods.

Aquatic Facility Operator (AFO)

The AFO is the premier certification program in swimming pool operations. It provides the most comprehensive and up-to date training for pool operators and includes information on water chemistry, disinfection, mechanical systems, operations, healthy pools and safety. Other certifications in aquatics include an Aquatics Management Professional Certificate (AMP), Aquatic Facility Technician (AFT).

Certified Pool Operator (CPO)

A Certified Pool/Spa Operators certification from the National Swimming Pool Foundation provides individuals with the basic knowledge, techniques, and skills of pool and spa operations. An Advanced Service Technician (AST) Certification provides service professionals with the knowledge and skills to fully service residential pools and spas.

Certified Therapeutic Recreation Specialists (CTRS)

The CTRS certification by the National Council for Therapeutic Recreation Certification signifies that a recreational therapist has the essential knowledge, skills, and abilities for the practice of recreational therapy.

Agency Accreditation

The Commission for Accreditation of Park and Recreation Agencies (CAPRA) provides quality assurance and quality improvement of accredited park and recreation agencies throughout the United States. CAPRA is the only national accreditation of park and recreation agencies, and is a valuable measure of an agency's overall quality of operation, management, and service to the community.

Academic Accreditation

The Council on Accreditation of Parks, Recreation, Tourism and Related Professions (COAPRT) accredits baccalaureate programs in parks, recreation, tourism, sport management, event management, therapeutic recreation, and leisure studies, within the United States and its territories, Canada, and Mexico. COAPRT is the only accreditation of recreation, park resources and leisure services curricula recognized by the Council for Higher Education Accreditation.

The Municipal Pre-School Recreation Programs Workshop

Legal Overview

Presented by:
Geoffrey L. Beauchamp, Esq.
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The PA Public Welfare Code

- Pennsylvania Public Welfare Code – Articles IX and X, 62 P.S. §§901-922, 1001-1088
- Neither Title mentions municipal youth programs of any kind and plainly do not contemplate the regulation of municipal pre-school recreation programs as “child day care centers”



- The definition of “**Facility**” – which is the regulated entity in Title X of the Pa. Public Welfare Code - is as follows:

“[A]n adult day care center, child day care center, family child care home, boarding home for children, mental health establishment, personal care home, assisted living residence, nursing home, hospital or maternity home, as defined herein, except to the extent that such a facility is operated by the State or Federal governments or those supervised by the department or licensed pursuant to the act of July 19, 1979 (P. L. 130, No. 48), known as the “Health Care Facilities Act”. See 62 P.S. §1001

- It does not mention any municipal youth programs

4/25/2019

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DHS Child Daycare Center Regulatory Regime

- The stated purpose of the child day care center regulations is to “*provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers. This chapter identifies the minimum level of compliance necessary to obtain the Department’s certificate of compliance*”. See 55 Pa. Code §§ 3270 *et seq.*
- The chapter expressly applies to facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to seven or more children, 15 years of age or younger, including:

* * *

- (2) Care provided in private or public, profit or nonprofit facilities

See 55 Pa. Code §3270.3 (a) (2)

4/25/2019

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- Part-day programs for *pre-school children* are not mentioned in the regulations
- None of the defined terms in the definitional section of the regulations mention any municipalities, authorities or other public entities, thereby making the application of these regulations to municipal summer camps questionable



- On their face the child day care center operational requirements and facility specifications in the DHS regulations are arguably inapplicable and unworkable when applied to municipal pre-school recreation programs, including summer day camps



Need for Legislative Relief

- Findings of 2016 PRPS Survey re: Impact of Child Day Care Regulatory Requirements are in the workshop materials
- PRPS February 2019 Recommendation for Remedial Legislation is in the workshop materials

4/25/2019

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Questions ?



PARKS & RECREATION DEPARTMENT
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Pennsylvania House of Representatives
Children & Youth Services Committee
H.B. 1831 Hearing
Rep. Karen Boback, Chair
October 29, 2019

Oral Testimony

Joanna Sharapan, Recreation Program Manager
Plymouth Township Parks & Recreation

Self Introduction

Joanna Sharapan, Recreation Program Manager for Plymouth Township Parks & Recreation. I graduated from Lock Haven University of PA in 2000 with a Bachelors of Science in Recreation Management and a minor in Business Management. I have worked for Plymouth Township Parks & Recreation for 19 years and I have personally planned, organized and facilitated hundreds of recreational programs for all ages in our community.

