



House of Representatives

General Assembly

File No. 319

February Session, 2010

Substitute House Bill No. 5306

House of Representatives, April 6, 2010

The Committee on Public Health reported through REP. RITTER of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE OPERATION OF CHILD DAY CARE CENTERS AND GROUP DAY CARE HOMES IN PUBLIC SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 19a-79 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (d) Any child day care center or group day care home that operates
5 in a public school building or in a nonpublic school approved by the
6 State Board of Education and serves exclusively school-age children
7 [may apply for a variance to] shall be exempt from the physical plant
8 requirements adopted as regulations pursuant to subsection (a) of this
9 section. [on a form and in the manner prescribed by the Commissioner
10 of Public Health. The commissioner may not grant a variance under
11 this subsection unless (1) the operator of a child day care center or
12 group day care home provides documentation to the commissioner
13 that the intent of the specific requirement or requirements affected by
14 the variance will be satisfactorily achieved in a manner other than that

15 prescribed by the regulations, and (2) the child day care center or
 16 group day care home and the Department of Public Health enter into a
 17 written agreement specifying the physical plant requirement or
 18 requirements affected by the variance, the duration of the variance and
 19 the terms under which the variance is granted. If a child day care
 20 center or group day care home fails to comply with the terms of such
 21 written agreement, the agreement and the variance shall be subject to
 22 immediate cancellation. Any operator of a child day care center or
 23 group day care home who is granted a variance under this section
 24 shall post such variance in close proximity to the operator's license
 25 and, at the time of enrollment of any child in the child day care center
 26 or group day care home, and annually thereafter, notify the child's
 27 parents or guardians of such variance. Such notification shall include
 28 the specific physical plant requirement or requirements for which the
 29 variance has been granted and an explanation of how the child day
 30 care center or group day care home will achieve the intent of the
 31 specific requirement or requirements affected by the variance in a
 32 manner that protects the health and safety of the children enrolled in
 33 the child day care center or group day care home.] Nothing in this
 34 section shall be construed to exempt any child day care center or group
 35 day care home that operates in a public school building or in a
 36 nonpublic school approved by the State Board of Education and serves
 37 exclusively school-age children from any other requirements adopted
 38 as regulations pursuant to subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	19a-79(d)

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which exempts licensed child day care centers and group day care homes that provide services exclusively to school-age children from physical plant requirements, does not result in a fiscal impact. It will not affect the number of child day care center and group day care home inspections that the Department of Public Health conducts¹.

The Out Years**State Impact:** None**Municipal Impact:** None

¹ Currently, Department of Public Health has 13 inspectors that routinely inspect 1587 licensed day care centers and group day care homes, of which approximately 276 exclusively serve school-age children.

OLR Bill Analysis

sHB 5306

AN ACT CONCERNING THE OPERATION OF CHILD DAY CARE CENTERS AND GROUP DAY CARE HOMES IN PUBLIC SCHOOLS.

SUMMARY:

This bill exempts child day care centers or group day care homes that provide services exclusively to school-age children in a public school building or a nonpublic school approved by the State Board of Education from the Public Health Department's (DPH) physical plant regulatory requirements. Current law allows facilities located in a public school building to apply to DPH for a variance for any of the physical plant requirements specified in regulations.

The bill does not exempt these facilities from any other regulations concerning child day care centers and group day care homes.

EFFECTIVE DATE: October 1, 2010

VARIANCES

The bill eliminates the variance process. This process allows day care centers and group day care homes that provide services exclusively to school-age children in a public school building to ask DPH for a variance from its regulations governing physical plant requirements. Before DPH can approve a variance, the center or home must (1) document that it will satisfactorily meet the regulation's specific intent by other means and (2) enter a written agreement with DPH specifying the variance, its duration, and the terms under which it is granted. The variance is cancelled immediately if the home or center fails to comply with the agreement.

The day care operator must post the variance near its license and, when a child enrolls and annually thereafter, notify the child's parents

or guardian of the variance. The notice must include the DPH requirements for which the variance was granted and an explanation of how the variance will achieve the requirements' intent in a way that protects the children's health and safety.

BACKGROUND

Physical Plant Requirements

DPH physical plant requirements for child day centers and group day care homes address water quality, emergency exiting, toileting and washing facilities, temperature, lighting, hazard protection, program space, outdoor play space and equipment, and building safety and cleanliness (Conn. Agency Regs. § 19a-79-7a).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/19/2010)