



Substitute House Bill No. 5169

Public Act No. 18-172

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD.

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

Section 1. Section 19a-79 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The Commissioner of Early Childhood shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of sections 19a-77 to 19a-80, inclusive, as amended by this act, and 19a-82 to 19a-87, inclusive, and to assure that child care centers and group child care homes [shall] meet the health, educational and social needs of children utilizing such child care centers and group child care homes. Such regulations shall (1) specify that before being permitted to attend any child care center or group child care home, each child shall be protected as age-appropriate by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f, including appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parents or guardian objects to such immunization on religious grounds, and that any objection by parents

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or a guardian to immunization of a child on religious grounds shall be accompanied by a statement from such parents or guardian that such immunization would be contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family support magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of the peace, or (F) an attorney admitted to the bar of this state, (2) specify conditions under which child care center directors and teachers and group child care home providers may administer tests to monitor glucose levels in a child with diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a child receiving child care services at such child care center or group child care home pursuant to the written order of a physician licensed to practice medicine or a dentist licensed to practice dental medicine in this or another state, or an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a, or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child, (3) specify that an operator of a child care center or group child care home, licensed before January 1, 1986, or an operator who receives a license after January 1, 1986, for a facility licensed prior to January 1, 1986, shall provide a minimum of thirty square feet per child of total indoor usable space, free of furniture except that needed for the children's purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens, halls, isolation room or other rooms used for purposes other than the activities of the children, (4) specify that a child care center or group child care home licensed after January 1, 1986, shall provide thirty-five square feet per child of total indoor usable space, (5) establish appropriate child care center staffing requirements for employees certified in cardiopulmonary resuscitation by the American Red Cross, the American Heart Association, the

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National Safety Council, American Safety and Health Institute or Medic First Aid International, Inc., (6) specify that on and after January 1, 2003, a child care center or group child care home (A) shall not deny services to a child on the basis of a child's known or suspected allergy or because a child has a prescription for an automatic prefilled cartridge injector or similar automatic injectable equipment used to treat an allergic reaction, or for injectable equipment used to administer glucagon, (B) shall, not later than three weeks after such child's enrollment in such a center or home, have staff trained in the use of such equipment on-site during all hours when such a child is on-site, (C) shall require such child's parent or guardian to provide the injector or injectable equipment and a copy of the prescription for such medication and injector or injectable equipment upon enrollment of such child, and (D) shall require a parent or guardian enrolling such a child to replace such medication and equipment prior to its expiration date, (7) specify that on and after January 1, 2005, a child care center or group child care home (A) shall not deny services to a child on the basis of a child's diagnosis of asthma or because a child has a prescription for an inhalant medication to treat asthma, and (B) shall, not later than three weeks after such child's enrollment in such a center or home, have staff trained in the administration of such medication on-site during all hours when such a child is on-site, and (8) establish physical plant requirements for licensed child care centers and licensed group child care homes that exclusively serve school-age children. When establishing such requirements, the Office of Early Childhood shall give consideration to child care centers and group child care homes that are located in private or public school buildings. With respect to this subdivision only, the commissioner shall implement policies and procedures necessary to implement the physical plant requirements established pursuant to this subdivision while in the process of adopting such policies and procedures in regulation form. Until replaced by policies and procedures implemented pursuant to this subdivision, any physical plant requirement specified in the

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office's regulations that is generally applicable to child care centers and group child care homes shall continue to be applicable to such centers and homes that exclusively serve school-age children. The commissioner shall print notice of the intent to adopt regulations pursuant to this subdivision in the Connecticut Law Journal not later than twenty days after the date of implementation of such policies and procedures. Policies and procedures implemented pursuant to this subdivision shall be valid until the time final regulations are adopted.

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

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

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

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provisions of section 19a-84 shall not apply to a denial of a waiver request under this subsection.

(e) Any child care center or group child care home may provide child care services to homeless children and youths, as defined in 42 USC 11434a, as amended from time to time, for a period not to exceed ninety days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any child care center or group child care home that provides child care services to homeless children and youths at such center or home under this subsection shall maintain a record on file of all homeless children and youths who have attended such center or home for a period of two years after such homeless children or youths are no longer receiving child care services at such center or home.

Sec. 2. Section 19a-87b of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

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

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

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

(c) The commissioner, within available appropriations, shall require each initial applicant or prospective employee of a family child care home in a position requiring the provision of care to a child, including an assistant or substitute staff member and each household member who is sixteen years of age or older, to submit to comprehensive background checks, including state and national criminal history

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records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. The commissioner shall also request a check of the state child abuse registry established pursuant to section 17a-101k. The commissioner shall notify each licensee of the provisions of this subsection. For purposes of this subsection, "household member" means any person, other than the person who is licensed to conduct, operate or maintain a family child care home, who resides in the family child care home, such as the licensee's spouse or children, tenants and any other occupant.