Who Plymouth Township Parks & Recreation Is

Established in 1922, Plymouth Township is located in central Montgomery County and consists of several departments including Parks and Recreation, Police, Fire and Emergency Management, Public Works and Zoning. We are a municipal government agency governed by 5 elected Township officials. The Township belongs to the Delaware Valley Insurance Trust (DVIT) which provides risk management, legal counsel, and continuous education opportunities for the Township and it's employees. DVIT continuously audits the operations of the Recreation Department and provides guidelines for better practices to ensure the safety of all participants. The Parks & Recreation Department is very fortunate and operates out of the 77,500 square foot Greater Plymouth Community Center (GPCC). The GPCC has a room designed and dedicated to preschool aged programming. We also program in the surrounding parks and public school facilities offering a variety of recreation programs for all ages. There are 18 full-time parks and recreation professionals who work at the GPCC. All employees are compliant with the PA Child Protective Services Law, have college degrees and are First Aid and CPR certified. Our programs range from adult sports leagues, youth dance, fitness personal training, swimming lessons, special events, adult interest classes, special needs, wellness seminars, youth sports, American Red Cross certification classes and much more.

History of Mini People Summer Camp

Mini People Summer Camp ran successfully from 1993 until 2016. This six week, half-day recreational camp was for children ages 4-6 years old. Mini People Summer Camp was a child's introduction to their community, autonomy from their parents and socialization. Many of our original Mini People campers became employees, often summer camp counselors in the program they first attended. We had to cease operation in 2016 after being made aware of the new regulation changes to the PA Child Care Code. Once the program was canceled we were faced with many complaints from parents who had expected to send their kids to our camp. Parents organized themselves and submitted letters to their Representatives on our behalf stating the importance of our programs.

What Needs We Satisfy in Our Community

Mini People Summer Camp was an inexpensive and safe recreational opportunity for parents. In 2016, the cost for a Township resident was only \$85 for the entire week. Mini People was a feeder program into our school-age, teen camps and youth programs. For some even their first place of employment. This program was where many campers made their first friends, stepped out of their comfort zone for the first time, built confidence and learned new things. This program got kids out of the house and introduced them to their community police officers and firemen who taught them valuable life lessons. It was convenient for parents to have all their children in one location where they felt safe and comfortable. Plymouth Township Parks & Recreation never considered Mini People Summer Camp as childcare as it only met for three hours a day. It was a recreational program that gave a child their first away from home experience.

Application Process

- We started the application/certification process in June 2016. We ran Mini People Summer Camp that year on a "good faith effort" to become certified.
- We knew this was not going to be a quick or simple process so we did not continue with the certification for 2017 and decided to try to start the process in May 2018 with the hopes of being licensed and ready to go for summer 2019.
- We submitted our second application in June 2018. After many back and forth conversations with DHS we got all the required paperwork submitted.
- As time went on and many attempts at an update, we never received any response from DHS.
- After unsuccessfully attempting to make contact with our representative for 6 months we finally contacted the Director of Certification Services in January 2019
- At this time, we were told we needed to resubmit our entire application.
- We went back and forth with a new DHS representative and got most of our required paperwork in order. We had an unannounced visit and inspection in June 2019. We had a few minor things that needed to be done and submitted in order to receive a provisional license. Everything was done and submitted on August 8, 2019 with the exception of one staff persons transcripts. Eventually the transcripts were submitted on August 28, 2019.
- At this time I also requested information on the number of participants we are able to take based on the size of the rooms.

- On August 27, 2019 I received an email stating that my degree does not fall under the early childhood education or human services umbrella and that I do not have 30 credits in qualifying courses that would bridge this gap.
- Getting everything wrapped up by the end of August was very important because the timeline we worked out with DHS was to get all the necessary paperwork and proof of work done in August 2019. At that point we would be given a provisional license. We would then get another inspection done in January/February to extend the provisional license for another 6-months, when we could have our final inspection with children in our camp program.
- At this point, as we wait for a response from DHS, some of our required certifications such as the health assessment, in-person DHS orientation and annual required training will expire before we get our provisional license.

Documentation Discrepancies- FEIN and Political Subdivision

- Submitted our REV-1220 form (which states we are a Government Entity and it included our FEIN) with our application in June 2018. In July 2018 we notified that this documentation was incorrect and that we needed a letter from Dept. of the Treasury, IRS.
- Myself, my Assistant Director and the Township Finance Director worked tirelessly to obtain this required documentation and we were able to submit the correct documentation in August 2018.
- We also submitted a letter from the PA Dept. of Revenue stating that Plymouth Township is a “Political Subdivision of the Commonwealth.”
- We didn’t receive any response from DHS until January 2019, after contacting the Director of Certification Services.

Qualifications

- For certification purposes, I’m considering myself the “Director” of the summer camp. The Director is required to have a degree in child development, early childhood education, special education, elementary education or the human services field plus 1 year experience working with children.
- After submitting my Lock Haven University transcripts it was deemed that I did not have a qualifying degree to satisfy this requirement.
- My Bachelor of Science Degree from Lock Haven University is from The Stephen Poorman College of Business, Information Systems and Human Services.
- Lock Haven University’s Recreation Management program is nationally accredited from The Council on Accreditation of Parks, Recreation, Tourism and Related Professions. This accreditation recognizes academic programs in colleges and universities that prepare new professionals to enter the parks, recreation, tourism and related professions.
- I have also been working in this field, for Plymouth Township, since December 2000.
- Between my 19 years experience and my degree in recreation I feel I should be qualified to run a recreational summer camp for preschool aged children.

