

ANNOUNCEMENT

C-22-04



Pennsylvania Office of Child Development and Early Learning
Bureau of Early Learning Policy and Professional Development and Bureau of
Certification Services

Issue Date: April 19, 2022

Effective Date: April 19, 2022

Expiration Date: N/A

Subject: Updated Emergency Preparedness and Response Planning
Regulations and Requirements for Child Care Facilities

To: All Department of Human Services (DHS) Certified Child Care
Facilities; Early Learning Resource Centers (ELRCs); and OCDEL
Early Learning Resource Center Program Representatives

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

A handwritten signature in black ink that reads 'Tracey Campanini'.

PURPOSE

To update policy on federal requirements for Child Care and Development Block Grant (CCDBG) and the expectation for all certified child care facilities operating under 55 Pa. Code Chapters § 3270, § 3280, and § 3290 for compliance.

The following appendices are included in this announcement:

- [Appendix A- Emergency Plan Certification Requirements: OCDEL Guidance Chart](#)
- [Appendix B- Emergency Plan Delivery Document \(form CD 355\)](#)
- [Appendix C- Emergency Drill Log \(form CY 356\)](#)

This announcement replaces Announcement: C-10 #01 Emergency Plan Regulations and Requirements for Child Care Facilities in its entirety.

BACKGROUND

The reauthorized CCDBG states that the lead agency's duty and responsibility to demonstrate how the State, Territory or Tribe will address the needs of children, including the need for safe child care, before, during and after a state of emergency

declared by the Governor or a major disaster or emergency (as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5122) through a Statewide Disaster Plan. The Statewide Disaster Plan must include all requirements outlined in 45 CFR § 98.16(aa)(2).

As such, changes have been made to Department of Human Services (DHS) Pennsylvania Statewide Child Care Emergency Plan. The plan identifies and communicates the processes and supports for child care providers in the event an individual, local, regional, or statewide emergency or disaster occurs. It outlines recommendations for planning preparedness, response, and recovery from a disaster, and the role the office will play in providing supports. The plan provides guidance regarding certified child care provider types (Child Care Centers, Group Child Care Homes and Family Child Care Homes) and information relevant to all other early learning programs in terms of recommendations and resources. The updated plan can be found [here](#).

DISCUSSION

This announcement addresses new certification requirements for all child care facilities to have all components of emergency preparedness and response planning as outlined in 45 CFR § 98.41(a)(1)(vii), including the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*.

Changes to Emergency Preparedness and Response Planning

Certified child care facilities are required to have all components of emergency preparedness and response planning as outlined in 45 CFR § 98.41, including the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*. The *Robert T. Stafford Disaster Relief and Emergency Assistance Act* is a federal law enacted in 1988, designed to bring an orderly and systematic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid citizens. The Act includes procedures for evacuation, relocation, shelter-in-place and lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions.

As such, changes have been made to the following DHS child care regulations in 55 Pa. Code Chapters § 3270, § 3280, and § 3290 which now require emergency plans to include:

- 55 Pa. Code § 3270.27(a)(1); § 3280.26(a)(1); § 3290.24(a)(1), provision for shelter of children during an emergency including lock-down shelter-in-place at the facility and shelter at locations away from the facility premises.
- 55 Pa. Code § 3270.27(a)(5); § 3280.26(a)(5); § 3290.24(a)(5), provision for accommodations for infants, toddlers, children with disabilities and children with chronic medical conditions.

- 55 Pa. Code § 3270.27(a)(6); § 3280.26(a)(6); § 3290.24(a)(6), emergency drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.
- 55 Pa. Code § 3270.27(c); § 3280.26(c); § 3290.24(c), each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.
 - 55 Pa. Code § 3270.4; § 3280.4; § 3290.4, facility person is defined as “a staff person, a substitute staff person, a volunteer, a food service person, a janitorial person or another adult who services in or is employed by a facility.”
 - “Initial employment” is within 90 days of hire.
- 55 Pa. Code § 3270.27(f); § 3280.26(f); § 3290.24(f) the operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.

