

PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

Child Care Facilities

The Department of Public Welfare (Department), under the authority of Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1087) proposes to amend Chapter 3270, 3280 and 3290 (relating to child day care centers; group child day care homes; and family child day care homes) to read set forth in Annex A.

Purpose of Proposed Rulemaking

The child care facility regulations in Chapters 3270, 3280 and 3290 provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child day care centers, group child day care homes and family child day care homes. The regulations identify the minimum level of compliance necessary to obtain the Department's certificate of compliance to operate a child care center or group child day care home or certificate of registration to operate a family child day care home.

The purpose of this proposed rulemaking is to amend the child care facility regulations regarding professional development for facility staff to strengthen the child care work force and provide staff with the knowledge and competencies needed to provide safe and healthy care to children.

Requirements

§§ 3270.4, 3280.4 and 3290.4 (relating to definitions)

The proposed rulemaking adds the following definitions regarding professional development: "distance education;" "inclusive practices;" PDR—professional development record;" and "PQAS—Pennsylvania Quality Assurance System."

"Distance education" is defined because it represents the newest and most rapidly developing method of providing and receiving professional development. "Distance education" is defined as a formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

"Inclusive practices" are identified as a required professional development topic in the proposed rulemaking. The definition is provided to give clarity regarding the scope of the topic and is as follows: working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

The Pennsylvania Key works with the Office of Child Development and Early Learning to provide Statewide leadership in the development of an integrated and coordinated system of program quality improvements and professional development supports for early childhood education. In this role, the Pennsylvania Key manages Statewide professional development initiatives. The professional development record (PDR) and Pennsylvania Quality Assurance System (PQAS) are two components of the Statewide professional development initiatives and are well known to many child care providers. The PDR is

a tool available through the Pennsylvania Key for developing and tracking a staff person's professional development plan. PQAS is a system administered through the Pennsylvania Key to identify organizations and individuals who have the expertise and the background to provide professional development in specific subject areas.

§ 3290.11 (relating to application for and issuance of a certification of compliance)

The proposed rulemaking requires a family child day care home operator to submit along with an application to renew a certificate of registration proof of compliance with the requirements for annual professional development. The family child day care home registration system is a self-certification system and provides for inspections on a random sample basis, upon complaint and at the request of the operator (see 62 P. S. § 1074, regarding visitation and inspection). The Department's certification staff find upon inspection that a significant number of family child day care home operators do not obtain the minimum hours of professional development required under the regulation. In most family child day care homes, the operator is the only caregiver working in the facility. While family child day care home operators come from a wide variety of educational backgrounds and experience levels, the minimum qualifications for a family child day care home operator are not as stringent as those for a child care center director or a group child care home primary staff person. The Department proposes to ensure that family child day care home operators obtain ongoing professional development to support the knowledge and skills needed to provide healthy and safe care to children.

§§ 3270.31 and 3280.31 (relating to age)

The proposed rulemaking deletes the professional development requirements that appear in these sections and moves those requirements to new sections. The remaining requirements deal specifically with the age of facility persons and require renaming the section headings.

§ 3290.31 (relating to qualifications)

The proposed rulemaking deletes the professional development requirements that appear in this section and moves those requirements to new sections. The remaining requirements deal specifically with qualifications of facility persons and require renaming the section heading.

§§ 3270.38 and 3280.36 (relating to credential equivalency)

The proposed rulemaking moves current §§ 3270.31(d) and 3280.31(d) to new sections. The information relates to how a Child Development Associate credential, a Certified Childcare Professional or Pennsylvania school-age professional credential translate to education and experience with children. This information is no longer suited to §§ 3270.31 and 3280.31, which the proposed rulemaking amends to focus on the minimum age of staff persons in child day care centers and group child day care homes.

§§ 3270.39, 3280.37 and 3290.33 (relating to professional development plan)

To assist staff in complying with the professional development requirements, the proposed rulemaking requires that each staff person have an individual professional development plan. The purpose of the professional development plan is to guide selection of professional development based on the minimum standards in regulation and the staff person's individual needs for profes-

sional development. The individual professional development plan may be developed using the PDR, a document which many child care facilities and staff already use, or a form that will be developed by the Department.

§§ 3270.40, 3280.38 and 3290.34 (relating to orientation for new director and staff person; orientation for new staff persons; and orientation for new operator)

The proposed rulemaking requires orientation training for persons newly hired to work in child day care centers and group child day care homes and for persons newly hired to work in positions managing all three types of child care facilities. The Department will designate the curriculum to be used for orientation training. The proposed rulemaking establishes time lines for completing the orientation training.

§§ 3270.41, 3280.39 and 3290.35 (relating to acceptable professional development)

The acceptable professional development topic areas listed in the proposed rulemaking include topic areas identified in the PDR. The topic areas are core professional development areas regarding the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children.

Acceptable professional development settings include classes, training, workshops, events or distance education conducted by an accredited college or university, by an organization or individual that has PQAS approval or by an organization or individual providing professional development that is being offered for continuing education credits for professional educators, often referred to as "Act 48" training. See section 1205.2 of the Public School Code of 1949 (24 P. S. § 12-1205.2).

§§ 3270.42, 3280.40 and 3290.36 (relating to annual professional development requirement for director; annual professional development requirement for primary staff person; and annual professional development requirement for operator)

§§ 3270.43, 3280.41 and 3290.37 (relating to annual professional development requirement for staff persons)

The proposed rulemaking specifies the minimum number of professional development hours required each calendar year. The annual professional development requirement for child day care center and group child day care home staff increases from the current 6 hours per year to 24 hours per year over 5 years. The hours are increased each calendar year as follows: year 1—9 hours; year 2—12 hours; year 3—18 hours; year 4—21 hours; and year 5 and every year thereafter—24 hours. The professional development requirement for family child day care home staff changes from 12 hours every 2 years to an annual professional development requirement of 6 hours and increases over a 5-year period as previously described.

The proposed rulemaking designates specific areas in which staff shall receive professional development. The number of designated topic areas expands as the number of hours per year increases. The topic areas are based on National health and safety guidelines plus input from the regulation work group members including child care providers, child care advocates, early learning professional organization representatives, Pennsylvania Key and Regional Key staff, Department of Education representatives and Department representatives. The Department's goal in specifying professional development topic areas is to ensure that staff persons gain the basic

knowledge and skills across a variety of topic areas that are needed to provide safe and healthy care to children.

§§ 3270.44, 3280.42 and 3290.38 (relating to exemption from annual professional development requirement)

The proposed rulemaking also addresses when staff persons are pursuing higher education. Staff persons who are obtaining professional development for the purpose of pursuing degrees or college credits regarding early education and child care meet the annual professional development requirements. The time required to pursue higher education exceeds the number of annual professional development hours in the proposed rulemaking. The Department does not want to discourage staff persons from seeking higher education by requiring them to obtain additional professional development to meet the annual requirement.

Additionally, staff persons who attend professional development or classes required to obtain or renew early learning professional credentials recognized by the Department also meet the annual professional development requirements. The time required to pursue credentials generally exceeds the number of professional development hours required in the proposed rulemaking. If the hours required to pursue a credential do not meet the annual required number of professional hours, the staff person will have to take additional professional development that meets the requirement of the regulations.