In Conclusion

It is my understanding that the PA Child Care Code was revised in 2007 and under the new interpretations municipal recreation programs had to comply. We operated without incident from 2007 to 2016 and were unaware of any regulation changes. In 2015, the state informed us of the new requirements implemented as a result of the Child Protective Services Law, however the Child Care Code changes were never communicated. Because of the revised childcare requirements municipal recreation departments are now categorized as child care when they are clearly not the same. It is my feeling that the revised Code has had unintentional consequences that the state is now required to enforce without understanding the scope of these programs.

While we believe Mini People Summer Camp is an extremely valuable program it is a very small part of what we do. Our current policies and procedures for our summer camps mirror many aspects of the regulation. However, dedicating a staff person to keep up with the license for a 6-week program is unreasonable. We are not a childcare facility, we offer quality recreational opportunities to the citizens of Pennsylvania.

Dover Township

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Pennsylvania House of Representatives
Children & Youth Services Committee
H.B. 1831 Hearing
Rep. Karen Boback, Chair
October 29, 2019

Oral Testimony

Chalet Harris, Parks & Recreation Director
Dover Township, York County

Intro

Good Morning. My name is Chalet Harris and I am the Parks & Recreation Director of Dover Township, York County. Dover Township is located Northwest of York and Southwest of Harrisburg. We are a Class II Township with 21,000 residents. The southern portion of our Township is suburban, and our northern portion is rural. Most people who live in Dover Township work in York, Lancaster, Harrisburg, or Baltimore. Children from Dover Township attend the Dover Area School District. More than one half of the student population at Dover Area School District qualify for free or reduced lunch.

Demographics

We have a definite divide between the “haves” and “have nots” in our community. As mentioned previously, more than half of children in the school district qualify for free or reduced lunch. We have families where grandparents, great-grandparents, or other family members are serving as the guardians for the children. Many of our families do not place their children in childcare because they cannot afford it or don’t need it. There are many families with either a stay-at-home-parent, a work-from-home-parent, a retired grandparent, or parents who work split shifts (one parent works day and another night) so they don’t have to use childcare. Many of these families do not put their little children into day care or traditional preschool programs because of the cost. For some families, our Preschool Playground program is the only organized program their child will have before school starts. If we were to cancel our program, we would be eliminating a socio-economical class from receiving any type of organized preschool program prior to kindergarten.

Programming

For more than 40 years, Dover Township has offered a Preschool Playground program for children ages 3-5. This program meets Monday through Thursday from 9:30 am – 11:30 am for six weeks in the summer. The program costs \$45 for the entire six weeks. We always lose one day of the program because of our Old-Fashioned Carnival event. This means that the children are with us for a maximum of 46 hours throughout the duration of the program. There are some children who are in daycare for that many hours *a week*. The Preschool Playground is the only program that we

are running for preschool aged children. We do not want to offer more programming until more clarity can be provided regarding this issue.

We do not classify ourselves as a “childcare facility”. We are not interested in pursuing childcare in our Township. We provide **programming** for our community to fill voids that are not offered from other businesses/organizations in our community. Parents are not dropping children off at our program to go to work. They are going to the grocery store, cleaning their house or taking a nap.

Our program meets or exceeds many requirements set forth by the State. Our staff have their appropriate clearances. The staff are all CPR/First aid certified. We have Mandated Reporters on staff. We exceed ratio requirements of 1 staff member to 10 children. We have three staff to a maximum of 20 children.

Our Township does not have a facility that would pass the inspection necessary to gain state licensure. The Preschool Playground program is currently offered in a 1750s era log house. In order to meet the necessary requirements for licensure, we would need to do a massive renovation or build an entire new building. These are not feasible for our department. In the past, our programs were offered in the school district’s buildings. Previous school administrators decided not to allow any Township recreation programming in the school spaces. With new (current) administration in place, the use of the schools may become a possibility in the future. For now, we must use our own spaces. Our buildings are pavilions, park buildings, etc. that would not meet the qualifications.

Clarification

I am here to ask for clarification of the law to show that municipal **programming** should not be expected to meet the same requirements as **private childcare facilities**. I feel that municipal programs should have requirements that must be met – i.e. clearances for staff, appropriate ratios, CPR/first aid training, proper sign-in/sign-out procedures, etc.

I thank you for your time and attention to this matter. Recreation departments are here to provide positive experiences for our residents. I hope you will see that many opportunities will be lost if clarification is not addressed on this issue.



