
OLR Bill Analysis

sSB 1106

AN ACT CONCERNING THE ESTABLISHMENT OF THE DEPARTMENT OF EARLY EDUCATION AND CHILD DEVELOPMENT AND A COLLECTIVE BARGAINING PROCESS FOR FAMILY CHILD CARE PROVIDERS.

SUMMARY:

This bill establishes a new Department of Early Education and Child Development (DEECD) that, by July 1, 2014, becomes the designated agency to administer and operate school readiness, Head Start, child care, Birth to Three, and other early childhood programs that are currently the responsibility of the departments of Education (SDE), Social Services (DSS), Developmental Services (DDS), Public Health (DPH), and other agencies.

DEECD must, in consultation with SDE, DSS, DPH, DDS, and the departments of Children and Families (DCF) and Higher Education (DHE), coordinate early childhood education and child care programs and services, including the following services: (1) home visitation; (2) nutrition and food; (3) early screening and intervention; (4) family support; (5) literacy and engagement; (6) early language development; and (7) any other services necessary to promote the health and well-being of the mother, father, and child age birth to eight years.

The bill requires the new department to (1) establish an early education and childhood development system to improve child health, safety, and learning and (2) consolidate existing early childhood education and child care programs and services serving children ages birth to eight.

A DEECD commissioner, who must be named by the governor, heads the department and has the powers and duties of department heads as provided in law. Under the bill, the commissioner may employ necessary staff, within available appropriations, who will be in

the classified state service. The commissioner may also perform other acts necessary and appropriate to carry out the department's functions as stated in the bill and in relevant statutes.

The bill authorizes DEECD to enter into agreements with other state agencies for the purpose of coordinating early childhood education and child care programs and services. It also requires the new department to report to the General Assembly, by February 1, 2015, on the progress it has made toward (1) achieving the objectives the bill sets for the early childhood education and child development system and (2) the interagency agreements.

Current law permits the DSS commissioner to award grants to towns or nonprofit corporations to construct neighborhood facilities, including child day care centers, elderly centers, emergency homeless shelters, and other facilities. The bill transfers this authority to the DEECD commissioner.

The bill makes numerous conforming and technical changes to the statutes regarding the following programs: (1) school readiness, (2) family resource centers, (3) Head Start, (4) Early Childhood Cabinet, (5) child care, (6) tax credits for child care facilities, and (7) Birth-to-Three.

Under a tax statute, the bill refers to the new agency as the entity authorized to issue day care facility licenses, but it does not change the existing licensing law to give the new agency this authority (see COMMENT).

The bill does not require any action to take place before July 1, 2014, when the new agency is established. It is unclear how the numerous agencies will coordinate activities leading up to that point in a way that enables the new agency to carry out its many duties. Also some of the bill's deadlines require reports to be filed before the new agency exists (see sections on school readiness grants and child care program evaluations and longitudinal study).

The bill establishes collective bargaining rights for family child care

providers, as defined in statute, and requires the DSS commissioner to bargain and enter into agreements with them. Under the bill, these providers are considered state employees for collective bargaining purposes only, subject to the state employee collective bargaining chapter and the bill's provisions. The bill requires the negotiations to address, at a minimum, the following issues: state reimbursement rates; benefits; payment procedures; contract grievance arbitration; and training, professional development, and other requirements.

EFFECTIVE DATE: July 1, 2014, except the collective bargaining provision for family child care providers is effective October 1, 2011.

§ 1 — DEPARTMENT OF EARLY EDUCATION AND CHILD DEVELOPMENT

The bill establishes the DEECD, which by July 1, 2014, becomes the designated agency to administer and operate the following programs: (1) school readiness; (2) Head Start; (3) the family resource centers; (4) child care programs, facilities, and licensing, (5) Birth-to-Three; (6) professional development activities relating to early childhood education; and (7) other relevant early childhood programs and services. Under current law these programs are the responsibility of SDE, DSS, DDS, DPH, and other agencies.