Note: DHS certified child care operators **must** include all facility persons in the emergency plan. Each facility person’s role in the emergency plan **must** be consistent with their current qualifications and responsibilities.

Effective **December 19, 2020**, citation for non-compliance with emergency plans have been issued under 55 Pa. Code § 3270.27; § 3280.26; § 3290.24.

In addition to meeting the 55 Pa. Code § 3270.27; § 3280.26; or § 3290.24 requirements, certified child care facilities must ensure they are compliant with the federal requirements at 45 CFR § 98.41(a)(1)(vii) relating to health and safety requirements.

To maintain full compliance with 45 CFR § 98.41(a)(1)(vii), child care facilities **must** have requirements for volunteer emergency preparedness training, practice drills and continuity of operations included in their emergency plan.

[Additional Clarification for 45 CFR § 98.41\(a\)\(1\)\(vii\)](#)

Volunteer emergency preparedness training includes adding all volunteers to the required facility person emergency plan training outlined in 55 Pa. Code § 3270.27(c); § 3280.26(c); § 3290.24(c). This training is provided by the certified child care owner/operator.

According to Caring for our Children (CFOC)¹, continuity of operations planning includes, backing up or retrieving health and other key records/files and managing financial issues such as paying employees and bills during the aftermath of the disaster.

¹ [CFOC Standards Database | National Resource Center \(nrekids.org\)](#)

The Office of Child Care (OCC) State Capacity Building Center (SCBC) developed an [Emergency Preparedness, Response, and Recovery Resources for Child Care Programs Resource Guide](#) that states, a contingency plan or contingency fund can help you strategize how you will pay for repairs, pay staff, and continue to run your business after a disaster or emergency. Having a plan ensures you are not caught off guard when a disaster or emergency strikes your area, which can make a difference in the recovery of your business.

Beginning **July 1, 2022**, non-compliance with federal requirements at 45 CFR 98.41(a)(1)(vii) will constitute a violation of 55 Pa. Code § 3270.14, § 3270.21, § 3280.14, § 3280.20, and § 3290.18, all pertaining to compliance with “pertinent laws and regulations” and “general health and safety.”

Note: Child care facilities do **not** need to rewrite their entire emergency plan; only update and add the sections that address the federal and state regulatory requirements.

Documentation to Demonstrate Compliance for Emergency Preparedness and Response Planning

DHS certified child care facilities **must** retain documentation of the initial emergency plan submission to the appropriate local and county emergency management agencies as well as updates made by the facility during review of the emergency plan. In the event that the local and county emergency management agencies do **not** provide receipt of the submission, the Emergency Plan Delivery Documentation (form CD 355) was developed to assist in measuring compliance and assist child care facilities in maintaining proof that the child care facility submitted their emergency plan.

- Other forms of emergency plan submission proof can include, but are not limited to:
 - Certified mail receipt
 - Fax receipt with date and time successfully sent
 - Copy of sent email with date and time

To assist child care facilities in complying with the regulatory requirements, OCDEL has provided *Emergency Plan Certification Requirements: OCDEL Guidance Chart* (See Appendix A) and created two forms:

- [Emergency Drill Log \(form CY 356\)](#) - Contains pertinent information child care facilities **must** use when conducting and documenting the emergency drill. Access to the form is available on the DHS website at Emergency Drill Log.
- [Emergency Plan Delivery Documentation \(form CD 355\)](#) - Developed to assist in measuring compliance and assist child care facilities in maintaining proof that the child care facility submitted their emergency plan.

The use of these forms are **not** required, but the required information in the documents **must** be included in any plan developed by the provider. DHS certified child care operators must maintain documentation of this information which will be subject to review by certification staff at the time of inspection.

The citations for non-compliance with documentation to demonstrate compliance for Emergency Preparedness and Response Planning requirements will be issued under 55 Pa. Code § 3270.27(a)(6); § 3280.26(a)(6); § 3290.24(a)(6) and 55 Pa. Code § 3270.27(f); § 3280.26(f); § 3290.24(f).

