



# House of Representatives

General Assembly

**File No. 232**

February Session, 2018

Substitute House Bill No. 5169

*House of Representatives, April 5, 2018*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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:

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 Section 19a-79 of the general statutes is repealed and the  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

3 (a) The Commissioner of Early Childhood shall adopt regulations,  
4 in accordance with the provisions of chapter 54, to carry out the  
5 purposes of sections 19a-77 to 19a-80, inclusive, as amended by this  
6 act, and 19a-82 to 19a-87, inclusive, and to assure that child care  
7 centers and group child care homes [shall] meet the health, educational  
8 and social needs of children utilizing such child care centers and group  
9 child care homes. Such regulations shall (1) specify that before being  
10 permitted to attend any child care center or group child care home,  
11 each child shall be protected as age-appropriate by adequate  
12 immunization against diphtheria, pertussis, tetanus, poliomyelitis,  
13 measles, mumps, rubella, hemophilus influenzae type B and any other

14 vaccine required by the schedule of active immunization adopted  
15 pursuant to section 19a-7f, including appropriate exemptions for  
16 children for whom such immunization is medically contraindicated  
17 and for children whose parents or guardian objects to such  
18 immunization on religious grounds, and that any objection by parents  
19 or a guardian to immunization of a child on religious grounds shall be  
20 accompanied by a statement from such parents or guardian that such  
21 immunization would be contrary to the religious beliefs of such child  
22 or the parents or guardian of such child, which statement shall be  
23 acknowledged, in accordance with the provisions of sections 1-32, 1-34  
24 and 1-35, by (A) a judge of a court of record or a family support  
25 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a  
26 town clerk, (D) a notary public, (E) a justice of the peace, or (F) an  
27 attorney admitted to the bar of this state, (2) specify conditions under  
28 which child care center directors and teachers and group child care  
29 home providers may administer tests to monitor glucose levels in a  
30 child with diagnosed diabetes mellitus, and administer medicinal  
31 preparations, including controlled drugs specified in the regulations  
32 by the commissioner, to a child receiving child care services at such  
33 child care center or group child care home pursuant to the written  
34 order of a physician licensed to practice medicine or a dentist licensed  
35 to practice dental medicine in this or another state, or an advanced  
36 practice registered nurse licensed to prescribe in accordance with  
37 section 20-94a, or a physician assistant licensed to prescribe in  
38 accordance with section 20-12d, and the written authorization of a  
39 parent or guardian of such child, (3) specify that an operator of a child  
40 care center or group child care home, licensed before January 1, 1986,  
41 or an operator who receives a license after January 1, 1986, for a facility  
42 licensed prior to January 1, 1986, shall provide a minimum of thirty  
43 square feet per child of total indoor usable space, free of furniture  
44 except that needed for the children's purposes, exclusive of toilet  
45 rooms, bathrooms, coatrooms, kitchens, halls, isolation room or other  
46 rooms used for purposes other than the activities of the children, (4)  
47 specify that a child care center or group child care home licensed after  
48 January 1, 1986, shall provide thirty-five square feet per child of total