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

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

(f) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to assure that family child care homes, as defined in section 19a-77, as amended by this act, [shall] meet the

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health, educational and social needs of children utilizing such homes. Such regulations shall ensure that the family child care home is treated as a residence, and not an institutional facility. Such regulations shall specify that each child be protected as age-appropriate by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f. Such regulations shall provide appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parents or guardian objects to such immunization on religious grounds and require that any such objection be accompanied by a statement from such parents or guardian that such immunization would be contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a family support magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney admitted to the bar of this state. Such regulations shall also specify conditions under which family child care home providers may administer tests to monitor glucose levels in a child with diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a child receiving child care services at a family child care home pursuant to a written order of a physician licensed to practice medicine in this or another state, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child. Such regulations shall specify appropriate standards for extended care and intermittent short-term overnight care. The commissioner shall inform each licensee, by way of a plain language summary provided not later than sixty days after the regulation's

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effective date, of any new or changed regulations adopted under this subsection with which a licensee must comply.

(g) Upon the declaration by the Governor of a civil preparedness emergency pursuant to section 28-9 or a public health emergency pursuant to section 19a-131a, the commissioner may waive the provisions of any regulation adopted pursuant to this section if the commissioner determines that such waiver would not endanger the life, safety or health of any child. The commissioner shall prescribe the duration of such waiver, provided such waiver shall not extend beyond the duration of the declared emergency. The commissioner shall establish the criteria by which a waiver request shall be made and the conditions for which a waiver will be granted or denied. The provisions of section 19a-84 shall not apply to a denial of a waiver request under this subsection.

(h) Any family child care home may provide child care services to homeless children and youths, as defined in 42 USC 11434a, as amended from time to time, for a period not to exceed ninety days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to homeless children and youths at such home under this subsection shall maintain a record on file of all homeless children and youths who have attended such home for a period of two years after such homeless children or youths are no longer receiving child care services at such home.

Sec. 3. Subdivision (1) of subsection (b) of section 19a-80 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(b) (1) Upon receipt of an application for a license, the commissioner shall issue such license if, upon inspection and investigation, said

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commissioner finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to attend the child care center or group child care home and comply with requirements established by regulations adopted under this section and sections 19a-77 to 19a-79a, inclusive, as amended by this act, and sections 19a-82 to 19a-87a, inclusive. The commissioner shall offer an expedited application review process for an application submitted by a municipal agency or department. A currently licensed person or entity, as described in subsection (a) of this section, seeking a change of operator, ownership or location shall file a new license application, except such person or entity may request the commissioner to waive the requirement that a new license application be filed. [if such person or entity submits such request prior to the change of operator, ownership or location.] The commissioner may grant or deny such request. Each license shall be for a term of four years, shall be nontransferable, and may be renewed upon receipt by the commissioner of a renewal application and accompanying licensure fee. The commissioner may suspend or revoke such license after notice and an opportunity for a hearing as provided in section 19a-84 for violation of the regulations adopted under this section and sections 19a-77 to 19a-79a, inclusive, as amended by this act, and sections 19a-82 to 19a-87a, inclusive. In the case of an application for renewal of a license that has expired, the commissioner may renew such expired license within thirty days of the date of such expiration upon receipt of a renewal application and accompanying licensure fee.

Sec. 4. Subsections (a) and (b) of section 19a-77 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) As used in this section and sections 19a-77a to 19a-80, inclusive, as amended by this act, and sections 19a-82 to 19a-87a, inclusive, "child care services" includes:

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(1) A "child care center" which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis;

(2) A "group child care home" which offers or provides a program of supplementary care (A) to not less than seven or more than twelve related or unrelated children on a regular basis, or (B) that meets the definition of a family child care home except that it operates in a facility other than a private family home;

(3) A "family child care home" which consists of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three or more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted. During the summer months when regular school is not in session, a maximum of three additional children who are otherwise enrolled in school full time, including the provider's own children, shall be permitted if there is an assistant or substitute staff member approved by the Commissioner of Early Childhood, pursuant to section 19a-87b, as amended by this act, present and assisting the provider, except that (A) if the provider has more than three such additional children who are the provider's own children, all of the provider's own children shall be permitted, and (B) such approved assistant or substitute staff member shall not be required if all of such additional children are the provider's own children;

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(4) "Night care" means the care provided for one or more hours between the hours of 10:00 p.m. and 5:00 a.m.;

(5) "Year-round" program means a program open at least fifty weeks per year.

(b) For licensing requirement purposes, child care services shall not include such services which are:

(1) (A) Administered by a public school system, or (B) administered by a municipal agency or department;

(2) Administered by a private school which is in compliance with section 10-188 and is approved by the State Board of Education or is accredited by an accrediting agency recognized by the State Board of Education, provided the provision of such child care services by the private school is only to those children whose ages are covered under such approval or accreditation;

(3) Classes in music, dance, drama and art that are no longer than two hours in length; classes that teach a single skill that are no longer than two hours in length; library programs that are no longer than two hours in length; scouting; programs that offer exclusively sports activities; rehearsals; academic tutoring programs; or programs exclusively for children thirteen years of age or older;