§§ 3270.45, 3280.43 and 3290.39 (relating to professional development for specific staff persons)

§§ 3270.235, 3280.217 and 3290.214 (relating to pediatric first-aid training)

The Department proposes to amend the requirement for general first-aid training to require pediatric first-aid training. Pediatric first-aid is geared to the specific health needs of children. The American Academy of Pediatrics recommends pediatric first-aid training for persons who care for children. The amendment to pediatric first-aid training will be phased in as staff persons' current general first-aid certifications expire. This will ensure that a staff person is not required to take additional training prior to the end of the first-aid certification period. A grandfathering provision regarding first-aid training is included in §§ 3270.235, 3280.217 and 3290.214.

§§ 3270.47, 3280.45 and 3290.41 (relating to portability of professional development)

The proposed rulemaking provides for the portability of a staff person's professional development record when changing employment. These sections are intended to promote the purposeful building of knowledge and skills over time by retaining the staff person's professional development history at a new place of employment.

Affected Individuals and Organizations

Children are directly impacted by the proposed rulemaking. The minimum health and safety standards in Chapters 3270, 3280 and 3290 protect children who attend approximately 8,500 certified and registered child care facilities in this Commonwealth. Parents also are impacted by the proposed rulemaking. Parents want their children to be safe in child care facilities.

Child care facilities and staff are most directly affected by the proposed rulemaking. The proposed rulemaking will increase costs to facilities. The Department provides for a phased increase in the minimum annual professional development requirements over a 5-year period.

The phased increase will permit time for further building of professional development opportunities for child care facility staff.

Accomplishments and Benefits

The current child care facility regulations regarding professional development were published in 1992 and represent the first time that staff professional development was required by the child care facility regulations. The regulations require 6 hours of professional development annually for staff in a child day care center and a group child day care home and 12 hours of professional development biennially for family child day care home staff.

Since 1992, many changes have occurred regarding professional development of child care staff. Nationwide, additional emphasis has been placed on staff professional development as a means of ensuring health and safety in child care settings. The Commonwealth now has a program called Pennsylvania Keys to Professional Development, a seamless system designed to enhance and promote for each staff person professional development that is substantive and promotes growth as an early childhood education practitioner. Pennsylvania Keys to Professional Development administers the PQAS to approve organizations and individuals who provide instruction and technical assistance to early learning and school-age programs. PQAS helps ensure that professional development activities are conducted by qualified individuals and meet quality standards.

A survey of other states revealed that 14 states require 10 or fewer hours of annual professional development for full-time child care employees and 35 states require 11 to 20 hours of annual professional development for full-time child care employees. Four states could not be reached to obtain information about minimum professional development requirements.

Only four states require 6 or fewer hours of annual professional development for child care staff as follows: Iowa requires 10 hours for directors and 6 hours for other staff; Tennessee requires 8 hours for group child care home staff and 4 hours for family child care home staff; Michigan requires 5 hours for family child care home staff; and Virginia requires 6 hours for family child care home staff.

In the states contiguous to this Commonwealth, three states require 11 to 20 hours of annual professional development, one state requires 24 hours of annual professional development for directors and 8 hours of annual professional development for other staff and two states could not be reached.

The Commonwealth's child care staff professional development requirement of 6 hours per year lags behind all but four other states. The proposed rulemaking will boost the Commonwealth's requirement and place this Commonwealth in the forefront at the end of the 5-year phase in period.

The leading pediatric health and safety best practice standards and recommendations are found in *Caring for Our Children*, published by the American Academy of Pediatrics, American Public Health Association and National Resource Center for Health and Safety in Child Care and Early Education. This publication includes the following recommendations:

- Facility staff should have preservice orientation training at initial employment with prescribed topic areas.

- Child day care center and group child day care home staff should have 30 clock hours of continuing education in the first year of employment. In the second and following years of employment, staff should have at least 24 clock hours of continuing education based on individual competency needs and any special needs of the children in their care.

- Family child care home providers should have at least 24 clock hours of continuing education annually in areas determined by self-assessment.

The National Association of Child Care Resource & Referral Agencies (NACCRA) is a National organization that leads projects to increase the quality and availability of child care professionals, undertakes research and advocates child care policies that positively impact the lives of children and families. NACCRA recommends that child care staff receive 40 hours of preservice training and 24 hours of training annually on an ongoing basis.

Research supports the case for improved professional development requirements for child care staff. Trained child care staff are more likely to facilitate the physical and mental health, safety and development of children in their care. Child care providers should have professional development in basic health and safety and in child development. Staff members who are better trained are better able to prevent, recognize and correct health and safety problems. Research shows a positive relationship between the professional development of child care providers and the quality of care children receive. Trained child care providers are more likely to provide responsive care, be more sensitive, play with children and show positive emotion in front of and toward children. Because 90% of a child's brain develops by 5 years of age, the quality of care a child receives matters.

Research also supports minimum standards that guide staff in selecting professional development that enables them to build on the knowledge and competencies needed to provide safe and health care to children. In the absence of minimum standards guiding the selection and amount of professional development required, staff are allowed to complete any assortment of professional development as long as they meet the minimum number of hours required. It is possible that a staff person could take the same class repeatedly and count it each time toward the required professional development hours. Too often, staff members make professional development choices based on what they like to learn about and not the areas in which their performance should be improved.

The Department's proposed rulemaking requires additional hours of professional development, purposeful selection of professional development and ensure the quality of professional development for child care staff persons. This will benefit children and parents by increasing the availability of safe and healthy child care.

Fiscal Impact

For the purpose of determining fiscal impact, the calculations were based on an average child day care center with a capacity of 60 children with 14 total staff, a group child day care home with a capacity of 12 children with three total staff and a family child day care home with one staff person, the operator.

Cost of preparing the annual professional development plan

Keystone STARS is an Office of Child Development and Early Learning initiative to improve, support and recognize the continuous quality improvement efforts of early

learning programs in this Commonwealth. The Keystone STARS performance standards are quality standards based on best practice to promote quality early learning environments and positive child outcomes. The standards address staff qualifications and professional development, the early learning program, partnerships with family and community and leadership and management. The performance standards are grouped into four levels: STAR 1, STAR 2, STAR 3 and STAR 4. Each level builds on the previous level. As of January 2010, 1,828 child care facilities or 21% of facilities were at a STAR 2 level or higher and as a result are already developing individual professional development plans to meet the STAR standards. The proposed rulemaking requiring an annual individual professional development plan for each staff person will not result in increased costs for those facilities that have STAR 2, STAR 3 and STAR 4 designations.

For the remaining 6,769 child care facilities, development of an individual professional development plan for each staff person will be a new requirement and will take approximately 1 1/2 hours annually for each staff person and the staff person's supervisor. The costs will vary according to the staff person's position and the supervisor's position. The estimated costs by facility type are: child day care center, \$543; group child day care home, \$121; and family child day care home, \$39.

Cost of orientation for new director in a child day care center or new primary staff person in charge of a group child day care home

The orientation curriculum for a new director in a child day care center and a new primary staff person in charge of a group child day care home is currently in development. The estimated number of hours required to complete the orientation curriculum is 20 hours. The orientation training is distance education that does not require the employee to attend sessions offsite. This affords flexibility and permits the staff person to complete the orientation training during the work day over a 1-year period. The cost per person is estimated at \$450. The orientation training will count toward the annual required training hours and therefore will be absorbed into the cost of annual professional development for that staff person. Additionally, the cost will be incurred only when an individual is hired for the first time as a director of a child day care center or a primary staff person in charge of a group child day care home.

