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**Have You Thought About  
Getting a Child Care License?**

**Jennifer R. Lau**  
Director, Bureau of Certification Services  
Office of Child Development and Early Learning

Monday, October 27, 2008  
10:30 a.m. to 12:00 p.m.

 Center for Schools & Communities Online Learning

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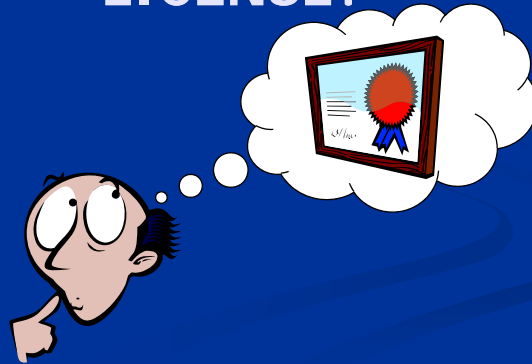
**Presenters for Today's Session**

**Jennifer R. Lau**  
Director, Bureau of Certification Services  
Office of Child Development & Early Learning

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## HAVE YOU THOUGHT ABOUT GETTING A CHILD CARE LICENSE?



### Goals

- Provide an overview of the Office of Child Development and Early Learning
- Identify the types of regulated child care facilities
- Define certification
- Provide overview of statutes and regulations
- Review the steps in the application process
- Provide contact information

# OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING



## OCDEL Mission Statement

The Office of Child Development and Early Learning promotes opportunities for all Pennsylvania children and families by building systems and providing supports that help ensure access to high quality child and family services.

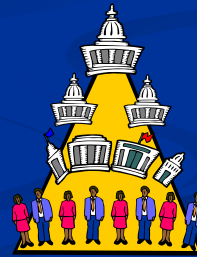


## OCDEL Organization

- Pennsylvania Departments of Public Welfare (DPW) and Education (PDE)
- Office of Child Development and Early Learning (OCDEL)
  - Established in October 2004
  - Four Bureaus:
    - Bureau of Certification Services
    - Bureau of Early Learning Services
    - Bureau of Subsidy Services
    - Bureau of Early Intervention Services

## Bureau of Certification Services

- Division of Regulatory Administration
- Four Regional Offices
  - Central Region
  - Northeast Region
  - Southeast Region
  - Western Region



## Duties of Regional Offices

Each Regional Office is responsible for regulation of child care facilities in assigned counties:

- Conduct inspections to assess compliance with regulations.
- Receive complaints of alleged regulatory noncompliance and conduct complaint investigations.
- Conduct orientation sessions for prospective providers.
- Make certification decisions.
- Issue certificates of compliance and registration.
- Answer questions regarding regulations, application process and certification process.
- Provide technical assistance to providers.

# CHILD CARE FACILITIES

## What is Child Day Care?

- Care in lieu of parental care
- Provided for part of the 24-hour day
- To children under 16 years of age
- Away from their own homes
- Three types of regulated child care facilities in Pennsylvania:
  - Child care center
  - Group child care home
  - Family child care home

## Child Care Center

- The premises in which child day care services are provided at any one time for seven or more children unrelated to the operator
- Capacity is determined by available square footage of child care space
- Certificate of compliance

## Group Child Care Home

- The premises in which child day care services are provided at one time for:
  - More than six but fewer than 13 children of another age level who are unrelated to the operator; or
  - More than six but fewer than 16 older school-age level children
- May be located in a residence or another premises
- Certificate of compliance

## Family Child Care Home

- A home other than the child's own home.
- Child day care services are provided at any one time to four, five or six children unrelated to the operator
- Certificate of registration

# CERTIFICATION



## General Certification Principles

- Goal of certification is protection of children.
- Compliance with regulations i.e., minimum health and safety standards.
- Issuance of a certificate is permission to operate.
- Certificate once granted is a property right that cannot be taken away without due process.

