

Issue Date: 08/26/2020

Effective

Date: 08/26/2020

Subject: Non-Licensed Part-Day School Age Child Care Program or Learning Pod Notification of Operation

To: Community-based Organizations, Part-Day School Age Programs, Families,
Office of Child Development and Early Learning Staff

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

PURPOSE

The primary purpose of this announcement is to provide guidance to non-licensed community-based entities and individuals planning to care for groups of school-age children during the 2020-2021 school year. The second purpose is to direct an entity or person who operates a non-licensed part-day school-age child care (SACC) program to notify the Department of Human Services (DHS) Office of Child Development and Early Learning (OCDEL) if they intend to care for more than six school-age children during the 2020-2021 school year during times public or private schools are not offering in-person instruction.

BACKGROUND

OCDEL anticipates an increased need for child care during the typical school day due to the impacts of the Novel Coronavirus 2019 (COVID-19). School reopening plans vary, and include, but are not limited to, in-person instruction, blended learning, and fully remote or online learning. As public and private schools announce modified attendance strategies for 2020-2021, working families will need access to child care for their school-age children, and interest in operating non-licensed part-day SACC programs has increased. DHS is issuing clarification for operation of non-licensed part-day SACC programs in the 2020-2021 school year as a strategy to support the needs of working families.

DISCUSSION

In Statements of Policy at 55 Pa. Code §§ 3270.3a and 3280.3a, DHS clarified that the child care regulations in 55 Pa. Code Chapters 3270 and 3280 do not apply to a part-day SACC program that operates for fewer than 90 consecutive days per calendar year from the date the program opens to the date the program closes. A non-licensed part-day SACC program is a program that cares for more than six school-age children who attend kindergarten or older but

under 16 years of age. 55 Pa. Code § 3270.3a and § 3280.3a. Such a program therefore does not require a license from DHS.

In addition to non-licensed part-day SACC programs, parents may be developing innovative options for child care coverage. In order to assist parents supporting each other during COVID-19, DHS will not require licensing for “Learning Pods” (Pods). A Pod is defined as a group of no more than 12 of the same school-age children brought together for purposes of sharing parental oversight. The Pod may move between various parents’ oversight and homes throughout the remote learning days. The primary purpose of “Podding” is to provide non-instructional educational support. Parent/Guardian oversight is key to a Pod; if parents are not responsible for oversight and leave the children in the group under the supervision of a non-parent, then this grouping, when serving more than six children, is a non-licensed part-day SACC program.

To ensure support through the entire school year, DHS has temporarily suspended the 90-day limitation on non-licensed part-day SACC program operations for the 2020-2021 school year. Unlicensed part-day SACC programs and Pods will also be permitted to operate more than 90 consecutive days per calendar year without obtaining a license from DHS, if they implement the elements enumerated in this announcement and agree to allow DHS to enter and inspect without notice. An unlicensed part-day SACC program or Pod that continues to operate for longer than 90 days in a calendar year without implementing the elements set forth in this announcement is subject to enforcement action by the Department for the unlicensed operation of a child care center or group child care home.

The following requirements are applicable to all non-licensed part-day SACC programs and Pods unless otherwise noted.

Health and Safety Plan

- Develop a COVID-19 Health and Safety plan (the Plan) aligned with the Pennsylvania Department of Health (DOH) [guidelines](#) and the Centers for Disease Control and Prevention (CDC) [Operating schools during COVID-19: CDC's Considerations](#).
- Post the Plan in a conspicuous location accessible to parents and otherwise made available to the families of the enrolled children. A sample Plan template developed by OCDEL can be found [here](#).

Emergency Plan

- Develop an emergency plan to address response, evacuation, and family notification in the event of an emergency. [Sample plans and toolkits for developing an Emergency Plan](#) are available on the Pennsylvania Emergency Management Agency (PEMA) website.

It is critical that local emergency management agencies are aware of children's location in the event of a crisis and have an opportunity to plan an appropriate level of response.

- If operating a non-licensed part-day SACC program outside a home, submit the emergency plan to the local emergency management agency for their awareness and an understanding of potential increases to traffic flow in the area.
- Pods are strongly encouraged to share their emergency plan with local emergency management agencies.