Cost of orientation training for a new family child day care home operator

The family child day care home operator orientation curriculum is currently available through Better Kid Care and requires 6 hours of time to complete the course. The orientation training is distance education training that does not require the operator to attend sessions offsite. The estimated cost is \$186. The orientation training will count toward the annual required professional development hours and therefore will be absorbed into the cost of annual professional development.

Cost of orientation training for staff new to working in child care

The proposed requirement for new staff orientation training applies when a new staff person is hired who has never worked in a child day care center or group child day care home. The new staff orientation training is distance education that does not require the staff person to attend sessions offsite. This affords flexibility and permits the training to be accomplished during the work day. The orientation training will count toward the

annual required professional development hours and the costs will be absorbed into the annual professional development costs.

The orientation curriculum for new staff is currently available and consists of 15 hours of training. The purchase of the video portion of the materials represents a onetime cost of \$35 to a child care facility. Because the training has been in use for several years, many facilities have already purchased the videos. Ongoing costs are \$35 per staff person which include purchase of workbook and review of the coursework that is conducted by the training organization.

Costs to a facility will vary and will apply only when hiring a new staff person who has never worked in a child care facility. The estimated costs per position include the salary of the staff person during the hours of professional development. For a child day care center, the cost of new staff orientation training is \$212 for each new group supervisor and assistant group supervisor and \$195 for each new aide. For a group child day care home, the cost of new staff orientation training is \$212 for a primary staff person who is not responsible for operating the facility and \$195 for a secondary staff person.

Cost of ongoing annual staff professional development

Facility staff have the option to attend a variety of professional development to fulfill the annual professional development requirement. The costs will vary for those staff who enroll in higher education to pursue degrees or college credits in early childhood education, child development, child care, child health, elementary-middle education, human services, administration, business or professional leadership or who choose to pursue professional credentials as described in the proposed rulemaking. The time spent in those pursuits will count toward fulfilling the annual professional development requirement. The decision to pursue higher education or a professional credential is an individual choice and is not required by regulation.

Most child care staff fulfill the annual professional development requirement through attending PQAS-approved professional development, accessed through classes, workshops, events or distance education. The following figures are intended to provide average costs based on completing PQAS-approved professional development. For the purpose of developing the estimates, professional development costs were figured by estimating that half the annual professional development hours will take place offsite and may result in requiring overtime pay and half the annual professional development will be distance education that occurs during work hours and will not require overtime pay.

The average-PQAS approved noncredit professional development is 2 hours long. The cost of a PQAS-approved professional development class or workshop is generally based on the number of participants and costs an average of \$7.50 per 2-hour training session.

The costs of a variety of PQAS-approved distance education offerings were reviewed. The average cost of a 2-hour distance education training is \$20.

Facilities that have STAR 2, STAR 3 and STAR 4 designations currently comply with higher standards regarding the number of professional development hours per year and exceed the current 6 hours of annual professional development required by regulation. As a result, the estimated additional costs that will be incurred by STAR 2, STAR 3 and STAR 4 facilities were determined separately.

The estimated additional professional development costs that a facility will incur as a result of the proposed rulemaking were determined by comparing the current estimated cost for 6 hours of annual professional development with the estimated cost in each year of the proposed 5-year phase-in period. By using this formula, the average child day care center will incur the following estimated additional costs during each year of the 5-year phase in period: year 1, an increase of \$330 over current costs; year 2, an increase of \$552 over year 1; year 3, an increase of \$1,128 over year 2; year 4, an increase of \$553 over year 3; year 5, an increase of \$564 over year 4.

The average group child day care home will incur the following estimated additional costs during each year of the 5-year phase in period: year 1, increase of \$110 over current costs; year 2, increase of \$107 over year 1; year 3, increase of \$267 over year 2; year 4, increase of \$132 over year 3; year 5, increase of \$133 over year 4.

The average family child day care home will incur the following estimated additional costs during each year of the 5-year phase-in period: year 1, increase of \$65 over current costs; year 2, increase of \$63 over year 1; year 3, increase of \$129 over year 2; year 4, increase of \$64 over year 3; year 5, increase of \$133 over year 4.

Currently, facilities incur the costs of first aid, firesafety and watersafety training in addition to the costs of meeting the annual 6 hour professional development requirement. As of year 4 of the phase-in period, the proposed rulemaking permits staff to count pediatric first-aid training and firesafety training, if required, toward meeting the annual professional development requirement. In year 5 and ongoing, staff will also be able to count watersafety training toward the annual minimum professional development requirement.

Facilities that hold STAR 2, STAR 3 or STAR 4 designations are currently required to obtain more professional development than the annual minimum regulatory requirement of 6 hours. Those facilities will not incur the same amount of additional costs as those facilities that do not hold STAR 2, STAR 3 or STAR 4 designations. The following figures reflect the number of STAR 2, STAR 3 and STAR 4 facilities as of January 2010 and the additional estimated costs those facilities will incur.

STAR 2 child day care centers, 757 facilities, will incur the following estimated additional costs during each year of the 5-year phase-in period: year 1, increase of \$45 over current costs; year 2, increase of \$44 over year 1; year 3, increase of \$891 over year 2; year 4, increase of \$439 over year 3; year 5, increase of \$467 over year 4.

STAR 2 group child day care homes, 77 facilities, will not incur increased costs until the second year of the phase-in. Following are the estimated additional costs during years 2 through 5 of the phase-in period: year 2, increase of \$44 over current costs; year 3, increase of \$219 over year 2; year 4, increase of \$108 over year 3; year 5, increase of \$467 over year 4.

STAR 2 family child day care homes, 110 facilities, will not incur increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 of the phase-in period: year 3, increase of \$129 over current costs; year 4, increase of \$64 over year 3; year 5, increase of \$64 over year 4.

STAR 3 child day care centers, 352 facilities, will not incur increased costs until the third year of the phase-in. Following are the estimated additional costs during years

3 through 5 of the phase-in period: year 3, increase of \$90 over year 2; year 4, increase of \$373 over year 3; year 5, increase of \$445 over year 4.

STAR 3 group child day care homes, 26 facilities, will not incur increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 of the phase-in period: year 3, increase of \$45 over current costs; year 4, increase of \$108 over year 3; year 5, increase of \$237 over year 4.

STAR 3 family child day care homes, 36 facilities, will not incur increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 of the phase-in period: year 3, increase of \$64 over current costs; year 4, increase of \$64 over year 3; year 5, increase of \$64 over year 4.

STAR 4 child day care centers, 383 facilities, will not incur increased costs until the third year of the phase-in. Following are the estimated additional costs during years 3 through 5 of the phase-in period: year 3, increase of \$45 over current costs; year 4, increase of \$44 over year 3; year 5, increase of \$45 over year 4.

STAR 4 group child day care homes, 15 facilities, will not incur increased costs until the fourth year of the phase-in. The estimated additional costs during years 4 and 5 year of the phase-in period are year 4, an increase of \$44 over current costs, and year 5, an increase of \$45 over year 4.

STAR 4 family child day care homes, 62 facilities, will not incur increased costs until the fourth year of the phase-in. The estimated additional costs during years 4 and 5 of the phase-in period are year 4, an increase of \$64 over current costs, and year 5, an increase of \$64 over year 4.