Commissioner's Powers

The DEECD commissioner, who must be named by the governor, heads the department and has the powers and duties of department heads as provided in law. Under the bill, the commissioner may employ necessary staff, within available appropriations, who are in the classified state service. The commissioner may also perform other acts necessary and appropriate to carry out the functions of the department as stated in the bill and in relevant statutes.

The bill authorizes the commissioner to:

1. contract with any person or agency, public or private, to provide services necessary for the department to carry out its duties, subject to the statutory approval of the attorney general;

2. accept contributions, grants, gifts, donations, services, or other financial assistance from any governmental unit, any public agency, or the private sector; and
3. apply for, receive, and distribute any federal or private funds or contributions available for training and education of personnel.

The commissioner must submit to the governor and general assembly an annual report relating to the department's activities, recommendations, and accomplishments.

Regulations

DEECD must adopt regulations to carry out the bill's provisions regarding creation of the new department, DEECD's duties, the early education and child development system, and interagency agreements to coordinate programs and services.

§ 2 — DUTIES

DEECD must, in consultation with SDE, DSS, DPH, DCF, DDS, and DHE, coordinate early childhood education and child care programs and services, including the following services: (1) home visitation; (2) nutrition and food; (3) early screening and intervention; (4) family support; (5) literacy and engagement; (6) early language development; and (7) any other services necessary to promote the health and well-being of the mother, father, and child age birth to eight years.

The bill also specifies a number of the new department's other duties, including:

1. create a unified set of reporting requirements for (a) school readiness; (b) Head Start; (c) family resource centers; (d) child care programs, facilities, and licensing; (e) Birth to Three; (f) professional development activities relating to early childhood education; and (g) other relevant early childhood programs and services, in order to collect the data necessary for quality assessments and longitudinal analysis;
2. compare and analyze the data collected in (1) of this list with the

data collected in the statewide public school information system for population-level analysis of children and families;

3. develop and update appropriate early learning standards and assessment tools for children ages birth to five years that are age and developmentally appropriate and are aligned with existing learning standards as of July 1, 2014 and assessment tools for students in grades kindergarten to twelve, inclusive;
4. continually monitor and evaluate all early childhood education and child care programs and services, focusing on program outcomes in satisfying the health, safety, developmental, and educational needs of all children;
5. develop indicators that assess strategies designed to strengthen the family through parental involvement in a child's development and education, including children with special needs;
6. increase the availability of early childhood education and child care programs and services and encourage the providers to work together to create options that allow families to participate in programs that serve the needs of each family;
7. provide information and technical assistance to people seeking programs and services;
8. help state agencies and municipalities in obtaining available federal funding for early childhood education and child care programs and services;
9. provide technical assistance and consultation to licensed providers of early childhood education and child care programs and services and assist any potential provider in obtaining licensure and certification;
10. create, implement, and maintain a quality rating and improvement system that covers home-based, center-based, and school-based early child care and learning;

11. maintain an accreditation system to help early childhood education and child care programs and services achieve national standards and program improvement;
12. help expand municipal and regional capacity to develop and implement the early education and child development system, as defined in the bill;
13. create partnerships between state agencies and philanthropic organizations to help implement the early education and child development system;
14. facilitate the establishment and maintenance of local and regional early childhood councils, and fund the development and administration of comprehensive early childhood councils, including creating incentives for regional and intermunicipal approaches;
15. align the department's policy and goals with those of the Early Childhood Education Cabinet and the Head Start Advisory Committee; and
16. ensure a coordinated and comprehensive statewide system of professional development for early childhood education and child care providers.

§ 3 — EARLY EDUCATION AND CHILD DEVELOPMENT SYSTEM

The bill requires DEECD to establish an early education and child development system (the “system”) to improve child health, safety and learning.

