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House Republican Policy Committee Hearing

3/30/2026

Good morning and thank you for the opportunity to provide testimony regarding the proposed childcare regulatory rewrite. Pennsylvania's childcare system is currently facing measurable supply constraints. Between 2015 and 2025, Pennsylvania experienced a significant contraction in home based childcare capacity, with family childcare providers declining from approximately 2,500 to under 1,000 and group home providers declining from roughly 800 to 600 in number representing a disproportionate loss within the home-based sector despite only modest growth in center-based programs (Pennsylvania DHS OCDEL data reports). Economic research on regulated service sectors suggests that increases in staffing mandates, compliance costs, and administrative burden can contribute to provider exit and reduced market participation (Carpenter et al., 2019; Kleiner & Krueger, 2013). As policymakers consider modernization efforts, evaluating potential impacts on access to care is critically important, particularly in rural and working-class communities where home-based providers often represent the primary licensed option (Childcare Aware of America, 2022).

Meaningful regulatory reform also depends on transparency and stakeholder engagement. Public administration research demonstrates that early and iterative consultation improves implementation feasibility, compliance outcomes, and long-term policy effectiveness (Organisation for Economic Co-operation and Development, 2018). Regarding this initiative, department communications with providers have been historically sparce with especially short response times. Despite meaningful outreach by providers, access to draft data has been blocked since the October 2022 Children and Youth Committee Hearing on this issue. While a formal thirty-day public comment period may be anticipated, this timeframe is insufficient for providers to educate families, analyze operational implications, disseminate information statewide, and mobilize coordinated evidence-based feedback.

Developmental science provides important context for evaluating regulatory impact. Research consistently identifies the presence of a stable, responsive caregiver as one of the strongest protective factors influencing child outcomes, particularly for children exposed to adverse childhood experiences (Center on the Developing Child, 2015; Shonkoff et al., 2012). Smaller group care environments are associated with increased caregiver sensitivity and individualized developmental interaction (NICHD Early Childcare Research Network, 2006; Vandell et al., 2010). Workforce research further indicates that reducing provider stress supports caregiver responsiveness and continuity of care, both of which are essential to safe and developmentally supportive learning environments (Cumming, 2017; Whitebook et al., 2014). The regulations should be written to encourage, support and grow home-based childcare in the Commonwealth. In contrast, the attached reference page will show that the 2022 draft would result in increased administrative, financial and operational provider burden.

Balanced policy analysis must consider long-term developmental outcomes alongside short-term liability concerns. For example, the attached draft calls for the removal of class pets, the disallowance of experience-based learning incorporating live animals, grass as a play surface, dirt derived directly from the ground, and "toxic plants" such as tomatoes and potatoes in gardens. It further restricts children from outdoor play when temperatures exceed 89º. While empirical data links the interaction with natural environments to improved immune functioning, visual development, attention regulation, and psychological wellbeing suggests that reasonable access to outdoor and experiential learning opportunities supports healthy early development (Roslund et al., 2020; Taylor & Kuo, 2011; Rook, 2013).

It is also important to consider workforce and economic implications. Home-based childcare providers are predominantly women operating small residential businesses (U.S. Bureau of Labor Statistics, 2023). Structural regulatory changes that require full-time staffing expansion or relocation into commercial facilities may unintentionally create glass ceilings for working-class women who lack access to capital necessary to scale their businesses; disproportionately affecting lower-resource entrepreneurs and reducing workforce participation (Carpenter et al., 2019).

Proposed dual staffing requirements and provisions requiring providers' own children to count toward supervision ratios may result in operational capacity reductions. In addition, definitional shifts that reclassify residential programs as commercial institutions may introduce regionally variable zoning implications due to Pennsylvania's municipal governance structure. Federal Child Care Development Block Grant regulations do not specifically recognize a separate category of "group childcare home," instead distinguishing broadly between childcare centers and family childcare homes, while allowing states flexibility to establish operational sub-categories for licensing purposes based on practical implementation needs (U.S. Department of Health and Human Services, Administration for Children and Families, 2016). This federal flexibility suggests that larger home-based programs may be regulated within the family childcare framework without necessarily being reclassified as commercial center operations.