Updated Emergency Plan Templates and Toolkit

To assist child care facilities in the updates or development of their emergency plan OCDEL, in conjunction with the Pennsylvania Emergency Management Agency (PEMA) and Better Kid Care (BKC), revised the existing Emergency Plan Templates and Toolkit. Child care facilities developing an emergency plan for the first time are encouraged to use these templates as a guide. These templates allow child care facilities to customize a plan while adhering to regulatory requirements.

The updated templates are now available on the [BKC](#) and PEMA websites. The updated PEMA Toolkit which can be used to access child care safety information is located on PEMA's website under community planning/school safety can be found [here](#).

Additional Resources Available

- [Child Care Emergency Planning Guide](#) is a generic guide intended to assist in meeting the requirements for emergency planning and response.
- [Child Care Emergency Basic Plan](#) is a customizable document allowing providers to create an individual emergency plan providing for the care and well-being of children and staff. It includes customizable fields for providers to complete regarding specific locations, staff responsibilities and procedures. It provides an outline for providers in the development of an individualized plan.
- [Child Care Emergency Checklist](#) provides a way to document who oversees specific tasks during an emergency. It also contains a list of considerations and step-by-step activities to be conducted in the event of an emergency.
- [Lock Down Annex](#) describes courses of actions to be taken in the event of a possible imminent threat. Procedures, steps, and communication are described as part of this document.
- [Additional Supporting Documents](#) includes important documentation of phone numbers, contacts, procedures, and other customizable templates for use in the event of an emergency.

NEXT STEPS

Certified child care facilities must:

1. Read this Announcement and share with appropriate staff.
2. By **June 30, 2022**, update emergency plans to comply with the updated regulatory requirements. Child care facilities are **not** required to rewrite entire emergency plans, only update sections that address the regulatory changes.
3. Send and document submission of initial emergency plan and all updates to their local municipality and county emergency management agency.

4. Train all facility persons in all aspects of their emergency plan and document training.
5. Maintain documentation of the annual emergency drill(s).
6. Ensure all child care staff have completed and documented the required health and safety trainings for emergency preparedness and response planning outlined in [Announcement C-22-02 Updates to Health and Safety Training and Professional Development Requirements](#)
7. Direct all questions and comments to your Regional Office.

Comments and Questions regarding this announcement should be directed to the child care provider's Regional Office of Child Development and Early Learning:
Certification Regional Office of Child Development and Early Learning
Central Region 800-222-2117
Northeast Region 800-222-2108
Southeast North and Southeast South Region 800-346-2929
Western Region 800-222-2149

Appendix A- Emergency Plan Certification Requirements: OCDEL Guidance Chart

New vs. Existing Requirement	Area of Compliance	Legal Citation	Regulatory Language	Sources of Evidence for Compliance	Date to Begin Measuring Compliance
Existing Requirement	Emergency Plan	55 Pa. Code § 3270.27(a)(1) § 3280.26(a)(1) § 3290.24(a)(1)	Shelter of children during an emergency including lock-down shelter in place at the facility and shelter at locations away from the facility premises.	The operator shall update the sections of their emergency plans that address lock-down shelter in place at the facility and shelter at locations away from the facility premises requirements.	December 19, 2020
Existing Requirement	Emergency Plan	55 Pa. Code § 3270.27(a)(5) § 3280.26(a)(5) § 3290.24(a)(5)	Accommodations for infants, toddlers, children with disabilities and chronic medical conditions.	The operator shall update the sections of their emergency plans that address special accommodations for infants, toddlers, children with disabilities and chronic medical conditions.	December 19, 2020

				<p>If the child care facility does not serve infants, toddlers, children with disabilities and chronic medical conditions, the emergency plan does not need to be updated.</p> <p>Updates must be included once services begins for any infants, toddlers, children with disabilities and chronic medical conditions.</p>	
Existing Requirement	Emergency Plan	55 Pa. Code § 3270.27(a)(6) § 3280.26(a)(6) § 3290.24(a)(6)	Emergency drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.	The operator shall use the Emergency Drill Log (form CY 356) or another document that must contains the information in the Emergency Drill Log (form CY	December 19, 2021

