
OLR Bill Analysis

sHB 6559

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

SUMMARY

This bill makes numerous changes to the laws related to the Office of Early Childhood (OEC). It:

1. adds facilitating racial, ethnic, and socioeconomic diversity of children, families, and staff to the list of goals for the network of school readiness programs (§ 1);
2. expands the type of entities that can receive school readiness financial assistance (i.e., grants) beyond towns with a priority school district (PSD) and eliminates the current way these grant amounts are determined (§ 2);
3. requires that parents of program-eligible children comprise at least 25% of local school readiness council members and changes how the council chairperson is selected (§ 3);
4. changes the name of the Nurturing Families Network to the Connecticut Home Visiting System and modifies the program's scope and criteria (§§ 4, 11-14);
5. adds group and family child care homes to the definition of "early care and education and childhood development programs" in the law requiring OEC to conduct program evaluations and pilot innovative service delivery (§ 4);
6. expands eligibility for state contracts for grants-in-aid to develop child care facilities to include group and family child care homes, (§ 5);
7. removes the condition that OEC keep its quality improvement

services and licensing services separate and distinct when monitoring and evaluating child care centers, group child care homes, and family child care homes (§ 6);

8. expands the types of child care employees who must undergo pre-employment background checks and conforms current restrictions on when these new employees can begin working with federal regulations (§ 7);
9. increases the minimum age threshold, from 16 to 18, for mandatory background checks for prospective employees of family child care homes (§ 8);
10. requires background checks for youth camp prospective employees who are age 18 and older (§ 9);
11. authorizes OEC to grant waivers for prospective child care employees who, due to a medical condition, are unable to satisfy the background check fingerprint requirement (§ 10);
12. adds (a) working with incarcerated parents, (b) promoting the work of doulas to help women with high-risk pregnancies, and (c) supporting homeless diversion for families with young children to OEC's list of required programs and services (§ 12);
13. authorizes the education commissioner to allow someone to teach within the Birth-to-Three program if they hold a teaching endorsement in (a) special education, (b) integrated early childhood and special education, (c) partially sighted, (d) blind, and (e) hard of hearing (§ 15); and
14. creates a notification and hearing process for youth camp operators who OEC cites for operating without a license (§ 16).

It also makes numerous minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2021, unless otherwise noted.

§ 2 — ENTITIES ELIGIBLE FOR SCHOOL READINESS FINANCIAL ASSISTANCE

Under current law governing school readiness grants, grants can be awarded to either (1) the town where a current or former PSD is located or (2) for competitive grants, a town with a priority school or a school readiness council serving one of the state's 50 lowest ranking towns by wealth.

The bill expands the type of entities that can receive school readiness financial assistance (i.e., PSD grants or competitive grants) to include a town, local or regional board of education, regional educational service center (RESC), family resource center, child care center, group child care home, family child care home, Head Start program, preschool program, or other program that meets the commissioner's standards. It does this by:

1. allowing an eligible entity to enter into a contract with OEC to provide for state financial assistance within available appropriations, and
2. eliminating the requirements that program grants must be provided:
 - a. to the town in which current or former PSDs are located,
 - b. annually contingent upon available funding and a satisfactory annual evaluation, and
 - c. for use by a town or regional school readiness council to purchase spaces for certain children from providers of accredited school readiness programs or programs seeking that accreditation.

The bill also requires the OEC commissioner to consult with the town or regional school readiness council when entering into these contracts.

By law and unchanged by the bill, the municipality's chief elected official and the school superintendent for a current or former PSD

must submit a plan for spending the grant funds that includes responses from a request for proposals (RFP) from accredited school readiness programs. The commissioner must review and approve the plans. (Presumably, the chief elected official and the superintendent would obtain this information from the new entities through the RFP process.)

The bill also eliminates the current method of determining the amount of school readiness grants for current and former PSDs. It does not indicate the new method of determining the grant amounts (presumably this will be addressed in the contract terms).

The bill expands the accreditations accepted for school readiness programs to include the National Association of Family Child Care. By law, accreditation by the National Association for Education and Young Children or a Head Start program review instrument are already accepted.

§ 3 — SCHOOL READINESS COUNCIL MEMBERSHIP & DUTIES

By law, a town seeking school readiness grants must form a local or regional school readiness council. The bill requires each council to document efforts to ensure that its racial, ethnic, and socioeconomic composition reflects its town or region, as applicable. It also requires that parents or guardians of program-eligible children comprise at least 25% council membership. Under the bill, these parents and guardians may be compensated, within available appropriations, for time and travel related to council meetings and any activities related to training, leadership, and community engagement. It directs council meetings to be held at convenient times and locations for the members, including the parent and guardian members.

Beginning July 1, 2021, the bill makes the chairperson of each council elected by its membership, rather than appointed by the municipal chief elected official. By law, unchanged by the bill, the chief elected official and the superintendent jointly appoint the council members.

The bill requires that the councils be expanded to include representatives of:

1. state-financed child care providers,
2. a workforce or job-training community organization, and
3. a local business in the community.

The law spells out several duties of school readiness councils. The bill adds to this the requirement that they collaborate with OEC on planning improvements to the state early care and education governance structure.

§ 5 — CONTRACTS FOR ASSISTANCE TO DEVELOP OR RENOVATE GROUP OR FAMILY CHILD CARE HOMES

Under current law, the OEC commissioner may enter into a contract with a municipality, human resources development agency, or nonprofit corporation for state grants-in-aid to develop, operate, or renovate any child care center. The bill expands eligibility for these contracts to include group child care homes and family child care homes.