49 indoor usable space, (5) establish appropriate child care center staffing  
50 requirements for employees certified in cardiopulmonary resuscitation  
51 by the American Red Cross, the American Heart Association, the  
52 National Safety Council, American Safety and Health Institute or  
53 Medic First Aid International, Inc., (6) specify that on and after January  
54 1, 2003, a child care center or group child care home (A) shall not deny  
55 services to a child on the basis of a child's known or suspected allergy  
56 or because a child has a prescription for an automatic prefilled  
57 cartridge injector or similar automatic injectable equipment used to  
58 treat an allergic reaction, or for injectable equipment used to  
59 administer glucagon, (B) shall, not later than three weeks after such  
60 child's enrollment in such a center or home, have staff trained in the  
61 use of such equipment on-site during all hours when such a child is  
62 on-site, (C) shall require such child's parent or guardian to provide the  
63 injector or injectable equipment and a copy of the prescription for such  
64 medication and injector or injectable equipment upon enrollment of  
65 such child, and (D) shall require a parent or guardian enrolling such a  
66 child to replace such medication and equipment prior to its expiration  
67 date, (7) specify that on and after January 1, 2005, a child care center or  
68 group child care home (A) shall not deny services to a child on the  
69 basis of a child's diagnosis of asthma or because a child has a  
70 prescription for an inhalant medication to treat asthma, and (B) shall,  
71 not later than three weeks after such child's enrollment in such a center  
72 or home, have staff trained in the administration of such medication  
73 on-site during all hours when such a child is on-site, and (8) establish  
74 physical plant requirements for licensed child care centers and licensed  
75 group child care homes that exclusively serve school-age children.  
76 When establishing such requirements, the Office of Early Childhood  
77 shall give consideration to child care centers and group child care  
78 homes that are located in private or public school buildings. With  
79 respect to this subdivision only, the commissioner shall implement  
80 policies and procedures necessary to implement the physical plant  
81 requirements established pursuant to this subdivision while in the  
82 process of adopting such policies and procedures in regulation form.  
83 Until replaced by policies and procedures implemented pursuant to

84 this subdivision, any physical plant requirement specified in the  
85 office's regulations that is generally applicable to child care centers and  
86 group child care homes shall continue to be applicable to such centers  
87 and homes that exclusively serve school-age children. The  
88 commissioner shall print notice of the intent to adopt regulations  
89 pursuant to this subdivision in the Connecticut Law Journal not later  
90 than twenty days after the date of implementation of such policies and  
91 procedures. Policies and procedures implemented pursuant to this  
92 subdivision shall be valid until the time final regulations are adopted.

93 (b) The commissioner may adopt regulations, pursuant to chapter  
94 54, to establish civil penalties of not more than one hundred dollars per  
95 day for each day of violation and other disciplinary remedies that may  
96 be imposed, following a contested-case hearing, upon the holder of a  
97 license issued under section 19a-80, as amended by this act, to operate  
98 a child care center or group child care home or upon the holder of a  
99 license issued under section 19a-87b, as amended by this act, to operate  
100 a family child care home.

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

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

117 request under this subsection.

118 (e) Notwithstanding the provisions of subsection (a) of this section  
119 relating to physical examination and immunization requirements,  
120 homeless children and youths, as defined in 42 USC 11434a, as  
121 amended from time to time, may be allowed to attend a child care  
122 center or group child care home for up to ninety days without  
123 complying with such requirements. Any child care center or group  
124 child care home that provides child care services to homeless children  
125 and youths at such center or home under this subsection shall  
126 maintain a record on file of all homeless children and youths who have  
127 so attended such center or home for a period of two years after such  
128 homeless children or youths are no longer receiving child care services  
129 at such center or home.

130 Sec. 2. Section 19a-87b of the 2018 supplement to the general statutes  
131 is repealed and the following is substituted in lieu thereof (*Effective July*  
132 *1, 2018*):

133 (a) No person, group of persons, association, organization,  
134 corporation, institution or agency, public or private, shall maintain a  
135 family child care home, as defined in section 19a-77, as amended by  
136 this act, without a license issued by the Commissioner of Early  
137 Childhood. Licensure forms shall be obtained from the Office of Early  
138 Childhood. Applications for licensure shall be made to the  
139 commissioner on forms provided by the office and shall contain the  
140 information required by regulations adopted under this section. The  
141 licensure and application forms shall contain a notice that false  
142 statements made therein are punishable in accordance with section  
143 53a-157b. Applicants shall state, in writing, that they are in compliance  
144 with the regulations adopted by the commissioner pursuant to  
145 subsection (f) of this section. Before a family child care home license is  
146 granted, the office shall make an inquiry and investigation which shall  
147 include a visit and inspection of the premises for which the license is  
148 requested. Any inspection conducted by the office shall include an  
149 inspection for evident sources of lead poisoning. The office shall

150 provide for a chemical analysis of any paint chips found on such  
151 premises. Neither the commissioner nor the commissioner's designee  
152 shall require an annual inspection for homes seeking license renewal  
153 or for licensed homes, except that the commissioner or the  
154 commissioner's designee shall make an unannounced visit, inspection  
155 or investigation of each licensed family child care home at least once  
156 every year. A licensed family child care home shall not be subject to  
157 any conditions on the operation of such home by local officials, other  
158 than those imposed by the office pursuant to this subsection, if the  
159 home complies with all local codes and ordinances applicable to single  
160 and multifamily dwellings.

