



General Assembly

February Session, 2016

**Governor's Bill No. 10**

LCO No. 365

\*00365 \_\_\_\_\_ \*

Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

REP. SHARKEY, 88<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

**AN ACT INCREASING ACCESS TO CHILD CARE FOR CHILDREN WHO ARE HOMELESS.**

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

1 Section 1. Subsection (a) of section 17b-749 of the 2016 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective from passage*):

4 (a) The Commissioner of Early Childhood shall establish and  
5 operate a child care subsidy program to increase the availability,  
6 affordability and quality of child care services for families with (1) a  
7 parent or caretaker who [(1)] (A) is working or attending high school,  
8 or [(2)] (B) receives cash assistance under the temporary family  
9 assistance program from the Department of Social Services and is  
10 participating in an approved education, training or other job  
11 preparation activity, or (2) homeless children and youths, as defined in

12 42 USC 11434a, as amended from time to time, who have been  
13 designated as in need of protective services by the Commissioner of  
14 Early Childhood, for purposes of 42 USC 9858n, as amended from time  
15 to time. Services available under the child care program shall include  
16 the provision of child care subsidies for children under the age of  
17 thirteen or children under the age of nineteen with special needs. The  
18 Office of Early Childhood shall open and maintain enrollment for the  
19 child care subsidy program and shall administer such program within  
20 the existing budgetary resources available. The office shall issue a  
21 notice on the office's Internet web site any time the office closes the  
22 program to new applications, changes eligibility requirements,  
23 changes program benefits or makes any other change to the program's  
24 status or terms, provided the office shall not be required to issue such  
25 notice when the office expands program eligibility. Any change in the  
26 office's acceptance of new applications, eligibility requirements,  
27 program benefits or any other change to the program's status or terms  
28 for which the office is required to give notice pursuant to this  
29 subsection, shall not be effective until thirty days after the office issues  
30 such notice.

31 Sec. 2. Section 19a-79 of the 2016 supplement to the general statutes  
32 is repealed and the following is substituted in lieu thereof (*Effective*  
33 *from passage*):

34 (a) The Commissioner of Early Childhood shall adopt regulations,  
35 in accordance with the provisions of chapter 54, to carry out the  
36 purposes of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87,  
37 inclusive, and to assure that child care centers and group child care  
38 homes shall meet the health, educational and social needs of children  
39 utilizing such child care centers and group child care homes. Such  
40 regulations shall (1) specify that before being permitted to attend any  
41 child care center or group child care home, each child shall be  
42 protected as age-appropriate by adequate immunization against  
43 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,  
44 hemophilus influenzae type B and any other vaccine required by the

45 schedule of active immunization adopted pursuant to section 19a-7f,  
46 including appropriate exemptions for children for whom such  
47 immunization is medically contraindicated and for children whose  
48 parents or guardian objects to such immunization on religious  
49 grounds, and that any objection by parents or a guardian to  
50 immunization of a child on religious grounds shall be accompanied by  
51 a statement from such parents or guardian that such immunization  
52 would be contrary to the religious beliefs of such child or the parents  
53 or guardian of such child, which statement shall be acknowledged, in  
54 accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a  
55 judge of a court of record or a family support magistrate, (B) a clerk or  
56 deputy clerk of a court having a seal, (C) a town clerk, (D) a notary  
57 public, (E) a justice of the peace, or (F) an attorney admitted to the bar  
58 of this state, (2) specify conditions under which child care center  
59 directors and teachers and group child care home providers may  
60 administer tests to monitor glucose levels in a child with diagnosed  
61 diabetes mellitus, and administer medicinal preparations, including  
62 controlled drugs specified in the regulations by the commissioner, to a  
63 child receiving child care services at such child care center or group  
64 child care home pursuant to the written order of a physician licensed  
65 to practice medicine or a dentist licensed to practice dental medicine in  
66 this or another state, or an advanced practice registered nurse licensed  
67 to prescribe in accordance with section 20-94a, or a physician assistant  
68 licensed to prescribe in accordance with section 20-12d, and the written  
69 authorization of a parent or guardian of such child, (3) specify that an  
70 operator of a child care center or group child care home, licensed  
71 before January 1, 1986, or an operator who receives a license after  
72 January 1, 1986, for a facility licensed prior to January 1, 1986, shall  
73 provide a minimum of thirty square feet per child of total indoor  
74 usable space, free of furniture except that needed for the children's  
75 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,  
76 halls, isolation room or other rooms used for purposes other than the  
77 activities of the children, (4) specify that a child care center or group  
78 child care home licensed after January 1, 1986, shall provide thirty-five