				356) at the time of inspection.	
Existing Requirement	Emergency Plan	55 Pa. Code § 3270.27(c) § 3280.26(c) § 3290.24(c)	Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.	The operator shall require all facility persons have verification and completion of emergency plan training, initially and annually.	December 19, 2020
Existing Requirement	Emergency Plan	55 Pa. Code § 3270.27(f) § 3280.26(f) § 3290.24(f)	The operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.	The operator shall use the Emergency Plan Delivery Documentation (form CD 355) or another document that must contain the information in the Emergency	December 19, 2020

				<u>Plan Delivery Documentati on (form CD 355)</u> at the time of inspection.	
New Requirement	Additional Required Components of Emergency Preparedness and Response Planning	55 Pa. Code §3270.14	Compliance with pertinent laws and regulations.	The operator shall update the sections of their emergency plans that must address volunteer emergency preparedness training, practice drills, and continuity of operations.	July 1, 2022
		§3280.14 §3270.21 §3280.20 §3290.18	Conditions at the facility may not pose a threat to the health or safety of the children		

Appendix B- Emergency Plan Delivery Document (form CD 355)



DOCUMENTATION OF EMERGENCY PLAN DELIVERY Regulations 3270.27(f); 3280.26(f) and 3290.24(f)

Facilities must retain documentation that they submitted their initial emergency plan and any updated plan to their local and county municipalities.

Facility Location/Name
Location Physical Address
Legal Entity/Person responsible for the Legal Entity
Local Municipality (i.e. borough, township, city, district)
Name:
Address:
Phone Number:
Email Address (if available):
Fax Number (if available):
Method Submitted (i.e. mail, fax, email, hand delivered):
Date Submitted:
County Municipality
Name:
Address:
Phone Number:
Email Address (if available):
Fax Number (if available):
Method Submitted (i.e. mail, fax, email, hand delivered):
Date Submitted:
Self-Certification
I hereby swear/affirm that the information provided is true and correct to the best of my knowledge.
<div style="display: flex; justify-content: space-between;"> <div style="width: 33%; border-top: 1px solid black; text-align: center;">Signature</div> <div style="width: 33%; border-top: 1px solid black; text-align: center;">Title</div> <div style="width: 33%; border-top: 1px solid black; text-align: center;">Date</div> </div>

Appendix C- Emergency Drill Log (form CY 356)



EMERGENCY DRILL LOG

55 PA CODE CHAPTERS 3270.27; 3280.26; 3290.24

Licensed child care programs must conduct emergency drills at least annually. Programs are required to keep documentation with the date and time of the drill at the facility.

Types of Drills

Schedule drills based on your hazard analysis. In Pennsylvania, the most common natural disasters are floods, severe storms, and power outages. It is also helpful to conduct drills for human-caused emergencies such as a gas leak, a chemical spill, an active shooter, building damage and/or an impaired or disgruntled adult.

Date Drill Conducted: / /		Time Drill Conducted: AM PM <i>(Circle One)</i>	
Time to complete the drill: Minutes			
RECORD THE NAMES OF FACILITY PERSONS AND ANY OTHER ADULTS THAT PARTICIPATED IN THE DRILL			
TYPE OF EMERGENCY DRILL CONDUCTED <i>(Ex: Flood, Tornado, Gas Leak, Chemical Spill, Impaired Adult, Shelter in Place, Lock-down)</i>			
SPECIAL ACCOMMODATIONS THE FACILITY USED FOR ANY CATEGORY OF CHILDREN <i>(Infants, Toddlers, Children with Special Needs)</i>			
TOTAL NUMBER OF CHILDREN PARTICIPATING IN THE DRILL			
TOTAL NUMBER OF ADULTS AND CHILDREN PARTICIPATING IN THE DRILL			
LIST PROBLEMS ENCOUNTERED OR OBSERVATIONS DURING THE DRILL <i>(For use in updating the Emergency Plan)</i>			
Signature _____	Date _____	Position _____	

CD 356 12/20