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

172 (c) The commissioner, within available appropriations, shall require  
173 each initial applicant or prospective employee of a family child care  
174 home in a position requiring the provision of care to a child, including  
175 an assistant or substitute staff member and each household member  
176 who is sixteen years of age or older, to submit to comprehensive  
177 background checks, including state and national criminal history  
178 records checks. The criminal history records checks required pursuant  
179 to this subsection shall be conducted in accordance with section 29-17a.  
180 The commissioner shall also request a check of the state child abuse  
181 registry established pursuant to section 17a-101k. The commissioner  
182 shall notify each licensee of the provisions of this subsection. For  
183 purposes of this subsection, "household member" means any person,

184 other than the person who is licensed to conduct, operate or maintain a  
185 family child care home, who resides in the family child care home,  
186 such as the licensee's spouse or children, tenants and any other  
187 occupant.

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

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

206 (f) The commissioner shall adopt regulations, in accordance with the  
207 provisions of chapter 54, to assure that family child care homes, as  
208 defined in section 19a-77, as amended by this act, [shall] meet the  
209 health, educational and social needs of children utilizing such homes.  
210 Such regulations shall ensure that the family child care home is treated  
211 as a residence, and not an institutional facility. Such regulations shall  
212 specify that each child be protected as age-appropriate by adequate  
213 immunization against diphtheria, pertussis, tetanus, poliomyelitis,  
214 measles, mumps, rubella, hemophilus influenzae type B and any other  
215 vaccine required by the schedule of active immunization adopted  
216 pursuant to section 19a-7f. Such regulations shall provide appropriate

217 exemptions for children for whom such immunization is medically  
218 contraindicated and for children whose parents or guardian objects to  
219 such immunization on religious grounds and require that any such  
220 objection be accompanied by a statement from such parents or  
221 guardian that such immunization would be contrary to the religious  
222 beliefs of such child or the parents or guardian of such child, which  
223 statement shall be acknowledged, in accordance with the provisions of  
224 sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a  
225 family support magistrate, (2) a clerk or deputy clerk of a court having  
226 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or  
227 (6) an attorney admitted to the bar of this state. Such regulations shall  
228 also specify conditions under which family child care home providers  
229 may administer tests to monitor glucose levels in a child with  
230 diagnosed diabetes mellitus, and administer medicinal preparations,  
231 including controlled drugs specified in the regulations by the  
232 commissioner, to a child receiving child care services at a family child  
233 care home pursuant to a written order of a physician licensed to  
234 practice medicine in this or another state, an advanced practice  
235 registered nurse licensed to prescribe in accordance with section 20-94a  
236 or a physician assistant licensed to prescribe in accordance with section  
237 20-12d, and the written authorization of a parent or guardian of such  
238 child. Such regulations shall specify appropriate standards for  
239 extended care and intermittent short-term overnight care. The  
240 commissioner shall inform each licensee, by way of a plain language  
241 summary provided not later than sixty days after the regulation's  
242 effective date, of any new or changed regulations adopted under this  
243 subsection with which a licensee must comply.

244 (g) Upon the declaration by the Governor of a civil preparedness  
245 emergency pursuant to section 28-9 or a public health emergency  
246 pursuant to section 19a-131a, the commissioner may waive the  
247 provisions of any regulation adopted pursuant to this section if the  
248 commissioner determines that such waiver would not endanger the  
249 life, safety or health of any child. The commissioner shall prescribe the  
250 duration of such waiver, provided such waiver shall not extend  
251 beyond the duration of the declared emergency. The commissioner



252 shall establish the criteria by which a waiver request shall be made and  
253 the conditions for which a waiver will be granted or denied. The  
254 provisions of section 19a-84 shall not apply to a denial of a waiver  
255 request under this subsection.

