



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE March 1, 2010

Ellen Blaschinski, Regulatory Services Branch 860-509-8171

House Bill 5306 - An Act Concerning the Operation of Child Day Care Centers and Group Day Care Homes in Public Schools

The Department of Public Health **opposes** House Bill 5306.

The Department has the authority to license child day care centers and group day care homes as defined in Connecticut General Statutes, Section 19a-77. Licensing establishes the minimum health and safety requirements that programs must meet in order to provide child day care services.

Public Act 07-252 introduced a provision that allows child day care centers and group day care homes that operate in a public school building and serve exclusively school-age children to apply for a variance to any of the physical plant requirements specified in regulations. This proposal seeks to eliminate this variance provision and rather extend an open-ended exemption to school age programs operating in public schools from all of the physical plant requirements specified in the regulations. These requirements relate to such things as water quality, emergency exiting, toileting and washing facilities, temperature, lighting, protection from hazards, program space, outdoor play space and equipment, building safety, cleanliness and sanitation. This proposal would require the Department to issue licenses to select programs that have not verified that they meet any of the physical plant requirements specified in the regulations. This system of licensing could be very misleading to parents and others who believe that a license assures that all minimum requirements, including those related to the physical plant, have been met.

Should this proposal succeed and violations to the physical plant requirements are identified by Department staff during inspections of these select programs, no action on the part of the Department could be taken to ensure remediation of the identified violations. The health and safety of children participating in these programs would be placed at greater risk.

If school-age programs in public school buildings that are not required to meet minimum requirements are afforded the same license and entitlements as programs that meet all requirements, we may expect to see financial struggles of those programs that are forced into unfair competition with these select programs. There becomes a lack of fundamental equity and fairness when regulations that serve children of the same age and needs are not applied universally.

The Department recognizes that some programs in schools have difficulty securing permission or funds to make corrections for cited violations. However, the remedy should not be relaxing safety standards. All children, regardless of where their childcare program is housed, should be afforded the same health and safety protections. Space used by after school programs may be used in a different manner than how the space is used during the school hours. It may be entirely appropriate that different standards apply when the space is used for childcare rather than for school.

The Department has met with the industry regarding this issue and continues to be open to review specific physical plant requirements that are identified as especially problematic for school age programs to determine if specific exemptions would be appropriate.

Thank you for your consideration of the Department's views on this bill.

Phone:



Telephone Device for the Deaf: (860) 509-7191

410 Capitol Avenue - MS # _____

P.O. Box 340308 Hartford, CT 06134

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