

Connecticut After School Network

Testimony to the Public Health Committee In Support of RHB 5306

Submitted by Michelle Doucette Cunningham
Executive Director
Connecticut After School Network
March 1, 2010

Good afternoon, Senator Harris, Representative Ritter, and members of the Public Health Committee. My name is Michelle Doucette Cunningham, and I am the Executive Director of the Connecticut After School Network, a statewide alliance representing parents and providers across the state. The Network's goal is to have high quality, affordable after school programs available to every Connecticut child and youth so that they grow up safe, healthy, educated, connected and employable.

I am here today, on behalf of the After School Network, to urge you to pass Raised House Bill 5306, *An Act Concerning The Operation Of Child Day Care Centers And Group Day Care Homes In Public Schools* which would provide an exemption from the Department of Public Health's physical plant regulatory requirements to after school programs that operate in public school buildings.

In brief, if a school is safe enough for children and teachers during the day, then it is safe enough after school. And if a school isn't safe, it should be the school board's responsibility to fix it, not a community-based organization using the building for after school programs.

This written testimony will address what exists under current law, why change is needed, and how RHB 5306 would help.

What is the current law?

One set of regulations cover all types of child care, from infant and toddler care to after school programs serving children through age 12.

Connecticut Public Health Code §19a-79-1a through 19a-79-13 oversees all Child Day Care Centers and Group Day Care Homes, in which after school programs are included. Yet, it is difficult to make a "one-size-fits-all" set of regulations apply fairly to all types of programs that serve very different ages in very different facilities. Hence, many of the regulations should not apply to school age children, who have very different needs and capacities.

The majority of after school programs are located in school buildings.

Some of these programs are run by the schools themselves, and some of the programs are run by outside community agencies. Because of transportation issues, the majority of after school programs are located in the school building where the children spend the first six or so hours of their day.

After school programs run by public schools or town departments like parks and recreation in public school buildings are already exempt from ALL licensing regulation.

C. G. S. § 19a-77 subsection (b) identifies which types of programs are exempt from licensing. Under current law, DPH licensing is only required of non-profit or for-profit organizations such as YMCAs, or YWCAs that provide after school programs, even if they are located in school buildings. Often, community organizations are asked by school superintendents and principals to come into the school to offer these services, which serve the needs of their students and their families, while also helping children with academic and social/emotional development. Currently, there are a few cases we know of where both types of afterschool programs operating in the same school building at the same time, one licensed by DPH and one exempt from all regulation.

What's the problem?

Unnecessary regulation

- Public school buildings are already the responsibility of local school boards, and requiring that an after school program prove that the school is safe is redundant. For example, water testing, radon testing, lead paint testing, carbon monoxide testing are all issues that are clearly within the purview of the local elected officials.
- Also, many of the physical plant regulations were created with young children in mind and are not needed for older children. For example, requiring electrical outlet covers in all electrical outlets, requiring any glass doors, windows or mirrors to be protected to a height of 36 inches from the floor, requiring bars on windows to prevent children from falling out are important for programs serving very young children, but somewhat absurd for programs located in the same building where the children have been in school all day.

Expensive compliance

- Thousands of dollars are wasted each year in this duplication of effort that could otherwise allow programs to serve more children, lower their parent fees, or increase the number of people they employ. Other testimony provided today will detail some of these expenses.

Unintended consequences

- **Double-bind**
In some cases, such as replacing stained ceiling tile, the type of changes required by DPH conflict with schools' union contracts, and after school programs are not allowed to fix these problems themselves, yet they are held accountable if the change is not made, putting them in a double-bind.
- **Decreased relationship with the schools**
Any program operating in a public school already needs school leaders' permission to operate. Yet, few schools are able to pay the increased costs associated with licensing, such as purchasing new lights in a cafeteria.
- **Severe consequences**
Any after school program operating without a license is subject to a fine of up to \$100 per day and can be forced to shut down.
- **Increased number of unlicensed and exempted programs**
The past two decades have seen a large decrease in the number of licensed after school "slots" while the number children served in unlicensed and exempt programs has greatly

increased. These programs, whether exempt because a town or school administers them, or because they are operating illegally without a license, have no requirements for child staff ratio or other health and safety regulation. While many of these programs are run responsibly and provide excellent care, as a whole they much more likely to have inadequate supervision and dangerous situations.

How would this bill fix the problem?

- R. H. B. 5306 would exempt only programs serving school-age children in located in public school buildings. It would not apply to school readiness programs located in schools. Nor would it apply to stand-alone child care centers, community centers, or other locations that are not public schools.
- Because programs run by public schools are already exempted from all child care licensing regulation, this bill would only apply to nonprofits and other outside organizations that operate within school buildings.
- R.H. B. 5306 explicitly states that all other portions of the health and safety regulations would still apply to these programs, including staff to student ratios, staff qualifications, administration, record keeping, and policy requirements, health and safety, food service, medication administration, and educational requirements.

Summary

The maintenance of public school buildings is the responsibility of the local school board, and is already covered under Connecticut state law.

C. G. S. § 10-203 states that “Each local and regional board of education shall maintain the facilities under its jurisdiction in accordance with the applicable public health statutes and regulations adopted by the Commissioner of Public Health.”

Costly, unnecessary regulation is resulting in more unlicensed programs and decreasing the quality of afterschool programs as a whole.

R. H. B. 5306 would eliminate this unnecessary complexity, save money, and eliminate some of the obstacles to licensing.

We all want our children to be in healthy, safe environments.

The Connecticut After School Network supports safety and health regulation for programs serving children, and we have a very good working relationship with the Department of Public Health. We have been meeting over the past year to resolve smaller issues in the regulations that uniquely affect after school programs, but legislation is necessary on these broader issues if we are unable to reach an accommodation.