Pediatric first-aid

The child care regulations currently require that at least one person certified in first-aid must be onsite when children are in care. The proposed rulemaking requires pediatric first-aid training, but grandfathers staff with current first-aid certification until the time their current first-aid certification expires. There is no change regarding the number of staff who shall have pediatric first-aid certification. The cost of first-aid and pediatric first-aid training is similar. The change to pediatric first-aid certification will be phased-in as current first-aid certifications expire. There should not be a significant cost difference to child care facilities.

Paperwork Requirements

The proposed rulemaking requires each staff person to have an individual professional development plan. This will be a new requirement for facilities that do not participate in the Keystone STARS program. The staff person's immediate supervisor is required to participate in development of the professional development plan. The estimated time to complete an individual professional development plan is 1 1/2 hours. Facilities with STAR 2, STAR 3 and STAR 4 designations already complete annual individual professional development plans for each staff person. The individual professional development plan may be completed using the PDR or a form that the Department will provide.

Effective Date

This proposed rulemaking will be effective 120 calendar days after final-form publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Amanda Dorris, Bureau of Certification Services, Office of Child Development and Early Learning, Department of Public Welfare, 333 Market Street, 6th Floor, Harrisburg, PA 17126, adorris@state.pa.us within 30 calendar days after the date of publication of this proposed rulemaking in the Pennsylvania Bulletin. Reference Regulation No. 14-519 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 16, 2010, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House Committee on Children and Youth and the Senate Committee on Public Health and Welfare. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

HARRIET DICHTER, Secretary

Fiscal Note: 14-519. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 55. PUBLIC WELFARE
PART V. CHILDREN, YOUTH AND FAMILIES MANUAL
Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES
ARTICLE I. LICENSING/APPROVAL
CHAPTER 3270. CHILD DAY CARE CENTERS
GENERAL PROVISIONS

§ 3270.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

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Distance education—A formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

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Inclusive practices—Working with children, with and without special needs, and their families to

ensure access, participation and supports to children and families in a broad range of activities and contexts.

* * * * *

PDR—Professional development record—A document used to list a staff person’s employment history, track education and professional development, and prepare annual professional development plans that meet the staff person’s educational needs and the professional development requirements of this chapter.

PQAS—Pennsylvania Quality Assurance System—The Commonwealth’s system for approving individuals and organizations who provide professional development to staff persons who work in early childhood and school-age programs, including child day care centers.

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GENERAL REQUIREMENTS

§ 3270.11. Application for and issuance of a certificate of compliance.

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(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the child day care center. The orientation does not count toward the annual [minimum of 6 hours of child care training required in § 3270.31(e) (relating to age and training)] professional development under § 3270.40, § 3270.42 or § 3270.43 (relating to orientation for new director and staff person; annual professional development requirement for director; and annual professional development requirement for staff persons).

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FACILITY PERSONS

§ 3270.31. Age [and training].

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(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

* * * * *

(2) The curriculum includes acceptable [training] professional development topics referenced in [subsection (e)(2)] § 3270.41(a) (relating to acceptable professional development).

* * * * *

[(d) Child care professional credentials are equivalent to the staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year of experience with children.

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council of Postsecondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

(v) Child care program development.

(vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department's review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) *First-aid training.* Competence is the completion of training by a professional in the field of first-aid. First-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(ii) *Firesafety training.* Staff persons shall participate, at least annually, in firesafety training conducted by a fire protection professional. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.

(iii) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iv) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard.

(f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.]

§ 3270.33. General requirements for facility persons.

* * * * *

(d) One or more facility persons competent in pediatric first-aid techniques shall be at the facility when one or more children are in care.

§ 3270.34. Director qualifications and responsibilities.

(a) A director is responsible for the general management of the facility, including the following minimum duties:

* * * * *

(7) Ensuring that an annual individual professional development plan is developed for each staff person employed at the facility.

* * * * *

§ 3270.36. Assistant group supervisor qualifications and responsibilities.

* * * * *

(b) An assistant group supervisor shall have attained one of the following qualification levels:

* * * * *

(2) A high school diploma or a general educational development certificate, including 600 or more hours of secondary training described in § 3270.31(c) (relating to age [and training]).

* * * * *

§ 3270.37. Aide qualifications and responsibilities.

* * * * *

(b) An aide shall have attained one of the following qualification levels:

* * * * *

(2) A minimum of an 8th grade education and enrollment in a training curriculum described [at] in § 3270.31(c) (relating to age [and training]). The classroom training portion of the curriculum shall be completed. Documentation of completion of classroom training and continuing enrollment in the training curriculum shall be included in the staff person's file.

* * * * *

(Editor's Note: Sections 3270.38—3270.47 are new and printed in regular type to enhance readability.)

§ 3270.38. Credential equivalency.

(a) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credits from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(b) A Pennsylvania school-age professional credential is equivalent to 9 credits from an accredited college or university in elementary education or child development and 1 year of experience with children.

§ 3270.39. Professional development plan.

(a) A director shall have an individual professional development plan designating the child care professional development that the director will complete each year as described in § 3270.42 (relating to annual professional development requirement for director).

(b) A staff person shall have an individual professional development plan designating the child care professional development that the staff person will complete each year as described in § 3270.43 (relating to annual professional development requirement for staff persons).

(c) The individual professional development plan shall be prepared on the PDR or on a form provided by the Department.

(d) The staff person and staff person's supervisor shall develop and sign the individual professional development plan.

(e) The professional development plan shall be updated as professional development is completed.

§ 3270.40. Orientation for new director and staff person.

(a) An individual new to the position of director shall begin the Department's approved orientation curriculum for new directors within 15 days of the first day of work in the position and complete the curriculum coursework within 1 year. Completion of the orientation curriculum counts toward meeting the annual professional development requirement described in § 3270.42 (relating to annual professional development requirement for director).

(b) An individual new to employment as a staff person in a child care center shall complete the coursework for the Department's approved orientation curriculum for new staff within 90 days of the first day of work in a child care center. Completion of the orientation curriculum counts as 15 clock hours toward meeting the minimum annual professional development requirement described in § 3270.43 (relating to annual professional development requirement for staff persons).

§ 3270.41. Acceptable professional development.

(a) Acceptable professional development is in a topic area regarding the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children as follows:

- (1) Children's growth and development.
- (2) The environment, curriculum and content.
- (3) Working with families.
- (4) Child assessment.
- (5) Communication.
- (6) Professionalism and leadership.
- (7) Health, safety and nutrition.
- (8) Inclusive practices.
- (9) Program organization and administration is an acceptable topic area for a director.

(b) Acceptable professional development occurs in a class, training, workshop, event or distance education conducted by one of the following:

(1) An organization or individual approved through the PQAS, including an organization or individual with temporary PQAS approval.

(2) A college or university accredited by an organization recognized by the United States Department of Education.

(3) An organization or individual approved to conduct professional development eligible for continuing education credits for professional educators under section 1205.2 of

the Public School Code of 1949 (24 P. S. § 12-1205.2) and the Department of Education's guidance regarding continuing education under the act of November 23, 1999 (P. L. 529, No. 48).

§ 3270.42. Annual professional development requirement for director.

(a) A director shall annually complete a minimum of 6 clock hours of acceptable professional development by ____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

(b) A director shall complete a minimum of 9 clock hours of acceptable professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the first full calendar year following the effective date of adoption of this proposed rulemaking.*). The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.

(c) A director shall complete a minimum of 12 clock hours of acceptable professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the second full calendar year following the effective date of adoption of this proposed rulemaking.*). The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.