Township of Northampton

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Website: www.northamptontownship.com

October 18, 2019

Pennsylvania House of Representatives
Children and Youth Committee
Harrisburg, PA 17120

Subject: Impact of Pre-School Legislation

Dear Committee,

Serving as Director of Parks and Recreation for Northampton Township since 1988, I have witnessed tremendous growth of the Township. With that growth, the community looked to the Township's Parks and Recreation Department to fulfill certain needs. One of the needs was the continuation and increase of recreational programs for preschool age children.

Prior to my career with Northampton Township, Parks and Recreation offered a camp program, as well as, a handful of special interest classes for preschool age children. These classes took place in the Township Administration Building and camps took place in School District facilities. Thirty-two years later these quality camps continue in the schools and the programs at the Recreation Center.

Northampton Township has conducted a camp for preschool age children since 1986 as well as individual programs for preschoolers prior to then. The success and quality of those programs created the desire for the community to request additional programs for that age group. In 1989, a program entitled "Preschool Potpourri" was created and quickly became a popular program. Due to its success, it grew to be a multiple day and multiply hour program. The program currently involves over 60 children who participate in a two day, three day or five day program. Preschool Potpourri has been in operation as a 5 day a week program since 1995. Before embarking on the multiple day program we contacted both the Department of Education and the Department of Public Welfare to see if we needed licensing. Neither Department felt Township Parks and Recreation Programs were within their responsibility. In addition, we were informed that the PA Education Act 1988-11 allowed us to operate without a license. The PA Education Act 1988-11, states that "licenses shall not apply toschools or classes operated by or under the authority of the Commonwealth or any political subdivision thereof....." We continued to operate under this statement as we were never notified by the State of any changes to the law. That is no excuse to not abide by the laws of the Commonwealth. However, in operating the programs the Parks and Recreation Department is governed by local laws and ordinances that are in place to protect the safety of the children and other participants who use the Township and School District facilities.

According to the Child Care Regulations which became effective in 2008, it appears that municipalities which offer programs for an hour to three hours long are held to the same standards as facilities that provide full day care. As you may now know, many municipalities have cancelled their programs citing the restrictions and regulations set forth by the Department of Human Services Office of Child Development and Early Learning. I know it was not the State's intention to have Parks and Recreation Departments cancel quality programs that have benefitted the communities for decades. However, that is the consequence of the regulations.

I am concerned and even confused as to how the Township could obtain certification for the schools. However, I have little apprehension about Northampton Township facilities and staff being able to be certified. With that being said and based on some of my colleague's experiences, my own experiences with OCDEL's staff and the absolute fear that our programs would be halted, I have hesitated to apply for Child Care Licensing. I trust that my testimony will not jeopardize the status of our long-standing programs.

I am asking that the State recognize the worth of the many Municipal Parks and Recreation Departments that operate facilities and programs within their own jurisdictions. I am requesting that the State reexamine the regulations and consider the consequences placed on the local communities and on the already over-burdened Pennsylvania Department of Welfare. Lastly, please consider the Pennsylvania Recreation and Parks Society's request to exempt Parks and Recreation Department from Child Care licensing requirements.

Thank you!

Sincerely,

A handwritten signature in cursive script that reads "Nancy Opalka". The signature is written in black ink and is positioned above the printed name and title.

Nancy Opalka
Director of Northampton Township

LISA BOROWSKI
President

JACK LARKIN, ESQ.
Vice President

JAKE ABEL

RICHARD F. BOOKER, ESQ.

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ROBERT A. ZIENKOWSKI
Township Manager
Township Secretary

JOHN B. RICE, ESQ.
Solicitor

KATHRYN GARTLAND
Treasurer

October 14, 2019

Pennsylvania House of Representatives
Attention: Children & Youth Committee
Harrisburg, PA 17120

Subject: Impact of Pre-School Legislation

Dear Children & Youth Committee,

My name is Tammy Cohen and I am the Director of Recreation & Community Programming for Radnor Township, Delaware County – while I have served in various roles over the years, I have been working for the Radnor Township community to provide recreational programming for 20 years. Our largest youth program is Radnor Day Camp, which hails itself as being the longest, consecutively running day camp in the country, starting in 1941 by the Radnor Township School District athletic staff because gasoline was rationed for the war and residents could not head off to the shore for the weekend. Little did we know these roots would extend so far into the future for what has now evolved into a summer camp for children in the community filled with enriching activities, opportunities to boost development, and memories to last a lifetime.