Building Use and Safety

- If operating a non-licensed part-day SACC program outside a home, obtain an Occupancy Permit.

An acceptable certificate of occupancy to operate a non-licensed part-day SACC program should be classified as use group E and comply with applicable state and local building codes. Contact the local municipality or the Pennsylvania Department of Labor and Industry if the occupancy permit is not classified as use group E or there is no statement on the occupancy permit that the building is acceptable for child care use.

- A listing of the building code officials in every municipality in the commonwealth of Pennsylvania is [here](#).
- Pods operating in a residence should be aware that some local zoning ordinances prohibit any kind of child care to take place in residences. Please consult local authorities regarding applicable ordinances and requirements.
- Every non-licensed part-day SACC program and Pod must operate in a space with a functioning fire detection system on all levels of the facility or residence.

Child Protective Services Law

- Comply with the Pennsylvania Child Protective Services Law. For information on requirements, visit the [Keep Kids Safe](#) website.
- Maintain copies of required background clearances for all staff and volunteers on file to be available for review by DHS staff during inspection or upon request.

As a person having direct contact with children, every adult working or supervising children at a non-licensed SACC program or Pod is a mandated reporter who is required to report suspected child abuse. The Keep Kids Safe website has information and training about identifying suspected child abuse and the legal requirements of reporting incidents of suspected child abuse. All program adults must comply with the requirement to report suspected child abuse if they have a reasonable cause to believe abuse has occurred.

Communication with Families

- Communicate with families of enrolled children to clearly explain program expectations and services provided by the program.

- Specify the level of ability to support the child’s educational work, such as ability for the child to log onto the internet to join virtual classes, homework help, and connections to the child’s teacher.
- Make available cost for services and charges to enrolled families, as applicable.

Staff/Student Ratio

DHS defines school-age as the following:

- *Young school-age child* is a child who attends kindergarten to the date the child enters the 4th grade of a public or private school system; and
- *Older school-age child* is a child who attends the 4th grade of a public or private school system through 15 years of age.

A non-licensed part-day SACC program MAY ONLY serve school-age children who attend kindergarten or older but under 16 years of age.

Adhere to the following staff-to-child ratios. Only adults aged 18 or older count toward the staff ratio.

Similar Age Levels	Staff	Children
Young school-age	1	12
Older school-age	1	15

Legal entities and individuals offering non-licensed part-day SACC programs are not eligible for Child Care Works. Any program wishing to become licensed can contact their [Regional Certification Office](#): Central Region at 1-800-222-2117; Northeast Region at 1-800-222-2108; Southeast North and Southeast South Region at 1-800-346-2929; or Western Region at 1-800-222-2149.

Notification of Intent to Operate

- Notify DHS of your plan to care for school-age children during the 2020-2021 school year by completing the *Notification of Operation* form (Appendix A).

Programs will be subject to DHS monitoring to confirm implementation of the items listed in this announcement, and any Order issued by the Governor or the Secretary of Health. Additionally, complaints against non-licensed part-day SACC programs or Pods will be investigated by Child Care Certification Representatives. A non-licensed part-day SACC program or Pod must allow DHS representatives access if they arrive at the service location and present a commonwealth issued ID badge.

Information provided on the *Notification of Operation* form will be used to help DHS identify the number of programs available to children and families across the Commonwealth, enable DHS to communicate with the programs any critical health updates relating to COVID-19, and provide parents and caregivers with contact information for potential enrollment. Information for non-licensed part-day SACC programs can be found through www.findchildcare.pa.gov. Identifying information about Pods will not be posted publicly.

MORE INFORMATION

This announcement provides critical information regarding the implementation of non-licensed part-day SACC programs and Pods for longer than 90 days in a calendar year. Ideally all the afore-mentioned elements should be in place prior to the time children begin attending care. In the event that an entity or individual has already started non-licensed part-day SACC programming or a Pod, the attached *Notification of Operation* should be completed and submitted immediately. The program has 30 days after submitting the *Notification of Operation* to complete the remaining elements outlined in this announcement.