(d) A director shall complete minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the third full calendar year following the effective date of adoption of this proposed rulemaking.*). The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.
- (3) Inclusive practices.

(e) A director shall complete a minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the fourth full calendar year following the effective date of adoption of this proposed rulemaking.*).

(1) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Program organization and administration.
- (iii) Inclusive practices.
- (iv) Working with families.

(2) Pediatric first-aid training and firesafety training, if required under § 3270.45 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(f) A director shall complete a minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the fifth full calendar year following the effective date of adoption of this proposed rulemaking.*) and every calendar year thereafter.

(1) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Program organization and administration.
- (iii) Inclusive practices.
- (iv) Working with families.

(2) Pediatric first-aid training, firesafety training and watersafety training, if required under § 3270.45, may be counted toward the minimum hours of professional development.

§ 3270.43. Annual professional development requirement for staff persons.

(a) The annual professional development requirement for a group supervisor, assistant group supervisor or aide who is counted in the staff:child ratio more than 20 hours per week is as follows:

(1) A minimum of 6 clock hours of child care professional development by ____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(2) A minimum of 9 clock hours of child care professional development effective during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the first full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development relating to the age level of children in the staff person's direct care.
- (3) A minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the second full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development relating to the age level of children in the staff person's direct care.
- (4) A minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the third full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development relating to the age level of children in the staff person's direct care.
- (iii) Inclusive practices.
- (5) A minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the fourth full calendar year following the effective date of adoption of this proposed rulemaking.).

(i) The professional development must include the following topic areas:

- (A) Health, safety and nutrition.
- (B) Children's growth and development regarding the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training or firesafety training, if required under § 3270.45 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(6) A minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the fifth full calendar year following the effective date of adoption of this proposed rulemaking.), and every calendar year thereafter

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development regarding the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training, firesafety training and water safety training, if required under § 3270.45, may be counted toward the minimum hours of professional development.

(b) The annual professional development requirement for a group supervisor, assistant group supervisor or aide who is counted in the staff:child ratio 20 hours or less per week is half of the annual minimum professional development hours described in subsection (a), but not less than 6 clock hours per year.

§ 3270.44. Exemption from annual professional development requirement.

A director or staff person who meets the following criteria meets the annual professional development requirement under § 3270.42 or § 3270.43 (relating to annual professional development requirement for director; and annual professional development requirement for staff persons):

(1) A director or staff person who is enrolled in and attending classes at an accredited college or university to obtain an associate's, bachelor's or master's degree from an accredited college or university in early childhood education, child development, special education, elementary-middle education or the human services field. A director may include classes required to obtain an associate's or bachelor's degree from an accredited college or university in administration, business or professional leadership.

(2) A director or staff person who is attending a class at an accredited college or university for three or more college credits regarding early childhood education, child development, child care, child health, elementary-middle education or human services. A director may include a class regarding administration, business or professional leadership.

(3) A director or staff person who is attending classes or professional development required to obtain or renew a Child Development Associate (CDA) credential, Certified Childcare Professional (CCP) credential, Pennsylvania Director credential, Pennsylvania School-age credential or a Pennsylvania credential recognized by the Department provided those classes or professional development require more than the required minimum number of annual professional development hours as described in § 3270.42 or § 3270.43.

§ 3270.45. Professional development for specific staff persons.

Depending on the provisions of the appropriate regulation, specific professional development may be required for certain staff persons. The following constitutes competence in professional development areas:

(1) Pediatric first-aid training. Competence is the completion of in-person training by a professional in the field of pediatric first-aid. Pediatric first-aid training conducted by an individual designated as a trainer for a Nationally recognized first-aid training organization is not required to have PQAS approval. Other organizations or individuals conducting pediatric first-aid training are required to have PQAS approval. Pediatric first-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(2) Firesafety training. Staff persons shall participate, at least annually, in firesafety training conducted by a fire protection professional. The fire protection professional is not required to have PQAS approval. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.

(3) Lifeguard training. Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation for child and infant. The organization or individual conducting the lifeguard training is not required to have PQAS approval.

(4) Water safety instruction. Competence is the completion of basic instruction in water safety from a certified lifeguard. The certified lifeguard is not required to have PQAS approval.

§ 3270.46. Documentation of professional development.

(a) Documentation of professional development shall be maintained in the facility person's facility record.

(b) Acceptable documentation of professional development includes the following:

(1) Documentation issued by the professional development entity following completion of professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity's signature and title.

(2) Documentation printed electronically from a facility person's professional development history record following completion of the professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity.

(3) A notice from an accredited college or university confirming the facility person is enrolled in a class and the dates of the class.

(4) A transcript from a college or university documenting completion of a course or class.

§ 3270.47. Portability of professional development.

(a) A facility person who transfers to another child care facility or from another child care facility and who has completed professional development will be given credit for those hours and those hours will be applied toward meeting the annual professional development require-

ment. The facility person is required to complete additional professional development to fulfill the annual requirement for the year in which the transfer occurs.

(b) The operator shall provide to the facility person who transfers to another child care facility all documentation of professional development contained in the facility person's facility record.

PROGRAM

§ 3270.115. Water activity.

(a) Swimming.

* * * * *

(6) When children are swimming, supervision [shall] must include one person certified in lifeguard training, as described [at § 3270.31(e)(4)(iii) (relating to age and training)] in § 3270.45(3) (relating to professional development for specific staff persons).

* * * * *

ADULT RECORDS

§ 3270.192. Content of records.

A record [shall] must include a copy of the following information:

* * * * *

(2) Verification as follows:

* * * * *

(iv) Acceptable verification of experience [,] and education [or training] is a transcript or a diploma or a letter signed by a representative of the experiential, educational or training entity.

(v) Acceptable verification of professional development as described in § 3270.46 (relating to documentation of professional development).

* * * * *

SPECIAL EXCEPTIONS

§ 3270.235. Pediatric first-aid training.

An individual who has first-aid certification by _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rule-making.) may be counted to fulfill the requirement under § 3270.33(d) (relating to general requirements for facility persons) and is not required to obtain pediatric first-aid training as described at § 3270.45(1) (relating to professional development for specific staff persons) until the first-aid certification expires.

SCHOOL-AGE PROGRAMS

§ 3270.241. Requirements specific to school-age programs.

* * * * *

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following sections:

* * * * *

(3) Staff persons and volunteers. Sections 3270.31, 3270.32 [and], 3270.33(a), (b) and (d) [(relating to age and training; suitability of persons in the facility; and general requirements for facility persons)]

and 3270.39—3270.44. Special requirements for director, group supervisor and assistant group supervisor are set forth in subsection (c).

* * * * *

CHAPTER 3280. GROUP CHILD DAY CARE HOMES

GENERAL PROVISIONS

§ 3280.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Distance education—A formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

* * * * *

Inclusive practices—Working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

* * * * *

PDR—Professional development record—A document used to list a staff person’s employment history, track education and professional development, and prepare annual professional development plans that meet the staff person’s educational needs and the professional development requirements of this chapter.

PQAS—Pennsylvania Quality Assurance System—The Commonwealth’s system for approving individuals and organizations who provide professional development to staff persons who work in early childhood and school-age programs, including group child day care homes.

* * * * *

GENERAL REQUIREMENTS

§ 3280.11. Application for and issuance of a certificate of compliance.