The bill makes other conforming changes to current requirements for OEC and these entities when contracting with the office.

§§ 7 & 8 — CHILD CARE EMPLOYEE BACKGROUND CHECKS

The bill expands the types of employees who must undergo pre-employment comprehensive background checks to include any position involving unsupervised access to a child in the care center or group care home. It conforms current law's restrictions on when new employees can begin working with federal regulation requirements (i.e., either upon completion of the background check, or, pending its completion, under supervision at all times by someone who has successfully completed the background check within the last five years (45 C.F.R. 98.43(d)(4)). Current law bars a prospective employee from having unsupervised access to children in the center or group care home until a comprehensive background check is completed and the

OEC commissioner permits the employee to work there.

The bill raises the minimum age threshold, from 16 to 18 years, for required family child care home background checks of prospective employees in a position requiring care to a child, including an assistant or substitute employee and each household member.

It also eliminates (1) the condition that the commissioner require these background checks within available appropriations and (2) an authorization for the Department of Social Services to transfer funds appropriated for background checks to OEC.

EFFECTIVE DATE: October 1, 2021

§ 9 — YOUTH CAMP EMPLOYEE BACKGROUND CHECK

The bill requires OEC-licensed youth camps (e.g., summer camps) to require prospective employees age 18 and older to undergo comprehensive background checks, including criminal history record checks, for positions providing child care or involving unsupervised access to children, including checks of:

1. national criminal records history,
2. state and federal sex offender registries, and
3. the state Department of Children and Families (DCF) child abuse and neglect registry.

For the DCF abuse registry check, the camp licensee must submit a release authorization form from each prospective employee to OEC; the office then makes a registry check request of DCF.

Under the bill, licensees must maintain all records and documentation associated with the background checks on-site and provide OEC with access to these records.

Checks must take place at least once every five years for staff who work at the camp for more than five years. Child care workers who have already met other background check requirements under child

care laws within the last five years are deemed to have satisfied the camp background check.

The bill exempts from the background check requirement prospective international employees who hold a J-1 (visitor sponsored work and study), H-1B (temporary foreign worker in specialty occupation), or R-1 (visitor for ministry services or other religious occupation) visa.

EFFECTIVE DATE: October 1, 2021

§ 10 — FINGERPRINT WAIVER FOR BACKGROUND CHECKS

The bill authorizes the OEC commissioner to grant a waiver from the requirement to submit fingerprints as part of a child care employment background check for those who cannot satisfy the requirement due to a medical condition. If the OEC commissioner grants a waiver, OEC will conduct a state criminal history records check using the individual's name and date of birth as provided with the waiver request.

The request must be in writing to the commissioner and include name, date of birth, and evidence the person is unable to satisfy the fingerprint requirement due to a medical condition, including birth defect, physical deformity, skin condition, or a psychiatric condition.

EFFECTIVE DATE: October 1, 2021

§ 11 — CONNECTICUT HOME VISITING SYSTEM

The bill adds (in addition to infants under current law) young children to the scope of the Connecticut Home Visiting System and requires assessments to be community-based rather than hospital-based. It also requires the commissioner to (1) ensure that all home visiting programs are one of the evidence-based home visitation models that meet effectiveness criteria developed by the federal Department of Health and Human Services and (2) provide oversight to ensure model fidelity for the home visiting programs. The bill removes the commissioner's duty under current law to develop a comprehensive risk assessment for the former Nurturing Families

Network.

§ 15 — BIRTH-TO-THREE TEACHING PERMITS

The bill authorizes the education commissioner, upon the request of a Birth-to-Three Early Intervention program's director, to permit a person to teach within the program if he or she holds the following teaching endorsements: (1) special education, (2) integrated early childhood and special education, (3) partially sighted, (4) blind, and (5) hard of hearing.

The permission is valid for the duration of the person's teaching credential and may be extended by the education commissioner upon the request of the Birth-to-Three provider, when renewing these teaching credentials.

§ 16 — YOUTH CAMP LICENSE VIOLATIONS

The bill creates a notification and hearing process for youth camp operators that OEC cites for operating without a license. Current law allows for a civil penalty (up to \$1,000 for a first offense) and authorizes the commissioner to seek an injunction to halt unlicensed operation, but is silent regarding steps for the process, including a hearing.

The bill permits the OEC commissioner to send a notice detailing the alleged violation, by certified mail, return receipt requested, or by personally serving the person or officer of the camp. The notice must include the following:

1. the specific statutes or regulations involved,
2. a short and plain statement of the matters asserted or charged,
3. the maximum civil penalty that may be imposed for the violation, and
4. a statement of the party's right to request a hearing.

Under the bill, a request for a hearing must be submitted in writing to the commissioner within 30 days after the notice was mailed or

served.

If a hearing is requested, the commissioner must hold one in accordance with the Uniform Administrative Procedure Act. If no hearing is requested, or the person requesting one fails to appear, or if, after the hearing, the commissioner finds that the person has committed the violation, the commissioner may impose a civil penalty at her discretion that is not greater than the penalty stated in the notice. The commissioner must send a copy of any order issued by certified mail, return receipt requested, to the named person or officer.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Bill

sHB 6417 (File 157), favorably reported by the Committee on Children, makes the same background check requirements for prospective employees of youth summer camps as in § 9.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 37 Nay 1 (03/15/2021)