The administration is committed to supporting children, families, and providers through the COVID-19 Pandemic. Additional resources for SACC providers will be posted at www.pakeys.org/sacc-coronavirus-resources.

NEXT STEPS

<p>IF planning to provide school-age care:</p> <ul style="list-style-type: none">• As an individual or entity that is not licensed by DHS, and• to more than six children, and• the children are in Kindergarten and above but under 16 years of age, and• care is to be provided in any location (home, commercial space, etc.)	<p>THEN Provider's next steps are:</p> <ol style="list-style-type: none">1. Read this Announcement and share it with appropriate care providers/staff.2. Review DOH and CDC guidelines.3. Create or update a Health and Safety Plan, and make publicly available.4. Review the Keep Kids Safe website to ensure compliance with background clearances and reporting requirements in the Child Protective Services Law requirements.5. Develop communications for families.6. Ensure required documentation is on file for staff and volunteers.7. Complete and submit the <i>Notification of Operation</i> form (Appendix A).
	<p>Families should be aware:</p> <ul style="list-style-type: none">• Child Care Works funds do not support this type of child care.

APPENDIX A

Notification of Operation

2020-2021 School Year

Use the following form to notify the Pennsylvania Department of Human Services, Office of Child Development and Early Learning (OCDEL) of intent to provide care and/or educational support to school-age children in a non-licensed part-day school-age child care (SACC) program or Learning Pod (Pod) during the 2020-2021 school year.

Instructions: Prior to operation, complete the following table and Attestation Statement and email both documents to RA-PWDRACERT@PA.GOV with the subject line “**Notification of Operation.**” Retain a copy of this form to demonstrate that the form was submitted-- the program will receive confirmation that OCDEL received the form.

NAME OF SERVICE LOCATION:	LOCATION ADDRESS: <i>(if multiple locations, include all addresses)</i>
LEGAL ENTITY/INDIVIDUAL:	PRIMARY POINT OF CONTACT NAME:
1. TELEPHONE NUMBER:	PRIMARY POINT OF CONTACT E-MAIL:
2. ALTERNATIVE TELEPHONE NUMBER:	SECONDARY E-MAIL:
DAYS OF OPERATION:	NUMBER OF CHILDREN IN ATTENDENCE:
HOURS OF OPERATION:	AGES OF CHILDREN IN ATTENDENCE:
SCHOOLS SERVED: <i>(Name of school districts, charter schools, or nonpublic schools in which the children served are enrolled)</i>	COUNTY(IES) SERVED:
WEBSITE ADDRESS (if applicable)	<input type="checkbox"/> This Notification is for a Pod

ATTESTATION STATEMENT

I do hereby attest and certify that the information above is true and correct to the best of my knowledge and belief. I understand that information may be shared with other Department of Human Services programs, the Department of Education, the Department of Health, and the Office of the State Inspector General. Further, I understand that the penalty for false swearing (affirming false information to mislead a public servant) is a misdemeanor of the third degree pursuant to Section 4903(b) of the Criminal Code and that I can be penalized by fine, imprisonment, or a combination of these for making any false statements.

- Yes, I understand that all programs that care for school-age children must comply with the Pennsylvania Child Protective Services Law and maintain copies of staff and volunteer background clearances onsite for review if inspected and all adults who work at a program are considered Mandated Reporters.
- Yes, I understand that programs must develop and post a COVID-19 Health and Safety Plan that complies with DOH and CDC Guidelines and the Plan must be made available to the families of the enrolled children.
- Yes, I understand that an Emergency Plan must be created and submitted to the local emergency management agency.
- Yes, I understand all levels of the building or facility must have a functioning fire detection system.
- Yes, I understand that communication with families of enrolled children must include the expectations and services provided by the program and should specify the level of ability to assist with each enrolled child's educational support.
- I understand the program must comply with Orders issued by the Governor or Secretary of Health.
- I understand that I may be subject to inspection and that DHS identified staff must be allowed to enter the premises, review documents and records, and interview staff and children.
- I understand that failure to implement the elements in OCDEL Announcement # C-20-11 can subject my program to enforcement action by the Department for unlicensed operation of a child care center or group child care home.

Signature _____

Name *(please print)* _____

Title _____