* * * * *

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the group child day care home. The orientation does not count toward the annual [minimum of 6 hours of child care training required in § 3280.31(e) (relating to age and training)] professional development required under §§ 3280.38, 3280.40 and 3280.41 (relating to orientation for new staff persons; annual professional development requirement for primary staff person; and annual professional development requirement for staff persons).

* * * * *

FACILITY PERSONS

§ 3280.31. Age [and training].

* * * * *

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

* * * * *

(2) The curriculum includes acceptable [training] professional development topics referenced in [subsection (e)(2)] § 3280.39(a) (relating to acceptable professional development).

* * * * *

[(d) Child care professional credentials are equivalent to the following staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Post-secondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

(v) Child care program development.

(vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department’s review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) First-aid training. Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before the expiration of certification of every 3 years, as applicable.

(ii) Lifeguard training. Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iii) **Water safety instruction. Competence is completion of basic instruction in water safety from a certified lifeguard.**

(f) **Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.]**

§ 3280.33. General requirements for facility persons.

* * * * *

(c) One or more facility persons competent in **pediatric** first-aid techniques shall be at the facility when one or more children are in care.

§ 3280.34. Primary staff person qualifications and responsibilities.

* * * * *

(b) A primary staff person shall have attained one of the following qualification levels:

* * * * *

(2) A high school diploma or a general educational development certificate including 600 or more hours of secondary training described in § 3280.31(c) (relating to age **[and training]**).

* * * * *

§ 3280.35. Secondary staff person qualifications and responsibilities.

A secondary staff person shall have attained one of the following qualification levels:

* * * * *

(2) A minimum of an 8th grade education and enrollment in a training curriculum described **[at]** in § 3280.31(c) (relating to age **[and training]**). The classroom training portion of the curriculum shall be completed. Documentation of completion of classroom training and continuing enrollment in the training curriculum shall be included in the staff person's file.

* * * * *

(Editor's Note: Sections 3280.36—3280.45 are new and printed in regular type to enhance readability.)

§ 3280.36. Credential equivalency.

(a) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credits from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(b) A Pennsylvania school-age professional credential is equivalent to 9 credits from an accredited college or university in elementary education or child development and 1 year of experience with children.

§ 3280.37. Professional development plan.

(a) A staff person shall have an individual professional development plan designating the child care professional development that the staff person will complete each year as described in §§ 3280.40 and 3280.41 (relating to annual professional development requirement for primary staff person; and annual professional development requirement for staff persons).

(b) The individual professional development plan shall be prepared on the PDR or on a form provided by the Department.

(c) The staff person and staff person's supervisor shall develop and sign the individual professional development plan.

(d) The professional development plan shall be updated as professional development is completed.

§ 3280.38. Orientation for new staff persons.

(a) An individual new to the position of primary staff person who is responsible for facility operation shall begin the Department's approved orientation curriculum for new primary staff persons responsible for facility operation within 15 days of the first day of work in the position and complete the curriculum coursework within 1 year. Completion of the orientation curriculum counts toward meeting the annual professional development requirement described in § 3280.40 (relating to annual professional development requirement for primary staff person).

(b) An individual new to employment as a staff person in a group child day care home shall complete the coursework for the Department's approved orientation curriculum for new staff within 90 days of the first day of work in a child care center. Completion of the orientation curriculum counts as 15 clock hours toward meeting the minimum annual professional development requirement described in § 3280.41 (relating to annual professional development requirement for staff persons).

§ 3280.39. Acceptable professional development.

(a) Acceptable professional development is in a topic area regarding the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children as follows:

- (1) Children's growth and development.
- (2) The environment, curriculum and content.
- (3) Working with families.
- (4) Child assessment.
- (5) Communication.
- (6) Professionalism and leadership.
- (7) Health, safety and nutrition.
- (8) Inclusive practices.

(9) Program organization and administration is an acceptable topic area for a primary staff person responsible for facility operation.

(b) Acceptable professional development occurs in a class, training, workshop, event or distance education conducted by one of the following:

- (1) An organization or individual approved through the PQAS, including an organization or individual with temporary PQAS approval.
- (2) A college or university accredited by an organization recognized by the United States Department of Education.
- (3) An organization or individual approved to conduct professional development eligible for continuing education credits for professional educators under section 1205.2 of the Public School Code of 1949 (24 P. S. § 12-1205.2) and the Department of Education's guidance regarding continuing education under the act of November 23, 1999 (P. L. 529, No. 48).

§ 3280.40. Annual professional development requirement for primary staff person.

(a) A primary staff person who operates the facility shall annually complete a minimum of 6 clock hours of acceptable professional development by ____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(b) A primary staff person who operates the facility shall complete a minimum of 9 clock hours of acceptable professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the first full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.

(c) A primary staff person who operates the facility shall complete a minimum of 12 clock hours of acceptable professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the second full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.

(d) A primary staff person who operates the facility shall complete minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the third full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.
- (3) Inclusive practices.

(e) A primary staff person who operates the facility shall complete a minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the fourth full calendar year following the effective date of adoption of this proposed rulemaking.).

(1) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Program organization and administration.
- (iii) Inclusive practices.
- (iv) Working with families.

(2) Pediatric first-aid training, if required under § 3280.43 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(f) A primary staff person who operates the facility shall complete a minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the fifth full calendar year following the effective date of adoption of this proposed rulemaking.), and every calendar year thereafter.

(1) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Program organization and administration.
- (iii) Inclusive practices.
- (iv) Working with families.

(2) Pediatric first-aid training and watersafety training, if required under § 3280.43, may be counted toward the minimum hours of professional development.

§ 3280.41. Annual professional development requirement for staff persons.

(a) The annual professional development requirement for a primary staff person not responsible for facility operation or a secondary staff person who is counted in the staff:child ratio more than 20 hours per week is as follows:

(1) A minimum of 6 clock hours of child care professional development by ____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(2) A minimum of 9 clock hours of child care professional development effective during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the first full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development regarding the age level of children in the staff person's direct care.

(3) A minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the second full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development regarding the age level of children in the staff person's direct care.

(4) A minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the third full calendar year following the effective date of adoption of this proposed rulemaking.). The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development regarding the age level of children in the staff person's direct care.
- (iii) Inclusive practices.

(5) A minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the fourth full calendar year following the effective date of adoption of this proposed rulemaking.).

(i) The professional development must include the following topic areas:

- (A) Health, safety and nutrition.
- (B) Children's growth and development regarding the age level of children in the staff person's direct care.
- (C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training, if required under § 3280.43 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(6) A minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note:* The blank refers to the fifth full calendar year following the effective date of adoption of this proposed rulemaking.), and every calendar year thereafter

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development regarding the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training and water safety training, if required under § 3280.43, may be counted toward the minimum hours of professional development.

(b) The annual professional development requirement for a primary staff person not responsible for facility operation and a secondary staff person who are counted in the staff:child ratio 20 hours or less per week is half of the annual minimum professional development hours described in subsection (a), but not less than 6 clock hours per year.

§ 3280.42. Exemption from annual professional development requirement.

A staff person who meets the following criteria meets the annual professional development requirement under § 3280.40 or § 3280.41 (relating to annual professional development requirement for primary staff person; and annual professional development requirement for staff persons):

(1) A staff person who is enrolled in and attending classes at an accredited college or university to obtain an associate's, bachelor's or master's degree from an accredited college or university in early childhood education, child development, special education, elementary-middle education or the human services field. A primary staff person responsible for facility operation may include classes required to obtain an associate's or bachelor's degree from an accredited college or university in administration, business or professional leadership.