In closing, strengthening Pennsylvania's childcare system requires balancing safety goals with developmental science, workforce realities, and access considerations. Expanding transparency, supporting diverse delivery models, and carefully evaluating unintended consequences may help ensure regulatory reform ultimately improves outcomes for the children and families we all serve. Without empirical data supporting improved child safety and quality of care, we cannot risk sending a shockwave through an already fragile infrastructure risking further contraction or extinction of home-based care in favor of an institutionalized model. I urge the committee to remember; the Department of Health and Safety serves to establish and maintain basic health and safety guidelines. It is not tasked with the micromanagement of the private childcare sector via extensive regulatory reform.

I have included an attachment for your review of the cited issues in the 2022 draft. Thank you for your time and consideration.

Summary of Regulatory Concerns in Certification Rewrite

Abrupt Structural Changes

Significant structural changes to licensing classifications, supervision requirements, and staffing expectations must be considered in the context of a well-documented early childhood staffing crisis. Programs across the Commonwealth are already struggling to recruit and retain qualified educators. New provisions that increase minimum staffing expectations, redefine operational models, or limit capacity for small providers risk accelerating program closures and reducing available childcare slots. These changes may contribute to further contraction of the early childhood workforce, destabilize continuity of care for children, and reduce access to trusted community-based programs for families.

- 3320.2(c)(1), 3320.3 Facility and Childcare Center Definitions
  Reclassifies group childcare homes as centers. For providers operating in residential zoning districts, this terminology shift may create land use conflicts and increase the likelihood of forced closure or licensing barriers.

- 3320.21(b) Director Qualification Levels
  Raises required credential thresholds for directors without clear grandfathering provisions for experienced long serving program leaders, increasing risk of leadership displacement and program instability.

- 3320.21(d) Non-Teaching Director Threshold
  Reduces the enrollment level at which a director must transition to a non-teaching role from 45 children to 30. Programs may be required to reduce enrollment to remain compliant, limiting family access to care.

- 3320.22(b)(c) Teacher Credential Requirements
  Expands credential and degree expectations for teaching staff during an acknowledged staffing shortage in early childhood education, risking further workforce contraction.

- § 3320.43(e) Age Levels and Ratios Supervision Requirement
  Requires at least two facility persons to be present whenever two or more children are in care, with at least one designated as teaching staff. For group home providers, this may effectively double staffing expectations despite existing ratio compliance. Because this provision appears after ratio regulations, it may functionally supersede established staffing structures and alter the operational feasibility of small programs.

- Proposed § 3310 Ratio and Supervision Provision Counting Provider's Own Children
  Counts a provider's own children within the regulated age range toward the maximum number of children permitted in care. This may reduce enrollment capacity for home based providers, limit program sustainability, and discourage workforce participation by experienced caregivers who rely on home-based models to balance professional and family responsibilities.

Disenfranchisement for Parents, Children and Providers

Parents deserve meaningful partnership in decisions affecting their child's daily experiences. Regulations that limit reasonable outdoor play, cultural traditions, or individualized developmental pacing can unintentionally undermine family values and provider expertise. Strong early childhood systems respect collaboration between families and educators and preserve the ability to tailor care to the needs of individual children.

- 3320.1(c) Academic Readiness Language
  Shifts focus toward school preparation rather than whole child developmental care.
- 3320.33(c) Outdoor Temperature Limits
  Sets strict thresholds that may eliminate reasonable outdoor experiences even when precautions are taken.
- 3320.35(e)(f) Classroom Animal Restrictions
  Limits experiential learning opportunities involving class pets and hands on environmental education.
- 3320.59(h) Shared Food Restrictions
  Reduces opportunities for cultural food sharing and celebration of milestones within programs.
- 3320.64(f)(2)(3) Feeding Progression Controls
  May override parental decisions regarding timing and methods of introducing solid foods.

Administrative Overreach and Burden

Child-care providers must balance regulatory compliance with constant supervision and developmental support of young children. Expanding administrative requirements that are not directly tied to child safety diverts time, staffing capacity, and financial resources away from the classroom. Regulations should strengthen outcomes for children rather than create procedural demands that strain program operations.

- 3320.12(a) and 3320.13 Program Documentation
  Introduces quality system style requirements beyond minimum health and safety scope.
- 3320.12(b) Written Recordkeeping Requirement
  Mandates physical written records even when electronic communication and documentation systems are used.
- 3320.16(h) Emergency Contact Updates
  Requires new classroom copies of unchanged forms after each parent review.
- 3320.21(b)(10)(i) Director Absence Reporting
  Requires state notification when directors are absent more than 14 days despite no direct safety impact.

