

Waiver of Certain Child Care Licensing Requirements in Response to COVID-19

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Issue

Provide an overview of the Executive Orders (EO) issued due to the COVID-19 pandemic that waive licensing and other requirements for child care centers in Connecticut.

Summary

In response to the COVID-19 pandemic, the governor has issued several executive orders concerning child care licensing requirements.

Among other things, the orders authorize the Office of Early Childhood (OEC) commissioner to (1) temporarily waive certain requirements in state law, regulations, and policies to maintain child care service capacity to respond to child care needs for the duration of the declared public health emergency; and (2) in consultation with the Department of Public Health (DPH), limit the number of children a child care operation (i.e., child care centers, group child care homes, family child care homes, youth camps, and child care facilities exempt from licensing requirements) can care for in one space.

The waiver of these licensing requirements and the subsequent modification to statutes, regulations, and policies, is currently set to last until the end of the declared state of emergency.

Maintaining Child Care Operations

In March, the governor issued an executive order authorizing the OEC commissioner to temporarily waive child care licensing and other related requirements, including laws on child care operations and comprehensive background checks for child care facility staff. The order also applies to related regulations, rules, and agency policies ([EO 7B](#), § 6, Mar. 14, 2020).

The OEC commissioner has since issued several memos modifying licensing requirements, which include, among other things:

1. accepting health and immunization records on file prior to the declaration of the state of emergency for children enrolled in licensed child care programs, whose records expire during the state of emergency;
2. waiving fingerprint requirements for new prospective employees in (1) child care centers and group child care homes and (2) family child care providers and their household members (OEC is continuing to conduct searches of sex offender registry records, the Connecticut Child Abuse and Neglect Registry records, and criminal records based on an individual's name and date of birth; newly hired staff will receive fingerprint-based background checks when the declared state of emergency ends);
3. permitting staff training, including first aid, CPR, and medication administration training that expire during the state of emergency to satisfy the training requirements; and
4. allowing required health consultant visits for child care centers and group child care homes to be conducted over the phone ([OEC Coronavirus Memo # 7](#), Mar. 16, 2020; [OEC Coronavirus Memo #8](#), Mar. 20, 2020; [OEC Coronavirus Memo #9](#), Mar. 20, 2020; [OEC Coronavirus Memo #21](#), Apr. 27, 2020; [OEC Coronavirus Memo # 22](#), May 8, 2020).

The governor also authorized the OEC commissioner to waive certain child care funding laws, regulations, rules, and policies to maintain a sufficient capacity of child care services or stabilize child care providers. This authorization applies to provisions regarding Head Start, Care-4-Kids, and other grant and school readiness programs ([EO 7I](#), § 4, Apr. 2, 2020; [OEC Coronavirus Memo #17](#), Apr. 6, 2020).

Child Care Group and Operation Size

In March, the governor issued an EO that limited the allowable number of children in child care facilities during the COVID-19 pandemic. Under the order, from March 30 to June 1, child care facilities were required to limit group sizes to no more than 10 children in one space and any facility that sought to care for more than 30 children in one facility had to obtain approval from the OEC commissioner and demonstrate sufficient separation of groups within the facility. This order was amended on June 2 to require a facility to obtain OEC approval for the care of 50 or more children ([EO 7Q](#), § 1, Mar. 30, 2020; [EO 7VV](#), § 1, Jun. 2, 2020).

As of June 17, the OEC commissioner, in consultation with the DPH commissioner, may modify or remove the limit on the (1) number of children allowed in one space within a child care facility and

(2) total number of children that a child care facility may provide care for ([EO 7AAA](#), § 2, Jun. 17, 2020).

During the summer, the OEC commissioner is allowing any licensed family child care home, within their licensed capacity, to provide full-time care to a maximum of three additional children without an OEC-approved assistant or substitute staff member present ([OEC Coronavirus Memo # 22](#), May 8, 2020).

Background

Background Checks for Child Care Staff

The OEC commissioner must require each prospective employee of a child care center, group child care home, and family child care home who provides care to a child to submit to comprehensive background checks. For family child care homes, she also must require such background checks for each household member who is age 16 years or older ([CGS § 19a-80\(c\)](#) and [CGS § 19a-87b\(c\)](#)).

Child Care Center Capacity

OEC regulates child care centers, family day care homes, and group day care homes. By law and under the related state regulations, a child day care center provides care to more than 12 children, a family day care home provides care to six or fewer children in a private home, and a group day care home provides care to between seven and 12 children or meets the definition of a family day care home except that it is located in a facility other than a private home ([CGS § 19a-77](#) and [Conn. Agencies Regs. 19a-87b-2](#)).

During the school year, family day care providers may have a school-age capacity of up to three more children, including the provider's own children, attending school full time who receive less than three hours of before- or after-school care. The provider's own school-age children under age 12 count against the three-child limit.

During the summer when school is not in session, a family day care provider generally cannot care for more than six children. School-age children who are on summer vacation get counted towards the six full-time slots. Three additional school-age children are permitted if there is an OEC approved staff member present to assist the provider. If the provider has more than three children, they are all permitted, and the assistant is not required if all of the school-age children are the provider's own children ([CGA § 19a-77\(a\)\(3\)](#) and [Conn. Agencies Regs. § 19a-87b-5\(d\)\(1\)\(b\)](#)).

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