Today, we not only take great pride in continuing to offer this summer camp tradition, but we also take great responsibility in how we do it. Recreational leaders have an enormous amount of accountability to provide programming that meets the social, emotional, and physical needs of children and to combat the growing child epidemics that exist today with mental health concerns, obesity, and excessive screen time. This requires preparing an intense curriculum to address these issues along with hiring qualified staff members who are not only skilled in these areas but incur rigorous screening methods that go far beyond Pennsylvania's Child Protective Service Laws. This involves utilizing the service resources that are nearest to us, many of which are operating next to us that include Police and Public Safety and Fire and Emergency Management along with the Township's contracted risk management and legal advisors. Our responsibility further extends to professional human resources and labor management practices along with hiring methods that include annual background checks, structured training and emergency communications, and abuse and molestation awareness training. We further must work closely to ensure we reach and serve the diverse populations in our communities; accommodate individuals that require inclusive support and expertise; reduce adverse impacts to the environment; and ensure quality control of programming through constant needs assessments and evaluations. At the end of the day, our core focus is on the residents who comprise our tax-paying community and ensuring that their quality of life services is not only met but exceed their expectations at any cost; the focus is not on making money.

Our Department has served thousands of children in the community, inclusive of preschoolers, for almost 80 years through Radnor Day Camp and other programs. These programs take place at various schools in our community and range from one-day programs or series of programs to the summer camp that takes place for six weeks during the summer. Not only does our ability to offer these programs greatly impact this age group, it also hinders us from providing programming to school-aged children since many parents select programs based on their ability to serve multiple ages of children in one location. If one program does not serve the needs for both their preschooler and school-aged child, they are less likely to choose the program altogether. This has an adverse impact on the efficacy of numerous community recreation services that offer opportunities for physical activity, self-expression, cultural arts, and education.

Our Department made a gallant effort to meet the licensing regulations promulgated by the Pennsylvania Department of Welfare that require day care facilities to obey strict guidelines as well as obtain a Department approved Certificate of Compliance in order to operate. These regulations, which were adopted in 1992 and amended in 2008, apply to any facility providing out-of-home care to seven or more pre-school age children (Preschool age is defined as a child from 3 years old to the date the child enters kindergarten). Consequently, we worked with the Township's legal consultants to develop a roadmap towards achieving compliance along with taking the actual steps to get there. In our effort to achieve licensing, we encountered the following obstacles, some not seeming applicable to our public recreational services and structure, but rather to that of business delivery:

One of the biggest challenges facing Radnor Township in the application process for licensing is the lack of a permanent designated facility. The Township cannot obtain a Certificate of Compliance to run the camp unless it specifies the location of the camp and ensures the location meets all the requirements described in 55 Pa. Code §20.57. Because Radnor Day Camp runs out of a non-Township-owned facility (albeit a Radnor Township School District Facility) that is subject to change each year, the Township will have difficulty ensuring and demonstrating the above requirements are always met.

Once a Certificate has been issued, the Department remains authorized to conduct both announced and unannounced inspections (*Id.* at §20.33). At least one on-site inspection, which will be announced, must be conducted every twelve (12) months (*Id.* at §20.31). During these inspections, the facility must allow the Department full access to its records and allow it to interview staff and clients (55 Pa. Code §20.34). This seems applicable to a business operation that is operating year-round, rather than a seasonal government-run recreational program in various facilities. Also, our staff are hired on a seasonal basis and change each year, therefore making it difficult to have them available for unscheduled interviews and visits.

A representative of the legal entity must participate in an orientation training provided by the Department within twelve (12) months prior to commencing operation of the facility (¹ *Id.* at §3270.11). This training does not count towards the annual minimum of six (6) hours of child care training as required in 55 Pa. Code §3270.31(e) for all staff. Again, staff are hired on an annual, seasonal basis where commitments from them are often not made until the months (or weeks) leading up to a program start; having them available within 12 months prior to the facility operation is impractical in the field of public recreation. Hence, this is another example of where the licensing requirements appears to apply to a year-round operation and not a government-run recreational program.

Based on the foregoing, it was Radnor Township's decision to cease the application process and accordingly not permit preschool ages to take part in Radnor Day Camp moving forward. This has proven detrimental to the opportunities that have traditionally been available to the members of our community, leaving them to seek private services and/or opt out of participation in recreational camp programming all together. It has robbed our children of local, affordable programs that provide the social interaction, physical activity, school-readiness, and overall enrichment that is so vital to their success today.

On behalf of Radnor Township and the Radnor Township Recreation & Community Programming Department, we respectfully request that the Children & Youth Committee closely consider the Pennsylvania Recreation & Parks Society's petition for exemption from the licensing guidelines that are outlined by the Pennsylvania Department of Welfare, or for some practical alternative. There is an array of beneficial services provided by so many municipal recreation entities and the loss of these services has caused a negative impact to preschool children across the Commonwealth.