(2) A staff person who is attending a class at an accredited college or university for three or more college credits regarding early childhood education, child development, child care, child health, elementary-middle education or human services. A primary staff person responsible for facility operation may include a class regarding administration, business or professional leadership.

(3) A staff person who is attending classes or professional development required to obtain or renew a Child Development Associate (CDA) credential, Certified Childcare Professional (CCP) credential, Pennsylvania Director credential, Pennsylvania School-age credential or a Pennsylvania credential recognized by the Department provided those classes or professional development require more than the required minimum number of annual professional development hours as described in § 3280.40 or § 3280.41.

§ 3280.43. Professional development for specific staff persons.

Depending on the provisions of the appropriate regulation, specific professional development may be required for certain staff persons. The following constitutes competence in professional development areas:

(1) *Pediatric first-aid training.* Competence is the completion of in-person training by a professional in the field of pediatric first-aid. Pediatric first-aid training conducted by an individual designated as a trainer for a Nationally recognized first-aid training organization is not required to have PQAS approval. Other organizations or individuals conducting pediatric first-aid training are required to have PQAS approval. Pediatric first-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(2) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation for child and infant. The organization or individual conducting the lifeguard training is not required to have PQAS approval.

(3) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard. The certified lifeguard is not required to have PQAS approval.

§ 3280.44. Documentation of professional development.

(a) Documentation of professional development shall be maintained in the facility person's facility record.

(b) Acceptable documentation of professional development includes the following:

(1) Documentation issued by the professional development entity following completion of professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity's signature and title.

(2) Documentation printed electronically from a facility person's professional development history record following completion of the professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity.

(3) A notice from an accredited college or university confirming the facility person is enrolled in a class and the dates of the class.

(4) A transcript from a college or university documenting completion of a course or class.

§ 3280.45. Portability of professional development.

(a) A facility person who transfers to another child care facility or from another child care facility and who has completed professional development will be given credit for those hours and those hours will be applied toward meeting the annual professional development requirement. The facility person is required to complete additional professional development to fulfill the annual requirement for the year in which the transfer occurs.

(b) The operator shall provide to the facility person who transfers to another child care facility all documentation of professional development contained in the facility person's facility record.

PROGRAM

§ 3280.115. Water activity.

(a) *Swimming.*

* * * * *

(6) When children are swimming, supervision [shall] must include one person certified in lifeguarding training, as described in [§ 3280.31(e)(4)(iii) (relating to age and training)] § 3280.43(2) (relating to professional development for specific staff persons).

* * * * *

ADULT RECORDS

§ 3280.192. Content of records.

A record [shall] must include a copy of the following information:

* * * * *

(2) Verification as follows:

* * * * *

(iv) Acceptable verification of experience[,] and education [or training] is a transcript or a diploma or a letter signed by a representative of the experiential, educational or training entity.

(v) Acceptable verification of professional development as described in § 3280.44 (relating to documentation of professional development).

* * * * *

SPECIAL EXCEPTIONS

§ 3280.217. Pediatric first-aid training.

An individual who has first-aid certification by _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rule-making.*) may be counted to fulfill the requirement under § 3280.33(c) (relating to general requirements for facility persons) and is not required to obtain pediatric first-aid training as described in § 3280.43(1) (relating to professional development for specific staff persons) until the first-aid certification expires.

SCHOOL-AGE PROGRAMS

§ 3280.221. Requirements specific to school-age programs.

* * * * *

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply with the following:

* * * * *

(3) *Staff persons and volunteers.* Sections 3280.31— [3280.34] 3280.45.

* * * * *

CHAPTER 3290. FAMILY CHILD DAY CARE HOMES

GENERAL PROVISIONS

§ 3290.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Distance education—A formal learning activity which occurs when the learner and instructor are separated by geographic distance or by time, including activity supported by communications technology.

* * * * *

Inclusive practices—Working with children, with and without special needs, and their families to ensure access, participation and supports to children and families in a broad range of activities and contexts.

* * * * *

PDR—Professional development record—A document used to list a staff person's employment history, track education and professional development, and prepare annual professional development plans that meet the staff person's educational needs and the professional development requirements of this chapter.

PQAS—Pennsylvania Quality Assurance System—The Commonwealth's system for approving individuals and organizations who provide professional development to staff persons who work in early childhood and school-age programs, including family child day care homes.

* * * * *

GENERAL REQUIREMENTS

§ 3290.11. Application for and issuance of a certificate of registration.

* * * * *

(c) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of registration. The orientation does not count toward the [biennial minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training)] professional development required under § 3290.34, § 3290.36 or § 3290.37 (relating to orientation for new operator; annual professional development requirement for operator; and annual professional development requirement for staff persons).

* * * * *

(1) A legal entity desiring to renew a certificate of registration shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of registration. The legal entity shall submit along with the application to renew a certificate of registration documentation of professional development completed by the operator and each staff person during the current registration period as required under §§ 3290.34, 3290.36 and 3290.37.

* * * * *

FACILITY PERSONS

§ 3290.31. [Age and training] Qualifications.

* * * * *

(d) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

* * * * *

(2) The curriculum includes acceptable [training] professional development topics referenced in [subsection (f)(2)] § 3290.35(a) (relating to acceptable professional development).

* * * * *

(e) Child care professional credentials are equivalent to the following staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 [credit hours] credits from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 [credit hours] credits from an accredited college or university in elementary education or child development and 1 year experience with children.

[(f) A staff person shall obtain a biennial minimum of 12 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

(v) Child care program development.

(vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department's review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff. The following constitutes competence in training areas as follows:

(i) *First-aid training.* Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before expiration of certification or every 3 years, as applicable.

(ii) *Lifeguard training.* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iii) *Water safety instruction.* Competence is completion of basic instruction in water safety from a certified lifeguard.

(g) Completion of training shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility person's file.]

§ 3290.32. Suitability of persons in the facility.

* * * * *

(d) One or more persons competent in pediatric first-aid techniques shall be at the facility when day care children are in care.

(Editor's Note: Sections 3290.33—3290.41 are new and printed in regular type to enhance readability.)

§ 3290.33. Professional development plan.

(a) A staff person shall have an individual professional development plan designating the child care professional development that the staff person will complete each year as required by this section.

(b) The individual professional development plan shall be prepared on the PDR or on a form provided by the Department.

(c) When the professional development plan is for a staff person other than the operator, the operator and the staff person shall develop and sign the individual professional development plan.

(d) The professional development plan shall be updated as professional development is completed.

§ 3290.34. Orientation for new operator.

(a) An operator opening a family child day care home for the first time shall complete coursework for the Department's approved orientation training for new family child day care home operators within 90 days of the initial date on the facility's certificate of registration.

(b) Completion of the new family child day care home operator orientation training counts as 6 clock hours toward meeting the annual professional development requirement described in § 3290.36 (relating to annual professional development requirement for operator).

§ 3290.35. Acceptable professional development.

(a) Acceptable professional development is in a topic area regarding the knowledge and skill areas which staff persons who work in early childhood and school-age facilities need to know and do when caring for children as follows:

(1) Children's growth and development.

(2) The environment, curriculum and content.

(3) Working with families.

(4) Child assessment.

(5) Communication.

(6) Professionalism and leadership.

(7) Health, safety and nutrition.

(8) Inclusive practices.

(9) Program organization and administration is an acceptable topic area for family child day care home operators.