- 3320.21(b)(12) Director Presence at Inspections
  Creates unrealistic expectations for directors to be present during unannounced inspections.
- 3320.46(k) Daily Environmental Safety Checks
  Mandates daily checks exceeding typical quality monitoring expectations.
- 3320.51(i) Lead Certified Contractor Requirement
  Requires EPA certified contractors for painting work regardless of demonstrated lead risk.
- 3320.59(c) Lunch Storage Requirements
  Creates expectations to refrigerate packed lunches, adding financial and supervision burdens.
- 3320.68(g) and 3320.84(1) Drill Frequency
  Combined provisions may require emergency drills to occur approximately every two weeks.

Loss of Privacy

Many childcare programs operate as small, privately owned businesses relying on private pay tuition models. While reasonable oversight related to child health and safety is appropriate, regulation should not extend into internal staffing management structures or financial planning practices. Protecting business autonomy and operational privacy supports sustainability and preserves diverse childcare options for families.

- 3320.21(b)(6) Staff Record Oversight Language
  Expands regulatory expectations regarding internal personnel record management functions.
- 3320.109(a) Annual Budget Documentation Requirement
  Requires maintenance or disclosure of internal financial planning documentation beyond core safety oversight.

Lack of Trust in Providers

Most early childhood professionals enter the field with a strong sense of responsibility and care for children. Regulatory language that assumes noncompliance or removes reasonable professional judgment risks damaging morale and weakening collaboration between providers and licensing personnel. Effective oversight should build shared purpose rather than reinforce an adversarial dynamic.

- 3320.3 Supervision Language Changes
  Replaces previously objective supervision standards with subjective monitoring expectations.
- 3320.36 Expanded Discipline Provisions
  Adds extensive prohibited practice lists suggesting widespread provider misconduct.
- 3320.64(d)(vi) Breastmilk Handling Requirements
  Imposes rigid feeding protocols that may conflict with practical infant care realities.

Harm to Children

Children thrive in stable environments that combine safety with opportunities for exploration, responsive caregiving, and consistent relationships. Policies that increase program instability, restrict developmentally appropriate experiences, or create unnecessary stress may have unintended impacts on child wellbeing. Regulatory decisions should be grounded in realistic understanding of early childhood development and daily caregiving practice.

- 3320.32(d)(e) Continuity of Care Planning
  Creates expectations that may be unrealistic given workforce turnover and staffing shortages.
- 3320.36(b)(13) Physical Restraint Prohibition
  Does not clearly allow brief intervention to prevent immediate harm to a child or others.
- 3320.41(b) Locked Vehicle Door Requirement
  May conflict with emergency evacuation safety practices during transport incidents.
- 3320.53(h) Ground Surface Interpretation
  Could be interpreted as limiting natural grass play for infants and toddlers.
- 3320.68(g) Excessive Emergency Drills
  Frequent drills may increase anxiety and stress in young children.

Definitional Ambiguity

When regulations rely on vague or subjective language, providers are left trying to interpret expectations that may shift depending on inspector interpretation. This lack of clarity can lead to inconsistent enforcement and increased mistrust between providers and licensing personnel. Clear and objective standards promote compliance, transparency, and safe environments for children.

- 3320.3 Definition Childcare Experience
  Does not clearly define what settings qualify as acceptable experience.

- 3320.03 Definition Sanitize
  Defines sanitize but not disinfect despite both being used in regulation.
- 3320.3 Definition Supervise
  Subjective monitoring language introduces inconsistent enforcement risk.
- 3320.3 Definition Water Play Activities
  Unclear whether water depth limits apply to elevated sensory tables.
- 3320.3 Definition Weapon
  Overly broad definition could include routine classroom tools.
- 3320.18(b) Training Requirements
  Does not specify timelines or documentation expectations.
- 3320.29(j) Review Documentation
  No direction on how required operational reviews must be recorded.
- 3320.39 Safe Driving Record
  Lacks measurable criteria.
- 3320.42(a)(6)(ii) Vehicle Temperature
  Subjective standard without objective range.
- 3320.43(k) Emergency Ratios
  Language may be interpreted inconsistently.
- 3320.46(e) Space Measurement
  Partition standards unclear.
- 3320.47(h) Shade Requirements
  Acceptable shade sources undefined.
- 3320.55(c) Diapering Timeline
  “As soon as possible” is not operationally measurable.
- 3320.64(g) Choking Hazard Foods
  Does not provide clear guidance or preparation context.

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