DEECD must consolidate existing early education and child care programs and services serving children age birth to eight, inclusive, into this coordinated system that attempts to:

1. increase oral language development;
2. reduce the academic achievement gap;

3. increase participation in school readiness programs;
4. decrease special education placements; and
5. increase parent engagement, family literacy, and parenting skills.

The system must:

1. develop family-centered services that assist families in their communities;
2. use asset-based and strength-based approaches;
3. give families service choices, including quality child care;
4. integrate early childhood education and special education services;
5. ensure that services and systems are culturally relevant to those families receiving services;
6. emphasize targeted, research-based interventions;
7. organize services into a coherent system;
8. establish a comprehensive and accessible delivery system for early childhood education and child care services;
9. focus on performance measures to ensure that services are accountable, effective, and accessible to the consumer;
10. pursue funding from private donors and organizations;
11. promote universal access to school readiness programs;
12. ensure nonduplication of monitoring and evaluation;
13. encourage and promote the establishment of local and regional early childhood councils, as described in the bill (see below), that implement local and regional birth-to-eight systems; and

14. any other activities that will assist in the provision of early childhood education and child care programs and services.

Early Childhood Councils

DEECD, through the system, must help municipalities establish local and regional early childhood councils. These councils must (1) develop and coordinate a comprehensive plan for an early childhood system for their community and (2) use local, state, and private resources to implement the comprehensive plan.

Under the bill, these early childhood councils can perform or supersede the functions of school readiness councils, as defined in statute, including, but not limited to:

1. policy and program planning;
2. systems development;
3. encouragement of community participation, emphasizing substantial parental involvement;
4. data collection, analysis, and evaluation with a focus on program and service outcomes; and
5. resource allocation.

For purposes of establishing and operating the system, DEECD can seek private and philanthropic organization funding and may enter into agreements with these organizations to assist in planning and implementing the system.

§ 4 — INTERAGENCY AGREEMENTS

The bill allows DEECD to enter into agreements with other state agencies for the purpose of coordinating early childhood education and child care programs and services. The agreements may:

1. identify opportunities to align programs and services to meet the needs of children and families;

2. implement an accountability framework to measure program and services outcomes;
3. identify common requirements for funding from various sources and any waiver provisions related to such requirements that can be accommodated by the agreement;
4. identify barriers under state or federal law to the effective use of interagency agreements;
5. work with qualified local and regional planning groups to determine the most effective means of structuring agreement requirements; and
6. focus agreements on areas such as maternal and child health, literacy, family support, and early childhood education and child care.

In all contracts with early childhood education and child care providers, the department must require that providers participate in any existing interagency agreement developed under the bill.

§ 5 — REPORTING

The bill requires the new department to report to five General Assembly committees, by February 1, 2015, on the progress it has made toward (1) achieving the objectives the bill sets for the early childhood education and child development system for children ages birth to eight years, inclusive and (2) the interagency agreements, with attention to child outcomes and a continuum of quality services. The report must go to the Appropriations, Education, Higher Education and Employment Advancement, Human Services, and Public Health committees.

§§ 6 & 7 — CREATING DEECD

These sections make conforming changes related to the creation of the new DEECD, including adding it to the list of existing agencies.

§§ 8-13 — SCHOOL READINESS PROGRAM

The bill requires DEECD, rather than SDE, to encourage the development of a network of school readiness programs according to state law and designates the new agency as the state's lead agency for school readiness. School readiness programs provide nonsectarian developmentally appropriate learning for children ages three and four (and five year olds who are not eligible to enroll in school or choose school readiness instead) for at least 450 hours over at least 180 days, with some exceptions. These programs must meet state standards.

The bill makes numerous conforming changes to transfer authority for administering the school readiness program from SDE to DEECD.

It removes the requirement that the lead agency for school readiness consult with the DSS commissioner regarding: (1) development of a continuing education training program for school readiness staff; (2) establishing grant programs to create spaces for school readiness in priority school districts, areas served by priority schools, and other specified areas; and (3) school readiness program accreditation standards.