Sincerely,



Tammy S. Cohen
Director of Recreation & Community Programming



<http://www.cranberrytownship.org>

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Cranberry Township, PA 16066-6499

Parks & Recreation Department suite 400

p 724.776.4806 x. 1129 *f* 724.776.3680

Director: Pete Geis, CPRP, CPSI

Pete.Geis@cranberrytownship.org

October 3, 2019

Impact of Pre-School Legislation

Dear House Children and Youth Committee:

In response to several calls and visits from the Bureau of Certification Services from the Office of Child Development and Early Learning, whose staff refer to themselves as the Department of Human Services (OCDEL/DHS), Cranberry Township has recently certified its preschool program. Although the personal interaction has been fairly pleasant, we have found the overall nature of the interaction to be threatening and intimidating. We were told over a four-month period that we would receive a “cease and desist,” which finally arrived in August, weeks before our new school year started. While there has been intermittent mention of several of our other programs, OCDEL primarily directed their efforts at our Early Education Learning Center (Preschool). They are also interpreting many preschool-aged programs to be associated with our preschool and therefore under their auspices. We could not wait for the “cease and desist” letter based on their comments, and worked through the certification process for our preschool only. No matter how cooperative OCDEL has been with us, comments like “we will have to immediately shut down the program if not compliant,” have to be taken seriously.

Based on our interaction, for the following reasons, OCDEL/DHS is simply not ready for this process. The process starts with having to do some on-line training. This transitions to a required orientation at one of their sites (for us it was in Pittsburgh). In talking to the OCDEL representative, he would refer us to the aforementioned training; when in the training, they would refer us to the OCDEL representative. We are finding that they are just giving us their interpretation of what we should be doing and continuously making comments like, “we have never had to do a municipal government,” and that that it is questionable whether municipal governments even fit into their parameters.

The OCDEL office is struggling to accept that Cranberry’s program is just one of many multi-generational programs with mixed use facilities and not a “stand-alone” business. There is significant room for interpretation in the current regulation in some areas, but they want to be stringent in others. The interpretation seems to relate to the ease in quantifying the rule, but when you have something like the number of children per square foot, there is no leeway. This presents a significant challenge to us, as OCDEL wants to enforce their rules here and now, which has required us to eliminate some children from a preschool for which they have been registered since last November. It is too late for these families to find a reasonable replacement, but in this circumstance, the rule is the rule.

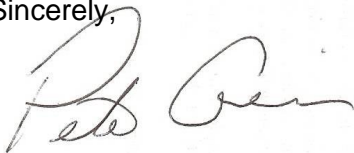
CRANBERRY TOWNSHIP **built for you.**

The overriding message and intent is that we have to keep kids safe, but there is a need for the services that parks and recreation departments provide that cannot be reasonably met with the current expected standards. It is obvious that the OCDEL office in Western Pennsylvania is struggling with this and has admitted that it is a stretch to fit our programs into this current policy. The requirements for staff, students and facilities cannot be reasonably met for programs such as summer activity camps or even “short-term child watch” or babysitting type programs. Interestingly enough, the regulations do not apply to a single focused program (like basketball camp or dance camp), but when the question was asked, “what if you run a camp that teaches several sports in the same week,” like a Start Smart Program, that currently does not need certification, OCDEL could not answer. Why would a weeklong summer camp fit within the same parameters?

Our preschool runs for a total of five hours per week (two 2.5-hour days). We had training, all the background checks, health and safety requirements, emergency plans and experienced staff, but this was not enough. Reluctantly, we conformed to OCDEL’s sometimes tenuous requirements to not risk the loss of a valuable service to our community. Offering any preschool programs will be like “dancing with the devil.” The requirements for the certification process are significant and come very close to justifying the need for additional full-time staff for the certification process alone.

In sum, it seems OCDEL is taking legislation, rules, and policies and trying to fit recreation programs into them as opposed to making legislation fit the need and the program, thereby causing a significant loss in providing essential services. Cranberry Township Parks & Recreation Department takes the safety of our children very seriously and takes many steps in assuring that there are safe, qualified people to manage these programs. It is also our philosophy to provide affordable solutions and needed services that are still able to cover the associated costs of these programs. Additionally, OCDEL and the Department of Human Services has defined their inability to regulate all Parks & Recreation programs. It would seem to make sense to enable our industry, which has managed these programs safely for decades, to continue to do so as they meet our industry’s standards. The new legislation is imperative and still may not be enough to enable us to continue to provide our services.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Geis". The signature is fluid and cursive, with the first name "Pete" written in a larger, more prominent script than the last name "Geis".

Pete Geis, Director
Cranberry Township Parks & Recreation Department



Haverford Township Department of Parks & Recreation

Director of Parks & Recreation: Brian Barrett
Facilities Coordinator: Eileen Mottola
Operations Supervisor: Larry Woods
Recreation Supervisor: Kirsten Taylor
Recreation Supervisor: Jesse Hart
Fitness Coordinator: Jackie O'Doherty
Park Maintenance: Jason O'Brien
Life. Be In It..

October 21, 2019

PA House of Representatives

Attn: Children & Youth Committee

Harrisburg, PA 17120

Subject: Impact of Pre-School Legislation

Dear Committee,

My name is Brian Barrett, I am a community recreation professional working in Haverford Township, Pa for the last 30 years. I am writing in reference to the Preschool Recreation hearing w/ House Children & Youth Committee on October 29. My reason for providing testimony relates to the effect on community recreation programs and compliance with the current DHS guidelines for organizations offering preschool programming.