(4) Informal arrangements among neighbors and formal or informal arrangements among relatives in their own homes, provided the relative is limited to any of the following degrees of kinship by blood, [or] marriage or court order to the child being cared for; [or to the child's parent: Child, grandchild,] Grandparent, great-grandparent, sibling, [niece, nephew,] aunt [,] or uncle; [or child of one's aunt or uncle;]

(5) Supplementary child care operations for educational or

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recreational purposes and the child receives such care infrequently where the parents are on the premises;

(6) Supplementary child care operations in retail establishments where the parents remain in the same store as the child for retail shopping, provided the drop-in supplementary child-care operation does not charge a fee and does not refer to itself as a child care center;

(7) Administered by a nationally chartered boys' and girls' club that are exclusively for school-age children;

(8) Religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution;

(9) Administered by Solar Youth, Inc., a New Haven-based nonprofit youth development and environmental education organization;

(10) Programs administered by organizations under contract with the Department of Social Services pursuant to section 17b-851a that promote the reduction of teenage pregnancy through the provision of services to persons who are ten to nineteen years of age, inclusive; or

(11) Administered by the Cardinal Shehan Center, a Bridgeport-based nonprofit organization that is exclusively for school-age children.

Sec. 5. Subsection (g) of section 10-16p of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(g) Subject to the provisions of this subsection, no funds received by a town pursuant to subsection (c) or (d) of this section or section 10-16u shall be used to supplant federal, state or local funding received by

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such town for early childhood education, provided a town may use an amount determined in accordance with this subsection for coordination, program evaluation and administration. Such amount shall be at least [twenty-five thousand dollars] five per cent of the total grant allocation, but not more than seventy-five thousand dollars and shall be determined by the commissioner based on the school readiness grant award allocated to the town pursuant to subsection (c) or (d) of this section or section 10-16u and the number of operating sites for coordination, program evaluation and administration. Such amount shall be increased by an amount equal to local funding provided for early childhood education coordination, program evaluation and administration, not to exceed twenty-five thousand dollars. Each town that receives a grant pursuant to subsection (c) or (d) of this section or section 10-16u shall designate a person to be responsible for such coordination, program evaluation and administration and to act as a liaison between the town and the commissioner. Each school readiness program that receives funds pursuant to this section or section 10-16u shall provide information to the commissioner or the school readiness council, as requested, that is necessary for purposes of any school readiness program evaluation.

Sec. 6. Section 19a-87g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) For purposes of this section, "licensee" means any person licensed pursuant to section 19a-80, as amended by this act, or 19a-87b, as amended by this act, and "day care center" means a child care center, a group child care home or a family child care home, as those terms are defined in section 19a-77, as amended by this act.

(b) Each licensee shall provide written contact information for the licensee's day care center, including the name, address and telephone number of the day care center, to the [local police department and state police troop having jurisdiction where such day care center is located]

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Office of Early Childhood. Each licensee shall verify and update, as appropriate, such contact information.

(c) [Such local police department or state police troop shall notify a licensee that submitted written contact information pursuant to subsection (b) of this section of any conditions caused by] The Office of Early Childhood shall share, in accordance with a memorandum of understanding or other agreement, any information collected pursuant to subsection (b) of this section with the Department of Emergency Services and Public Protection for use in an emergency notification system, as defined in section 28-25, that notifies licensees of an emergency situation in the vicinity of a day care center that may endanger the safety or welfare of the children at such day care center. Such emergency situation may include, but need not be limited to, a fire, a criminal act, an emergency or an act of nature such as an earthquake, a tornado, a hurricane or a storm. [, in the vicinity of such day care center that may endanger the safety or welfare of the children at such day care center.]

Sec. 7. Section 17b-749k of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The Commissioner of Early Childhood shall, within available appropriations, require any person_z [providing] other than a relative, who provides child care services to a child and who receives a child care subsidy from the Office of Early Childhood_z to submit to comprehensive background checks, including state and national criminal history records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. The commissioner shall also request a check of the state child abuse registry established pursuant to section 17a-101k.

(b) The Commissioner of Early Childhood shall, within available

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appropriations, require any relative who provides child care services to a child and who receives a child care subsidy from the Office of Early Childhood, to submit to a check of (1) state and national sexual offender registry databases, (2) the state child abuse registry established pursuant to section 17a-101k, and (3) the Connecticut On-Line Law Enforcement Communication Teleprocessing System maintained by the Department of Emergency Services and Public Protection. If such check reveals that the name of any such relative appears in such databases, on said registry or in said system, the commissioner may require such relative to submit to state and national criminal history records checks conducted in accordance with section 29-17a.

[(b)] (c) The commissioner shall have the discretion to refuse payments for child care under any financial assistance program administered by him or her if the person or relative providing such child care has been convicted in this state or any other state of a felony, as defined in section 53a-25, involving the use, attempted use or threatened use of physical force against another person, of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23 or any felony where the victim of the felony is a child under eighteen years of age, or of a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record or was the subject of a substantiated report of child abuse in this state or any other state that the commissioner reasonably believes renders the person or relative unsuitable to provide child care.

Approved June 14, 2018