Readiness Plan

Under current law SDE and DSS must jointly develop an agreement defining each agency's school readiness duties and responsibilities. Under the bill DEECD develops a school readiness plan and is not required to consult with SDE or DSS. It also eliminates a requirement that SDE and DSS adopt assessment measures that each school readiness program must use in its annual evaluation.

Readiness Grants

The bill requires DEECD to provide school readiness grants to eligible readiness program providers in transitional school districts beginning with FY 12 and each year thereafter. But this requirement is effective July 1, 2014, which is the beginning of FY 15.

Under current law, SDE and DSS review grant applications from transitional school districts and each agency approves the portion under its jurisdiction. The bill gives the review and approval authority

solely to DEECD.

§ 18 — FAMILY RESOURCE CENTER

The bill places the family resource center program under DEECD. In current law SDE must carry out this program in conjunction with DSS. The program provides child care, remedial education and literary services, and other supportive services to low-income families through grants to municipalities, boards of educations, and child care providers. Under the bill, DEECD, instead of SDE, provides the resource center grants to these local entities.

§ 31 — HEAD START PROGRAM AND ADVISORY COUNCIL

The bill places the Head Start Program, including awarding Head Start grants, and the Head Start Advisory Committee under DEECD. Under current law, SDE, in consultation with DSS, established the grant program, and SDE awards the grants. The bill makes other conforming changes.

§ 32 — EARLY CHILDHOOD CABINET

Under current law, the Early Childhood Education Cabinet is charged with coordinating among state agencies, and public and private partnerships, the services to enhance the health, safety, and learning of children from birth to age nine. The bill removes this duty from the cabinet, while keeping its other duties, including developing an annual state Head Start action plan and submitting an annual statewide Head Start report to the governor and the General Assembly.

The bill makes the following changes to the membership of the cabinet it (1) adds the early childhood education and child development commissioner and (2) specifies those who were appointed by the education commissioner are instead appointed by the DEECD commissioner.

§§ 14-17, 19-21, 23, 24 & 28-30 — CHILD CARE PROGRAMS

The bill replaces DSS as the lead agency for child care services with DEECD. Under current law, DSS has the duty to provide training for

child care providers in conjunction with DHE and SDE. The bill removes DSS and SDE from this process. Also, it removes DSS, SDE, and DPH from the list of agencies that assist the lead agency and the Child Care Coordinating Council with developing and implementing a statewide child care and early childhood education training system.

The bill contains numerous conforming changes related to child care including:

1. subsidies to parents for child care and grants to school readiness providers (§ 14);
2. supplemental enhancement grants for child care or school readiness providers (§ 15);
3. child care facilities loan guarantee program (§ 17);
4. day care sliding scale fees for parents (§ 21);
5. revolving loans to providers for expansion, improvement, or development of child care facilities (§ 24);
6. health and safety standards for subsidies (§ 29); and
7. criminal background checks for providers (§ 30).

The bill requires DEECD to report to the General Assembly, by January 1, 2012, on the implementation of a performance-based evaluation system and a longitudinal study of children in and after child care programs. But the effective date of this provision is July 1, 2014.

§§ 22 & 26 — REPORTS AND INVESTIGATIONS OF CHILD ABUSE

Under current law, DCF forwards complaints and reports of suspected child abuse or neglect at any child day care center, group day care home, family day care home, or youth camp to DPH, and the two agencies are authorized to conduct investigations into these complaints, make findings of abuse or neglect, and take related actions. The bill removes DPH and replaces it with DEECD.

Current law requires DCF to provide DPH with copies of records regarding alleged abuse or neglect in DPH-licensed child care facilities. The bill makes conforming changes removing DPH from this process and adding DEECD.