The purpose of the preschool guidelines; to keep children safe and to have standards in place for staff are important. Those of us in Parks and Recreation share those goals and take steps to ensure that the children in our activities are safe and have educated, capable staff leading them. We require staff to comply with all background clearances and mandated reporter training. We also make sure staff are trained to effectively lead the children under their care. Haverford Township has been offering recreation programs for preschoolers for over 50 years. Our programs are located in a variety of locations including school district classrooms and neighborhood parks. The new guidelines for preschool offerings have led us to reevaluate long standing programs because they couldn't meet the new facility guidelines. Compliance for the DHS guidelines were designed for year round profit making businesses, not community recreation programs that are offered seasonally.

Our ability to meet facility compliance in locations that we rent, typically school facilities, and in our parks would be impossible because we don't own the facilities and some are offered in a park setting. The guidelines would prevent us from being able to offer these programs and leave our residents with no alternatives. We typically enroll hundreds of participants in our preschool programs. These programs provide enrichment and socialization opportunities to preschoolers in Haverford Township. Parents and their children have relied on these programs to learn social skills, build friendships and develop school readiness skills. These programs also provide learning opportunities for young educators and college

students. When these guidelines were put in place they were meant to protect children not eliminate community programs like ours, but the effect is the same.

I respectfully request that the committee consider our petition for community recreation departments to be granted an exemption from the preschool guidelines. This will not affect the safety and well-being of the children under our care and allow community recreation organizations to continue to serve our residents as we have for years.

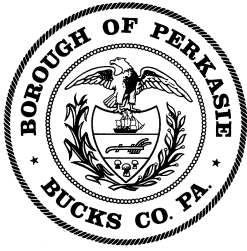
Thank you.

Sincerely

A handwritten signature in black ink that reads "Brian Barrett". The signature is written in a cursive style with a large, prominent initial "B".

Brian Barrett

Director of Parks and Recreation



BOROUGH OF PERKASIE

620 W. Chestnut Street
PO Box 96
Perkasie, Pa. 18944-0096

(215) 257-5065
Fax (215) 257-6875

October 11, 2019

Re: Preschool Licensing Hardship

To whom it may concern,

Our Borough of Perkasio is a great community of approximately 8500 residents. A few years ago the Parks and Recreation Department was gearing up for a preschool program in the parks that was a few hours a day, a few days a week during the summer. When discussed at various meetings the new regulations that were coming down on park and recreation departments we had no choice but to cancel our program. This was a hardship on our small community as residents were already registered, we had daily plans made up, equipment ready, and staff who had to be told they would no longer have a job. As you can imagine, this left a negative experience with residents and neighbors.

Since we are a small community our residents have to go elsewhere to look for preschool aged programs that we could and would easily offer within our recreation offerings. We do not have the capability to obtain licensure or to upgrade our facilities to comply as a "child care center" so this make it's difficult to provide needed recreation for certain age groups in our community.

Thank you for your time.

Megan Prusienski, CPRP

Director of Parks & Recreation

Perkasie Borough, Bucks County



CITY OF PHILADELPHIA
Parks & Recreation
Kathryn Ott Lovell
Commissioner

One Parkway
1515 Arch Street, 10th Floor
Philadelphia, PA 19102-1587
Phone: 215.683.3600

October 21, 2019

Pennsylvania House Children & Youth Committee
Representative Karen Boback, Majority Chair
Representative Joseph Petrarca, Minority Chair
Harrisburg, Pa. 17120

RE: HB 1831 Testimony

Dear Committee Chairs & Members:

On behalf of the City of Philadelphia, acting through the Parks & Recreation Department ("PPR"), we respectfully submit the following written testimony concerning House Bill 1831.

In its simplest terms, HB 1831 as currently drafted, exempts municipal recreation programs from the State Human Services Code definition of "child (day) care center". PPR firmly believes that the exemption is warranted and appropriate in the context of municipal recreation programming. All concerned parties clearly want the shared end-goal of child safety while away from home and in our care. To that end, you have our full and unequivocal departmental commitment now and in the future. Where we diverge is with the Pa. Department of Human Services' ("DHS") interpretation and enforcement of child day care facility regulations at local recreation facilities and over local recreation programs.

It has been stated in other settings that, "Quality, relevant content can't be spotted by an algorithm." So, here as well. The "algorithm" of DHS child day care regulations does not allow nor encourage the quality and relevant programmatic content inherent in well-established municipal recreation programs. Attempting

to shoe-horn municipal recreation programs into DHS child day care regulations is unwieldy at best and very often truly unworkable from a cost, staffing and program perspective. In Philadelphia alone, we estimate over \$2.8 million annually to bring the aggregate staffing structure to conform to the DHS regs and approximately \$50 million to make necessary physical improvements to facilities.