79 square feet per child of total indoor usable space, (5) establish  
80 appropriate child care center staffing requirements for employees  
81 certified in cardiopulmonary resuscitation by the American Red Cross,  
82 the American Heart Association, the National Safety Council,  
83 American Safety and Health Institute or Medic First Aid International,  
84 Inc., (6) specify that on and after January 1, 2003, a child care center or  
85 group child care home (A) shall not deny services to a child on the  
86 basis of a child's known or suspected allergy or because a child has a  
87 prescription for an automatic prefilled cartridge injector or similar  
88 automatic injectable equipment used to treat an allergic reaction, or for  
89 injectable equipment used to administer glucagon, (B) shall, not later  
90 than three weeks after such child's enrollment in such a center or  
91 home, have staff trained in the use of such equipment on-site during  
92 all hours when such a child is on-site, (C) shall require such child's  
93 parent or guardian to provide the injector or injectable equipment and  
94 a copy of the prescription for such medication and injector or injectable  
95 equipment upon enrollment of such child, and (D) shall require a  
96 parent or guardian enrolling such a child to replace such medication  
97 and equipment prior to its expiration date, (7) specify that on and after  
98 January 1, 2005, a child care center or group child care home (A) shall  
99 not deny services to a child on the basis of a child's diagnosis of  
100 asthma or because a child has a prescription for an inhalant medication  
101 to treat asthma, and (B) shall, not later than three weeks after such  
102 child's enrollment in such a center or home, have staff trained in the  
103 administration of such medication on-site during all hours when such  
104 a child is on-site, and (8) establish physical plant requirements for  
105 licensed child care centers and licensed group child care homes that  
106 exclusively serve school-age children. When establishing such  
107 requirements, the Office of Early Childhood shall give consideration to  
108 child care centers and group child care homes that are located in  
109 private or public school buildings. With respect to this subdivision  
110 only, the commissioner shall implement policies and procedures  
111 necessary to implement the physical plant requirements established  
112 pursuant to this subdivision while in the process of adopting such

113 policies and procedures in regulation form. Until replaced by policies  
114 and procedures implemented pursuant to this subdivision, any  
115 physical plant requirement specified in the office's regulations that is  
116 generally applicable to child care centers and group child care homes  
117 shall continue to be applicable to such centers and homes that  
118 exclusively serve school-age children. The commissioner shall print  
119 notice of the intent to adopt regulations pursuant to this subdivision in  
120 the Connecticut Law Journal not later than twenty days after the date  
121 of implementation of such policies and procedures. Policies and  
122 procedures implemented pursuant to this subdivision shall be valid  
123 until the time final regulations are adopted.

124 (b) The commissioner may adopt regulations, pursuant to chapter  
125 54, to establish civil penalties of not more than one hundred dollars per  
126 day for each day of violation and other disciplinary remedies that may  
127 be imposed, following a contested-case hearing, upon the holder of a  
128 license issued under section 19a-80 to operate a child care center or  
129 group child care home or upon the holder of a license issued under  
130 section 19a-87b to operate a family child care home.

131 (c) The commissioner shall exempt Montessori schools accredited by  
132 the American Montessori Society or the Association Montessori  
133 Internationale from any provision in regulations adopted pursuant to  
134 subsection (a) of this section which sets requirements on group size or  
135 child to staff ratios or the provision of cots.

136 (d) Upon the declaration by the Governor of a civil preparedness  
137 emergency pursuant to section 28-9 or a public health emergency  
138 pursuant to section 19a-131a, the commissioner may waive the  
139 provisions of any regulation adopted pursuant to this section if the  
140 commissioner determines that such waiver would not endanger the  
141 life, safety or health of any child. The commissioner shall prescribe the  
142 duration of such waiver, provided such waiver shall not extend  
143 beyond the duration of the declared emergency. The commissioner  
144 shall establish the criteria by which a waiver request shall be made and

145 the conditions for which a waiver will be granted or denied. The  
146 provisions of section 19a-84 shall not apply to a denial of a waiver  
147 request under this subsection.