## Certificate of Compliance

- A certificate of compliance is issued to a child care center or group child care home
- A certificate of compliance is specific to:
  - Legal entity
  - Location
  - Facility type
- A certificate of compliance is not transferable
- Two types of certificates of compliance:
  - Regular – issued for 12 months
  - Provisional – issued for up to 6 months



## STATUTES & REGULATIONS

## Articles IX and X Public Welfare Code



- Foundation for regulation of child care facilities.
- Outline requirements for:
  - Supervision of nonprofit facilities -Article IX
  - Licensure of profit facilities - Article X
  - Registration of family day care homes – Article X(c)

## 55 Pa. Code Chapter 20, Licensure or Approval of Facilities and Agencies

- How to apply for a certificate of compliance
- Restrictions on a certificate of compliance
- Inspections
- Responsibilities of the facility and DPW
- Negative sanctions



## Child Care Facility Regulations

- Minimum health and safety standards with which the provider must comply
  - Child Care Centers – 55 Pa. Code Chapter 3270
  - Group Day Care Homes – 55 Pa. Code Chapter 3280

## Minimum Standards

### Regulations include:

- |   |  |
|---|--|
| ■ Staff Requirements and Qualifications | ■ Child health                                 |
| ■ Staff:Child Ratio                     | ■ Staff health                                 |
| ■ Physical Site                         | ■ Nutrition                                    |
| ■ Firesafety                            | ■ Transportation                               |
| ■ Equipment                             | ■ Child Records                                |
| ■ Program                               | ■ Adult Records                                |
| ■ Procedures for Admission              | ■ Requirements specific to school-age programs |

## School-age Child Care Programs

- School-age child is a child who attends kindergarten through 15 years of age
- Requirements specific to school-age programs –
  - Applies to school-age facility or a space in a facility in which care is provided exclusively to school-age children
  - Do not include all regulatory requirements
  - Lesser staff requirements
  - School-age programs located in following school building are exempt from physical site requirements:
    - Public or private school building
    - Building used by an intermediate unit
    - Area vocational-technical school building

## Part-Day School-Age Programs Not Required to Be Certified

- Operate less than 90 consecutive days per calendar year from the date the program opens to the date the program closes.
- Operate 2 hours or less per day for 3 or fewer days per week.
- Has a single purpose for the children's attendance and that purpose is the only focus of the program - for example, basketball or art class.
- Tutoring programs that are licensed by or approved and funded by the Pennsylvania Department of Education (PDE)
- A drop-in program where the child may come and go at will.

# APPLICATION PROCESS

## Steps Prior to Application

- Attend pre-certification orientation training
- Obtain a certificate of occupancy
- Obtain clearances required by the Child Protective Services Law
- Secure business papers
- Submit Civil Right Compliance Questionnaire and receive civil rights compliance letter
- Obtain tax documentation

## Pre-Certification Orientation

- Required by regulation - A legal entity or a representative of the legal entity must participate in an orientation training provided by the Department within 12 months prior to commencing operation of the facility.
- Provided by Regional Offices
- One-day training session
- Receive a certificate of completion
- Good for 12 months

## Topics Covered in Orientation

- Considerations relating to selecting a facility site:
  - Indoor space
  - Play space
  - Outdoor hazards
- Introduction to the regulations including:
  - Determining capacity based on square footage per child
  - Hiring staff
  - Getting acquainted with the content of the regulations

- Preparation prior to applying for a certificate of compliance including:
  - FBI, Pennsylvania State Police and child abuse clearances
  - Completing an application
  - Required business papers
  - Required certificate of occupancy for building
  - Tax identification number
- Initial inspection of a new facility including:
  - What happens during an inspection
  - Regulations that must be in compliance in order to get a certificate
- Other OCDEL programs including:
  - Child Care Subsidy
  - Keystone STARS
  - Early Intervention

## Certificate of Occupancy

- Certificate of occupancy required - The applicant for a certificate of compliance must submit a certificate of occupancy showing that the building is in compliance with the Uniform Construction Code (UCC) and is acceptable for use as a child day care facility.
- Accept pre-UCC occupancy permits in some situations as long as no structural changes were made after L&I issued the occupancy permit.