Consequently, while PPR supports the exemption aim of HB 1831, we also understand that public skepticism and valid questions may follow as to what replaces the DHS child care regulations to ensure our children's safety and well-being at our recreation facilities.

Therefore, we propose that HB 1831 be amended to include the following specific language:

“The term (i.e. child day care center) does not include municipal recreation programs that are operated in accordance with the Pennsylvania Recreation and Park Society, Inc. (“PRPS”) Protocol for Public Municipal Recreation programs as adopted by municipal ordinance or resolution. Municipal means any ‘local government’ under 53 Pa. C.S.A. Sect.2302 (relating to definitions).”

In this way, PPR and hundreds of other local/county/township parks & recreation departments throughout the Commonwealth will commit to adopt and adhere to a relevant, rigorous and realistic set of twelve (12) core standards covering public recreation programming content and certifications as previously vetted by PRPS. PRPS, its constituent members, and DHS will all share and commit to child safety goals but in a manner and through methods which make logical programmatic and staffing sense.

Furthermore, adoption of this proposed amendment will allow local communities to properly fashion program and facility standards which address their unique needs. The regulatory rubric will then be local standards tailored to local communities with local accountability through the PRPS Protocol.

The choice becomes clear—well-intentioned but largely unworkable DHS child day care regulations forcing the closure of many local facilities under threat of

State legal action and fines, or the adoption of on-point PRPS standards locally reviewed and passed.

The former choice is indirectly promoting social inequity by denying vital recreational access to the most vulnerable children in our communities; while the latter choice will speak to our shared goal of safety and relevant regulations.

We respectfully ask this Committee to weigh the choices and pass HB 1831 as proposed to be amended.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Ott Lovell".

Kathryn Ott Lovell
Commissioner

**West Manchester
Township**

(717) 792-3505

website: www.wmtwp.com



**380 East Berlin Road
York, Pa. 17408**

fax: (717) 792-4374

Email: info@wmtwp.com

October 22, 2019

PA House of Representatives
ATTN: Children & Youth Committee
Harrisburg, PA 17120

SUBJECT: Impact of Pre-School Legislation

Dear Committee:

My name is Lori Trimmer, I am the Parks and Recreation Director for West Manchester Township in York, PA. I am writing in reference to the Preschool Recreation hearing with House Children & Youth Committee on October 29. My reason for providing testimony relates to the effect on community recreation programs due to the current guidelines for departments offering preschool programming.

West Manchester Township has been offering summer recreation programs for preschoolers for many years. Our programs are in session from 9:00 AM – Noon, five days per week, for six weeks during the summer months. We offer our summer recreation programs at various playgrounds/parks in our township. The new guidelines for preschool programs have led us to reevaluate long standing programs because they would not be able to meet the new guidelines.

The guidelines would prevent us from being able to offer these programs and leave our residents with no alternatives. We enroll many participants in our summer programs every year. These programs provide enrichments and socialization opportunities to preschoolers in West Manchester Township. Parents and their children have relied on these programs to build friendships and develop school readiness skills. These programs are also very important to our summer staff, most are college students trying to acquire their teaching degrees.

I do not believe when these guidelines were put in place, they were meant to eliminate township programs like ours, but the effect is the same.

I respectfully request the committee consider our petition for township recreation departments to be granted an exemption from the preschool guidelines.

Thank you.

Sincerely,

Kelly Kelch
Township Manager

Lori Trimmer
Parks and Recreation Director

Kristi Swartz
Asst. Parks & Rec Director

9714 Beacon Road
Philadelphia, PA. 19115
October 21, 2019

Greetings,

I am writing this letter to request bipartisan support to exempt Pennsylvania Parks and Recreation Pre School Activities and Programs from Pa Department of Human Services Child Care Licensing requirements.

I developed, implemented and oversaw preschool activities as a professional recreation leader. My children and grandchildren participated in recreational preschool activities. These activities include dance, tumbling, crafts, and camps.

Social activities in a fun setting are critical to skill development in young children. They learn to share, take turns and “play nice”. Often, moms staying home with young children as well as grandparents, take advantage of these activities. It also provides a sense of community to the caregivers. Currently, more children with a disability participate in these activities. It is a sort of “family testing ground” for inclusion. Families want their children to just be part of activities and play with typically developing children. ALL children and families are richer for the experience.

Activities are of a high program standard and program leaders have current background checks. Activities average one to three hours and are not child-care programs. There is rigorous supervision.

I urge you to look at the social and community building these activities offer. A licensing requirement would cause most programs to be eliminated and hurt our communities at a time when we most need to bring people together. Please consider the whole picture and the difference between formally licensed child-care and community recreational programs .

Respectfully,
Kathleen Muller, CPRP
Retired Recreation Professional, Parent and Grandparent