148 (e) Notwithstanding the provisions of subparagraph (B) of  
149 subdivision (2) of subsection (a) of section 19a-79-5a of the regulations  
150 of Connecticut state agencies relating to physical examination  
151 requirements and subsection (e) of section 19a-79-6a of the regulations  
152 of Connecticut state agencies relating to immunization requirements,  
153 homeless children and youths, as defined in 42 USC 11434a, as  
154 amended from time to time, may be allowed to attend a child care  
155 center or group child care home for up to ninety days. Any child care  
156 center or group child care home that provides child care services to  
157 homeless children and youths at such center or home shall maintain a  
158 record on file of all temporary waiver determinations conducted under  
159 this subsection for a period of two years after such homeless children  
160 and youths are no longer receiving child care services at such center or  
161 home.

162 Sec. 3. Section 19a-87b of the 2016 supplement to the general statutes  
163 is repealed and the following is substituted in lieu thereof (*Effective*  
164 *from passage*):

165 (a) No person, group of persons, association, organization,  
166 corporation, institution or agency, public or private, shall maintain a  
167 family child care home, as defined in section 19a-77, without a license  
168 issued by the Commissioner of Early Childhood. Licensure forms shall  
169 be obtained from the Office of Early Childhood. Applications for  
170 licensure shall be made to the commissioner on forms provided by the  
171 office and shall contain the information required by regulations  
172 adopted under this section. The licensure and application forms shall  
173 contain a notice that false statements made therein are punishable in  
174 accordance with section 53a-157b. Applicants shall state, in writing,  
175 that they are in compliance with the regulations adopted by the  
176 commissioner pursuant to subsection (f) of this section. Before a family

177 child care home license is granted, the office shall make an inquiry and  
178 investigation which shall include a visit and inspection of the premises  
179 for which the license is requested. Any inspection conducted by the  
180 office shall include an inspection for evident sources of lead poisoning.  
181 The office shall provide for a chemical analysis of any paint chips  
182 found on such premises. Neither the commissioner nor the  
183 commissioner's designee shall require an annual inspection for homes  
184 seeking license renewal or for licensed homes, except that the  
185 commissioner or the commissioner's designee shall make an  
186 unannounced visit, inspection or investigation of each licensed family  
187 child care home at least once every year. A licensed family child care  
188 home shall not be subject to any conditions on the operation of such  
189 home by local officials, other than those imposed by the office  
190 pursuant to this subsection, if the home complies with all local codes  
191 and ordinances applicable to single and multifamily dwellings.

192 (b) No person shall act as an assistant or substitute staff member to a  
193 person or entity maintaining a family child care home, as defined in  
194 section 19a-77, without an approval issued by the commissioner. Any  
195 person seeking to act as an assistant or substitute staff member in a  
196 family child care home shall submit an application for such approval  
197 to the office. Applications for approval shall: (1) Be made to the  
198 commissioner on forms provided by the office, (2) contain the  
199 information required by regulations adopted under this section, and  
200 (3) be accompanied by a fee of fifteen dollars. The approval application  
201 forms shall contain a notice that false statements made in such form  
202 are punishable in accordance with section 53a-157b.

203 (c) The commissioner, within available appropriations, shall require  
204 each initial applicant or prospective employee of a family child care  
205 home in a position requiring the provision of care to a child, including  
206 an assistant or substitute staff member, to submit to state and national  
207 criminal history records checks. The criminal history records checks  
208 required pursuant to this subsection shall be conducted in accordance  
209 with section 29-17a. The commissioner shall also request a check of the

210 state child abuse registry established pursuant to section 17a-101k. The  
211 commissioner shall notify each licensee of the provisions of this  
212 subsection.

213 (d) An application for initial licensure pursuant to this section shall  
214 be accompanied by a fee of forty dollars and such license shall be  
215 issued for a term of four years. An application for renewal of a license  
216 issued pursuant to this section shall be accompanied by a fee of forty  
217 dollars and a certification from the licensee that any child enrolled in  
218 the family child care home has received age-appropriate  
219 immunizations in accordance with regulations adopted pursuant to  
220 subsection (f) of this section. A license issued pursuant to this section  
221 shall be renewed for a term of four years. In the case of an applicant  
222 submitting an application for renewal of a license that has expired, and  
223 who has ceased operations of a family child care home due to such  
224 expired license, the commissioner may renew such expired license  
225 within thirty days of the date of such expiration upon receipt of an  
226 application for renewal that is accompanied by such fee and such  
227 certification.