## Clearances Required by CPSL

- FBI criminal history (\$35):
  - Fingerprint based clearance
  - Cogent - <http://www.pa.cogentid.com>
- Pennsylvania State Police criminal history (\$10)
- Child abuse history – ChildLine (\$10)

## Business Papers

- Business papers for the legal entity as applicable
  - Articles of Incorporation;
  - Certificate of Registration for Limited Liability Company (LLC), Limited Liability Partnership (LLP) or Limited Partnership (LP)
- Fictitious Name Approval, if applicable
- Certificate of Tax Exempt Status, if nonprofit

## Civil Rights Compliance

- Complete the Civil Rights Compliance Questionnaire
- Return questionnaire and required materials to your DPW Bureau of Equal Opportunity (BEO) Regional Office
- BEO Regional Office:
  - Verifies compliance with civil rights requirements
  - Issues a civil rights compliance letter
- Submit copy of civil rights compliance letter with application for certificate of compliance

## Tax Documentation

- Every certified child care facility is eligible to participate in child care subsidy program and to be listed in the resource and referral system.
- In order to participate in the subsidy program or be listed in the resource and referral system, must submit federal tax information.
  - Tax Information form
  - Supporting documentation verifying the tax information on the form.

## Gather Required Documents

- Certificate of attendance at orientation
- Certificate of occupancy
- FBI, PA State Police and child abuse clearances
- Business papers to match information on application
- Civil Rights compliance letter issued by BEO
- Tax documents if provide tax number on application

## Application for Certificate of Compliance

- Electronic Application
  - [www.pelican.state.pa.us/provider/](http://www.pelican.state.pa.us/provider/)
  - Complete application for certificate of compliance online
  - Submit all required documents to regional office by mail within 45 days after filing the online application
- Paper Application
  - Complete Application for Certificate of Compliance
  - Submit all required documents along with the application for certificate of compliance

## What's Next?

- Application reviewed by Regional Office staff
- Incomplete application is returned to applicant and DPW will take no further action.
- Complete application – next step is initial inspection

## Initial Inspection

- Child care center and group child care home
  - On-site inspection required.
  - Certification representative announces inspection and schedules in advance.
- School-age child care center/group child care home located in school building
  - On-site inspection not required because exempt from physical site requirements
  - Applicant submits information to demonstrate compliance with requirements for an initial certificate of compliance.
  - Certification representative reviews the information and contacts the applicant regarding the status of compliance with the requirements.

## Requirements for Initial Certificate of Compliance

- Facility must be in compliance with specific regulatory requirements in order to receive a certificate of compliance for the first time.
- Regulatory requirements that must be in compliance are based on the type of facility.

## Regulatory Violations

- Certification representative inspects to assess compliance with regulations
- If any regulatory violations are observed, certification representative prepares a Licensing Inspection Summary (LIS) on which each violation is written down
- The operator provides a plan to correct each regulatory violation. Each plan of correction must address how the operator will achieve and maintain compliance with the regulation.
- Certification representative determines if each plan of correction is acceptable.
- The operator implements the plan to correct each regulatory violation
- Certification representative verifies correction and compliance with the regulation

## Maintaining Certificate of Compliance

- **Annually:**
  - File application to renew certificate of compliance
  - Complete Civil Rights Compliance Questionnaire
  - DPW inspection
- **Notify DPW prior to:**
  - Change ownership of legal entity or facility
  - Moving the facility
  - Changing name of legal entity or facility
  - Change in profit or non-profit status
- **Able to participate in:**
  - Keystone STARS
  - Child Care Subsidy

## Inspections

- **Initial inspection – new facility opening for first time**
- **Annual inspection:**
  - Required by law
  - Typically at time of certificate renewal
- **Unannounced inspection**
- **Verification inspection**
- **Complaint/Incident investigation**

## Contact Your Regional Office

- Questions about the application process
- Questions about orientation sessions
- Questions about regulations for child care facilities



# Questions??