§ 25 — GRANTS FOR CHILD DAY CARE AND OTHER NEIGHBORHOOD FACILITIES

Current law authorizes the DSS commissioner to award grants to towns or qualified nonprofit corporations to plan and construct neighborhood facilities, including child day care centers, elderly centers, emergency homeless shelters, and other facilities. The bill gives this power to the DEECD commissioner. It makes conforming changes related to this grants program.

(The bill does not change an existing reference to DPH-licensed day care centers. Apparently this is an oversight, as the bill generally replaces DPH with DEECD in such instances.)

§ 27 — TAX CREDIT FOR CHILD DAY CARE FACILITY

The bill makes a conforming change, replacing DPH with DEECD, related to an existing tax credit program for state-licensed child care facilities.

§§ 33-35 — BIRTH-TO-THREE PROGRAM AND COUNCIL

This bill makes DEECD, instead of DDS, the lead agency for the Birth-to-Three Program. The bill does not add DEECD to the list of participating agencies that are members of the Interagency Birth-to-Three Coordinating Council, although the law requires the lead agency to establish and assist the council.

The bill makes other conforming and technical changes related to the Birth-to-Three Program.

§ 36 — COLLECTIVE BARGAINING FOR FAMILY CHILD CARE PROVIDERS

The bill establishes collective bargaining rights for family child care providers and authorizes and requires the DSS commissioner to bargain and enter into agreements with them. Under the bill, the child

care providers are considered state employees for collective bargaining purposes only, subject to the bill's provisions and the state employee collective bargaining law (see BACKGROUND). The bill specifies these providers are not eligible for state employee benefits.

It is unclear how the provisions related to collective bargaining will work considering the child care providers are not actual employees of the state. For example, the bill prohibits them from striking, but since many work for themselves and receive state subsidies and payments from their clients (for caring for their children) it is unclear what a strike prohibition means.

Scope of Required Negotiations

The DSS commissioner must negotiate with an organization representing the providers, as selected under state employee collective bargaining provisions, to establish terms and conditions for the providers to participate in the state's child care subsidy program for low-income families. The terms and conditions include, but are not limited to: (1) state reimbursement rates, (2) benefits; (3) payment procedures; (4) contract grievance arbitration; and (5) training; professional development, and other requirements.

Binding Agreements and Awards; Strikes Prohibited

The bill provides that a contract or an arbitrator's award is binding, except that if either requires additional state funding it does not become final until the legislature approves the necessary appropriation. It provides that DSS is considered an Executive Branch employer for purposes of collective bargaining.

The bill prohibits family child care providers from striking, consistent with state employee collective bargaining.

Permitted Bargaining Unit

The bill specifies that the bargaining unit must be a statewide unit of family child care providers who participate in the child care subsidy program for low-income families in a family day care home that is: (1) under the statutory definition of "family day care home" or (2) an

informal arrangement among neighbors and relatives in their own homes (i.e., the “kith and kin” program).

Elective Binding Arbitration

DSS and the provider bargaining agent can choose elective binding arbitration under the bill, and must follow procedures in state employee collective bargaining for elective arbitration. The bill requires the arbitrator to consider following factors when deciding a case:

1. the state’s ability to fund the child care subsidy program,
2. the nature of the child care subsidy program at issue; and
3. the needs and welfare of children and families receiving such services, including recruitment, retention, and quality needs with respect to family child care providers.

BACKGROUND

State Employee Collective Bargaining law

CGS Chapter 68 establishes the provisions for (1) selecting a exclusive bargaining agent for collective bargaining, (2) holding an election to form a union, (3) mandatory negotiations, (4) mandatory binding arbitration when a negotiation impasse is declared, and (5) other steps and mechanisms related to bargaining and arbitration.

Related Bill

sHB 6486 (File 359) gives personal health care attendants (PCAs) who work in state-funded programs the right to collectively bargain with the state for wages, benefits, and other terms or conditions of employment. Under the bill, PCAs are state employees for collective bargaining purposes only.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute
Yea 19 Nay 11 (03/23/2011)