256 (h) Notwithstanding the provisions of subsection (f) of this section  
257 relating to physical examination and immunization requirements,  
258 homeless children and youths, as defined in 42 USC 11434a, as  
259 amended from time to time, may be allowed to attend a family child  
260 care home for up to ninety days without complying with such  
261 requirements. Any family child care home that provides child care  
262 services to homeless children and youths at such home under this  
263 subsection shall maintain a record on file of all homeless children and  
264 youths who have so attended such home for a period of two years after  
265 such homeless children or youths are no longer receiving child care  
266 services at such home.

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

270 (b) (1) Upon receipt of an application for a license, the commissioner  
271 shall issue such license if, upon inspection and investigation, said  
272 commissioner finds that the applicant, the facilities and the program  
273 meet the health, educational and social needs of children likely to  
274 attend the child care center or group child care home and comply with  
275 requirements established by regulations adopted under this section  
276 and sections 19a-77 to 19a-79a, inclusive, as amended by this act, and  
277 sections 19a-82 to 19a-87a, inclusive. The commissioner shall offer an  
278 expedited application review process for an application submitted by a  
279 municipal agency or department. A currently licensed person or entity,  
280 as described in subsection (a) of this section, seeking a change of  
281 operator, ownership or location shall file a new license application,  
282 except such person or entity may request the commissioner to waive  
283 the requirement that a new license application be filed. [if such person  
284 or entity submits such request prior to the change of operator,

285 ownership or location.] The commissioner may grant or deny such  
286 request. Each license shall be for a term of four years, shall be  
287 nontransferable, and may be renewed upon receipt by the  
288 commissioner of a renewal application and accompanying licensure  
289 fee. The commissioner may suspend or revoke such license after notice  
290 and an opportunity for a hearing as provided in section 19a-84 for  
291 violation of the regulations adopted under this section and sections  
292 19a-77 to 19a-79a, inclusive, as amended by this act, and sections 19a-  
293 82 to 19a-87a, inclusive. In the case of an application for renewal of a  
294 license that has expired, the commissioner may renew such expired  
295 license within thirty days of the date of such expiration upon receipt of  
296 a renewal application and accompanying licensure fee.

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

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

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

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

311 (3) A "family child care home" which consists of a private family  
312 home caring for not more than six children, including the provider's  
313 own children not in school full time, where the children are cared for  
314 not less than three or more than twelve hours during a twenty-four-  
315 hour period and where care is given on a regularly recurring basis  
316 except that care may be provided in excess of twelve hours but not

317 more than seventy-two consecutive hours to accommodate a need for  
318 extended care or intermittent short-term overnight care. During the  
319 regular school year, a maximum of three additional children who are  
320 in school full time, including the provider's own children, shall be  
321 permitted, except that if the provider has more than three children  
322 who are in school full time, all of the provider's children shall be  
323 permitted. During the summer months when regular school is not in  
324 session, a maximum of three additional children who are otherwise  
325 enrolled in school full time, including the provider's own children,  
326 shall be permitted if there is an assistant or substitute staff member  
327 approved by the Commissioner of Early Childhood, pursuant to  
328 section 19a-87b, as amended by this act, present and assisting the  
329 provider, except that (A) if the provider has more than three such  
330 additional children who are the provider's own children, all of the  
331 provider's own children shall be permitted, and (B) such approved  
332 assistant or substitute staff member shall not be required if all of such  
333 additional children are the provider's own children;

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

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

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

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

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

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

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

361 (5) Supplementary child care operations for educational or  
362 recreational purposes and the child receives such care infrequently  
363 where the parents are on the premises;

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

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

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

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

376 (10) Programs administered by organizations under contract with  
377 the Department of Social Services pursuant to section 17b-851a that  
378 promote the reduction of teenage pregnancy through the provision of