228 (e) An application for initial staff approval or renewal of staff  
229 approval shall be accompanied by a fee of fifteen dollars. Such  
230 approvals shall be issued or renewed for a term of two years.

231 (f) The commissioner shall adopt regulations, in accordance with the  
232 provisions of chapter 54, to assure that family child care homes, as  
233 defined in section 19a-77, shall meet the health, educational and social  
234 needs of children utilizing such homes. Such regulations shall ensure  
235 that the family child care home is treated as a residence, and not an  
236 institutional facility. Such regulations shall specify that each child be  
237 protected as age-appropriate by adequate immunization against  
238 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,  
239 hemophilus influenzae type B and any other vaccine required by the  
240 schedule of active immunization adopted pursuant to section 19a-7f.  
241 Such regulations shall provide appropriate exemptions for children for

242 whom such immunization is medically contraindicated and for  
243 children whose parents or guardian objects to such immunization on  
244 religious grounds and require that any such objection be accompanied  
245 by a statement from such parents or guardian that such immunization  
246 would be contrary to the religious beliefs of such child or the parents  
247 or guardian of such child, which statement shall be acknowledged, in  
248 accordance with the provisions of sections 1-32, 1-34 and 1-35, by (1) a  
249 judge of a court of record or a family support magistrate, (2) a clerk or  
250 deputy clerk of a court having a seal, (3) a town clerk, (4) a notary  
251 public, (5) a justice of the peace, or (6) an attorney admitted to the bar  
252 of this state. Such regulations shall also specify conditions under which  
253 family child care home providers may administer tests to monitor  
254 glucose levels in a child with diagnosed diabetes mellitus, and  
255 administer medicinal preparations, including controlled drugs  
256 specified in the regulations by the commissioner, to a child receiving  
257 child care services at a family child care home pursuant to a written  
258 order of a physician licensed to practice medicine in this or another  
259 state, an advanced practice registered nurse licensed to prescribe in  
260 accordance with section 20-94a or a physician assistant licensed to  
261 prescribe in accordance with section 20-12d, and the written  
262 authorization of a parent or guardian of such child. Such regulations  
263 shall specify appropriate standards for extended care and intermittent  
264 short-term overnight care. The commissioner shall inform each  
265 licensee, by way of a plain language summary provided not later than  
266 sixty days after the regulation's effective date, of any new or changed  
267 regulations adopted under this subsection with which a licensee must  
268 comply.

269 (g) Upon the declaration by the Governor of a civil preparedness  
270 emergency pursuant to section 28-9 or a public health emergency  
271 pursuant to section 19a-131a, the commissioner may waive the  
272 provisions of any regulation adopted pursuant to this section if the  
273 commissioner determines that such waiver would not endanger the  
274 life, safety or health of any child. The commissioner shall prescribe the

275 duration of such waiver, provided such waiver shall not extend  
276 beyond the duration of the declared emergency. The commissioner  
277 shall establish the criteria by which a waiver request shall be made and  
278 the conditions for which a waiver will be granted or denied. The  
279 provisions of section 19a-84 shall not apply to a denial of a waiver  
280 request under this subsection.

281 (h) Notwithstanding the provisions of subdivision (2) of subsection  
282 (b) of section 19a-87b-10 of the regulations of Connecticut state  
283 agencies relating to physical examination requirements and subsection  
284 (k) of section 19a-87b-10 of the regulations of Connecticut state  
285 agencies relating to immunization requirements, homeless children  
286 and youths, as defined in 42 USC 11434a, as amended from time to  
287 time, may be allowed to attend a family child care home for up to  
288 ninety days. Any family child care home that provides child care  
289 services to homeless children and youths at such home shall maintain  
290 a record on file of all temporary waiver determinations conducted  
291 under this subsection for a period of two years after such homeless  
292 children and youths are no longer receiving child care services at such  
293 home.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-749(a)
Sec. 2	<i>from passage</i>	19a-79
Sec. 3	<i>from passage</i>	19a-87b

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*