

Dear members of the Joint Sunset Committee.

I've asked for this brief moment of time to explain to you, members of the committee, and your staff the importance of creating the Provider Advisory Board and the important function that the PAB performs.

You should be aware that as co-chairs of the Joint Sunset Committee in 2011 Senator Bunting and I authored this historic legislation (via SB 132) as a result of recommendations by the full JSC. SB 132 passed both chambers of the General Assembly unanimously and was signed into law. The historic significance is in the fact that this was one of only two advisory boards created by an act of the GA and enshrined in law.

This board was created to ensure that a privately owned and operated industry that employed thousands of workers and was responsible for the health, safety and welfare of tens of thousands of children would be able to function within certain regulatory constraints imposed by the State government. This board was created, by law, to ensure that the best interests of the children and the child care industry would be able to continue to exist and serve its important purposes.

Make no mistake about it, the child-care centers are places where a parent can leave their child and rest assured that they will be protected, loved, and cared for while that parent goes to work or school to support their family's future. Make no mistake about it, child-care centers are privately run and funded businesses that take their responsibilities very seriously. Like many private businesses they can sometimes be subject to an overly enthusiastic government that may create regulations and mandates that are unnecessary or restrictive. Creating and imposing these regulations in a vacuum can often lead to unintended consequences that can restrict and damage private businesses to the point where they can no longer exist.

In 2011, the JSC recognized the reality that there were no boards, agencies or groups that could actively participate or engage in a review of regulations that could harm or threaten the viability of the private child-care industry thereby weakening this most important industry.

To address that concern, SB 132 was introduced and passed into law to allow a board composed entirely of childcare providers to actively participate with regard to promulgating and amending such rules and regulations as are required to carry out the Delaware Child Care Act. The most important aspect, then and now, is that privately owned, funded and operated businesses must be allowed to engage in and comment on government mandates and regulations imposed on them that could have unintended and disruptive consequences.

Unfortunately there has been an ongoing resistance by some of the government agencies (such as OCCL) to share prospective regulatory changes in a timely manner with the PAB resulting in some unfunded mandates being imposed on the industry. In 2018, HB 12 was introduced and passed to "encourage OCCL to communicate with persons licensed under the Delaware Child Care Act and to facilitate such communication" and to "encourage OCCL to enforce this chapter in a manner that recognizes that most child care providers are private businesses that need stable and reasonable regulations".

Let me conclude that the Joint Sunset Committees' obligation should be seen as preserving the only board created by code that consists entirely of the stakeholders (Child Care Providers) that are

affected by the government mandates and regulations. Furthermore, the JSC should ensure, by legislative action or ruling, that the OCCL and other agencies recognize the value of the Child Care industry as a most valuable tool in helping to stabilize the economic circumstance of Delaware and provides a safe and wholesome environment for our children.

This committee should reject any recommendation to sunset the PAB and instead work to strengthen its ability to stabilize the child care industry. The JSC should direct the OCCL and other involved agencies to embrace the ideas and contributions available from the PAB.

Respectfully,

John Kowalko (State Representative 25th District retired)