379 services to persons who are ten to nineteen years of age, inclusive; or

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

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

386 (g) Subject to the provisions of this subsection, no funds received by  
387 a town pursuant to subsection (c) or (d) of this section or section 10-  
388 16u shall be used to supplant federal, state or local funding received by  
389 such town for early childhood education, provided a town may use an  
390 amount determined in accordance with this subsection for  
391 coordination, program evaluation and administration. Such amount  
392 shall be at least [twenty-five thousand dollars] five per cent of the total  
393 grant allocation, but not more than seventy-five thousand dollars and  
394 shall be determined by the commissioner based on the school  
395 readiness grant award allocated to the town pursuant to subsection (c)  
396 or (d) of this section or section 10-16u and the number of operating  
397 sites for coordination, program evaluation and administration. Such  
398 amount shall be increased by an amount equal to local funding  
399 provided for early childhood education coordination, program  
400 evaluation and administration, not to exceed twenty-five thousand  
401 dollars. Each town that receives a grant pursuant to subsection (c) or  
402 (d) of this section or section 10-16u shall designate a person to be  
403 responsible for such coordination, program evaluation and  
404 administration and to act as a liaison between the town and the  
405 commissioner. Each school readiness program that receives funds  
406 pursuant to this section or section 10-16u shall provide information to  
407 the commissioner or the school readiness council, as requested, that is  
408 necessary for purposes of any school readiness program evaluation.

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

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

416 (b) Each licensee shall provide written contact information for the  
417 licensee's day care center, including the name, address and telephone  
418 number of the day care center, to the [local police department and state  
419 police troop having jurisdiction where such day care center is located]  
420 Office of Early Childhood. Each licensee shall verify and update, as  
421 appropriate, such contact information.

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

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

440 (a) The Commissioner of Early Childhood shall, within available  
441 appropriations, require any person, [providing] other than a relative,  
442 who provides child care services to a child in such child's home and  
443 who receives a child care subsidy from the Office of Early Childhood,

444 to submit to comprehensive background checks, including state and  
 445 national criminal history records checks. The criminal history records  
 446 checks required pursuant to this subsection shall be conducted in  
 447 accordance with section 29-17a. The commissioner shall also request a  
 448 check of the state child abuse registry established pursuant to section  
 449 17a-101k.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	19a-79
Sec. 2	July 1, 2018	19a-87b
Sec. 3	July 1, 2018	19a-80(b)(1)
Sec. 4	July 1, 2018	19a-77(a) and (b)
Sec. 5	July 1, 2018	10-16p(g)
Sec. 6	July 1, 2018	19a-87g
Sec. 7	July 1, 2018	17b-749k(a)

**Statement of Legislative Commissioners:**

Sections 4(a)(3)(A) and (B) were rewritten for clarity.

**ED**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Office of Early Childhood	GF - Potential	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill could result in a cost to the Office of Early Childhood (OEC) to the extent it allows homeless children to participate in a state-funded child care program earlier than they otherwise would have. The actual cost would depend on the number of applicable children and the average monthly cost per child. The number of children this applies to is not currently known. Per-child costs generally range from approximately \$220 to \$890 per month and vary by program, type of care, child care setting, age, and region.

The bill could also result in an impact to the Care4Kids program associated with changing the definition of eligible family child care provider to comply with the federal Child Care Development Fund definition. This change excludes cousins of the child and adds great-grandparents of the child. The fiscal impact of this change is dependent on the number of subsidy payments provided to families for this type of care. For context, the average cost per child for unlicensed relative care under the Care4Kids program was approximately \$330 for 3,560 children in December 2017.

The bill makes other changes that are not anticipated to result in a



fiscal impact as they conform to current practice, do not impact state-funded services, and are technical in nature.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to (1) the number of homeless children granted the temporary waiver to attend a child care center or home without certain documentation, (2) the monthly cost per child, and (3) the amount of subsidy payments made for certain relative care providers.