(b) Acceptable professional development occurs in a class, training, workshop, event or distance education conducted by one of the following:

(1) An organization or individual approved through the PQAS, including an organization or individual with temporary PQAS approval.

(2) A college or university accredited by an organization recognized by the United States Department of Education.

(3) An organization or individual approved to conduct professional development eligible for continuing education credits for professional educators under section 1205.2 of the Public School Code of 1949 (24 P. S. § 12-1205.2) and the Department of Education's guidance regarding continuing education under the act of November 23, 1999 (P. L. 529, No. 48).

§ 3290.36. Annual professional development requirement for operator.

(a) The operator shall complete a minimum of 6 clock hours of acceptable professional development by _____. (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.)

(b) The operator shall complete a minimum of 9 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the first full calendar year following the effective date of adoption of this proposed rulemaking.) The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.

(c) The operator shall complete a minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the second full calendar year following the effective date of adoption of this proposed rulemaking.) The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.

(d) The operator shall complete a minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the third full calendar year following the effective date of adoption of this proposed rulemaking.) The professional development must include the following topic areas:

- (1) Health, safety and nutrition.
- (2) Program organization and administration.
- (3) Inclusive practices.

(e) The operator shall complete a minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the fourth full calendar year following the effective date of adoption of this proposed rulemaking.)

(1) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Program organization and administration.
- (iii) Inclusive practices.

(iv) Working with families.

(2) Pediatric first-aid training, if required under § 3290.39 (relating to professional development for specific staff persons) may be counted toward the minimum hours of professional development.

(f) The operator shall complete a minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the fifth full calendar year following the effective date of adoption of this proposed rulemaking.) and every calendar year thereafter.

(1) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Program organization and administration.
- (iii) Inclusive practices.
- (iv) Working with families.

(2) Pediatric first-aid training and watersafety training, if required under § 3290.39 may be counted toward the minimum hours of professional development.

§ 3290.37. Annual professional development requirement for staff persons.

(a) The annual professional development requirement for a staff person other than the operator who works directly with children more than 20 hours per week in a family child day care home is as follows:

(1) A minimum of 6 clock hours of child care professional development by _____. (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.)

(2) A minimum of 9 clock hours of child care professional development effective during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the first full calendar year following the effective date of adoption of this proposed rulemaking.) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development regarding the age level of children in the staff person's direct care.

(3) A minimum of 12 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the second full calendar year following the effective date of adoption of this proposed rulemaking.) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Child development regarding the age level of children in the staff person's direct care.

(4) A minimum of 18 clock hours of acceptable child care professional development during the calendar year beginning January 1, _____. (*Editor's Note:* The blank refers to the third full calendar year following the effective date of adoption of this proposed rulemaking.) The professional development must include the following topic areas:

- (i) Health, safety and nutrition.
- (ii) Children's growth and development relating to the age level of children in the staff person's direct care.
- (iii) Inclusive practices.

(5) A minimum of 21 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the fourth full calendar year following the effective date of adoption of this proposed rulemaking.*)

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development regarding the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training, if required under § 3290.39 (relating to professional development for specific staff persons), may be counted toward the minimum hours of professional development.

(6) A minimum of 24 clock hours of acceptable child care professional development during the calendar year beginning January 1, ____ (*Editor's Note: The blank refers to the fifth full calendar year following the effective date of adoption of this proposed rulemaking.*) and every calendar year thereafter.

(i) The professional development must include the following topic areas:

(A) Health, safety and nutrition.

(B) Children's growth and development regarding the age level of children in the staff person's direct care.

(C) Inclusive practices.

(D) Working with families.

(ii) Pediatric first-aid training and water safety training, if required under § 3290.39, may be counted toward the minimum hours of professional development.

(b) The annual professional development requirement for a staff person other than the operator who works directly with children 20 hours or less per week is half of the annual minimum professional development hours described in subsection (a), but not less than 6 clock hours per years.

§ 3290.38. Exemption from annual professional development requirement.

A staff person who meets the following criteria meets the annual professional development requirement under § 3290.36 or § 3290.37 (relating to annual professional development requirement for operator; and annual professional development requirement for staff persons).

(1) An operator or staff person who is enrolled in and attending classes at an accredited college or university to obtain an associate's, bachelor's or master's degree from an accredited college or university in early childhood education, child development, special education, elementary-middle education or the human services field. An operator may include classes required to obtain an associate's, bachelor's or master's degree from an accredited college or university in administration, business or professional leadership.

(2) An operator or staff person who is attending a class at an accredited college or university for three or more college credits regarding early childhood education, child development, child care, child health, elementary-middle education or human services. An operator may include a class regarding administration, business or professional leadership.

(3) An operator or staff person who is attending classes or professional development required to obtain or renew a Child Development Associate (CDA) credential, Certified Childcare Professional (CCP) credential, Pennsylvania Director credential, Pennsylvania School-age credential or a Pennsylvania credential recognized by the Department provided those classes or professional development require more than the required minimum number of annual professional development hours as described in § 3290.36 or § 3290.37.

§ 3290.39. Professional development for specific staff persons.

Depending on the provisions of the appropriate regulation, specific professional development may be required for certain staff persons. The following constitutes competence in professional development areas:

(1) *Pediatric first-aid training.* Competence is the completion of in-person training by a professional in the field of pediatric first-aid. Pediatric first aid training conducted by an individual designated as a trainer for a Nationally recognized first-aid training organization is not required to have PQAS approval. Other organizations or individuals conducting pediatric first-aid training are required to have PQAS approval. Pediatric first-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.

(2) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation for child and infant. The organization or individual conducting the lifeguard training is not required to have PQAS approval.

(3) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard. The certified lifeguard is not required to have PQAS approval.

§ 3290.40. Documentation of professional development.

(a) Documentation of professional development shall be maintained in the staff person's facility record.

(b) Acceptable documentation of professional development includes the following:

(1) Documentation issued by the professional development entity following completion of professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity's signature and title.

(2) Documentation printed electronically from a staff person's professional development history record following completion of the professional development that includes the title of the professional development, the date of the professional development, the number of hours of professional development and the professional development entity.

(3) A notice from an accredited college or university confirming the staff person is enrolled in a class and the dates of the class.

§ 3290.41. Portability of professional development.

(a) A staff person who transfers to another child care facility or from another child care facility and who has completed professional development shall be given credit for those hours and those hours will be applied toward meeting the annual professional development requirement. The staff person is required to complete additional

professional development to fulfill the annual requirement for the year in which the transfer occurs.

(b) The operator shall provide to the staff person who transfers to another child care facility all documentation of professional development contained in the staff person's facility record.

PROGRAM

§ 3290.115. Water activity.

(a) *Swimming or wading.*

* * * * *

(6) When children are swimming, supervision [shall] must include at least one person who has completed lifeguard training as described in [§ 3290.31(c)(4)(ii) (relating to age and training)] § 3290.39(2) (relating to professional development for specific staff persons).

* * * * *

SPECIAL EXCEPTIONS

§ 3290.213. [Age and training] Qualifications.

* * * * *

§ 3280.214. Pediatric first-aid training.

An individual who has first-aid certification by _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rule-making.*) may be counted to fulfill the requirement under § 3290.32(d) (relating to suitability of persons in the facility) and is not required to obtain pediatric first-aid training as described in § 3290.39(1) (relating to professional development for specific staff persons) until the first-aid certification expires.

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