**OLR Bill Analysis****sHB 5169*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD.*****SUMMARY**

This bill makes the following changes in the statutes governing early childhood care and education:

1. allows homeless children and youths, as defined under federal law, to attend a child care center, group child care home, or family child care home for up to 90 days without meeting physical examination and immunization requirements (see BACKGROUND) (§§ 1 & 2);
2. requires the above centers and homes to keep a record on file of all homeless children and youths who attended under such a physical examination or immunization exemption for at least two years after their attendance ends (§§ 1 & 2);
3. removes the requirement for licensed child care centers and group child care homes to submit a waiver request prior to a change of operator, ownership, or location in order for the Office of Early Childhood (OEC) commissioner to waive the requirement for a new license application (§ 3);
4. allows (a) family child care homes to accept up to three additional school-aged children during the summer months if an OEC-approved assistant or substitute staff member is present and assisting the provider and (b) all of the child care provider's children to be present without requiring additional staff (§ 4);
5. exempts certain private school and relative child care providers

- from child care licensing requirements (§ 4);
6. changes the minimum state school readiness grant to a town from \$25,000 to five percent of the total grant allocation while maintaining the \$75,000 cap and grant calculation method in current law (see BACKGROUND) (§ 5);
  7. requires child care centers, group child care homes, and family child care homes to give their contact information to OEC, rather than the local police, and requires OEC to share this information through a memorandum of understanding with the Department of Emergency Services and Public Protection to be used in an emergency notification system that notifies the provider when the safety or welfare of the children at the centers or homes may be endangered (§ 6); and
  8. excludes relatives who provide child care in the child's home and are Care 4 Kids recipients from comprehensive background checks, including state and national criminal history records checks (§ 7).

It also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2018

#### **§ 4 — LICENSE-EXEMPT CHILD CARE PROVIDERS**

The bill specifies that child care licensing requirements do not apply to private schools approved by the State Board of Education (SBE) or accredited by an SBE-recognized agency that only provide child care services to children covered under the approval or accreditation.

Additionally, it removes from current law the licensing exemption for individuals who are formally or informally providing child care in their own homes to the children of an aunt or uncle (i.e., their cousins) and adds an exemption for great-grandparents. It also grants the licensing exemption to individuals providing such care who are related to a child per court order as a grandparent, great-grandparent,

sibling, aunt, or uncle.

## **BACKGROUND**

### ***Homeless Children and Youths***

Federal law defines “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence. Specifically, the term includes children and youths who (1) are living in motels, hotels, trailer parks, or shelters, or are abandoned in a hospital or awaiting foster care placement; (2) have a primary nighttime residence that is not designed for regular sleeping for humans; (3) are living in cars, parks, public spaces, or similar settings; or (4) are migratory children who are living in any of the above circumstances (42 U.S.C. § 11434a).

### ***Physical Examination and Immunization Requirements for Child Care***

By law and state regulation, children who attend child care centers, group child care homes, or family child care homes must be protected as age-appropriate by vaccines for specified illnesses (e.g., tetanus, measles, influenza) required by the immunization schedule established by law, with exemptions for children (1) for whom immunization is medically inadvisable because of a likely adverse reaction or (2) whose parent or guardian objects on religious grounds (CGS §§ 19a-79 & 19a-87b).

### ***School Readiness***

A school readiness program is a non-religious, state-funded education program that provides a developmentally appropriate learning experience of at least 450 hours and 180 days for children between ages three and five years who are too young to enroll in kindergarten (CGS § 10-16p(a)(1)-(2)).

OEC allocates school readiness funds using two different methods: a school readiness grant program and a competitive grant program. School readiness program grants are given to priority and former priority school districts. Competitive grants are given to (1) areas

served by a priority or former priority school, (2) the 50 poorest or formerly poorest towns whose school district is not a priority district, or (3) a town that is an alliance district but not a priority school district (CGS § 10-16p(c)-(d)).

**Related Bill**

sHB 5330, reported favorably by the Children’s Committee, includes similar provisions regarding temporary exemptions from immunization and physical examination requirements for homeless children and youths receiving care at a child care center, group child care home, or family child care home.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/19/2018)