

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-172—sHB 6559

Education Committee

Appropriations Committee

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

SUMMARY: This act makes numerous changes in the laws related to the Office of Early Childhood (OEC) and early childhood programs. 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 may receive school readiness financial assistance (i.e., grants) beyond towns with a priority school district (PSD) and eliminates the way these grant amounts were 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 and group and family child care homes (§ 6);
8. expands the types of child care employees who must have pre-employment background checks, conforms restrictions to federal regulations on when these new employees can begin working, and increases the minimum age threshold, from 16 to 18, for mandatory background checks for household members of family child care homes (§§ 7 & 8);
9. specifies that as part of the existing background checks required of a relative who provides OEC-subsidized childcare services (a) the national sex offender registry check must use the U.S. Department of Justice’s National Sex Offender Public Website and (b) the state offender database check must use the Department of Emergency Services and Public Protection’s registry (§ 9);
10. authorizes OEC to grant waivers to prospective child care employees who,

OLR PUBLIC ACT SUMMARY

due to a medical condition, cannot satisfy the background check fingerprint requirement (§ 10);

11. expands OEC's list of required programs and services to include (a) working with incarcerated parents, (b) promoting doula work to help women with high-risk pregnancies, and (c) supporting homeless diversion for families with young children (§ 12);
12. 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
13. 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 prior law, school readiness grants could 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 act 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 or 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 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 act 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 act, the municipality's chief elected official and the school superintendent for a prior 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.)

OLR PUBLIC ACT SUMMARY

The act also eliminates the prior 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).

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

§ 3 — SCHOOL READINESS COUNCIL MEMBERSHIP & DUTIES

By law, a town seeking school readiness grants must form a local or regional school readiness council. The act 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% of council membership. Under the act, 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 act requires the chairperson of each council be elected by its membership, rather than appointed by the municipal chief elected official. By law, unchanged by the act, the chief elected official and the superintendent jointly appoint the council members.

The act also requires that the councils' membership 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 act adds to the statutory duties of school readiness that they collaborate with OEC on planning improvements to the state's early care and education governance structure.

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

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

The act makes related conforming changes to requirements for OEC and these entities when contracting with the office.

§§ 7 & 8 — CHILD CARE EMPLOYEE BACKGROUND CHECKS

The act expands the types of employees who must undergo pre-employment

OLR PUBLIC ACT SUMMARY

comprehensive background checks to include any position involving unsupervised access to a child in a child care center or group child care home. It conforms prior law's restrictions on when new employees can begin working to federal regulation requirements (i.e., either upon completion of the background check, or, pending its completion, subject to 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)). Prior law barred a prospective employee from having unsupervised access to children in the center or group care home until a comprehensive background check was completed and the OEC commissioner permitted the employee to work there.

The act raises the minimum age threshold, from 16 to 18 years, for required background checks of each household member in a family child care home.

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

§ 10 — FINGERPRINT WAIVER FOR BACKGROUND CHECKS

The act authorizes the OEC commissioner to waive the requirement to submit fingerprints as part of a child care employment comprehensive background check for those who cannot satisfy it 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 act adds young children (in addition to infants already included under existing law) to the scope of the Connecticut Home Visiting System and requires assessments to be community-based rather than hospital-based. It also requires the OEC 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 act removes the commissioner's duty under prior law to develop a comprehensive risk assessment for the former Nurturing Families Network.

§ 15 — BIRTH-TO-THREE TEACHING PERMITS

OLR PUBLIC ACT SUMMARY

The act authorizes the education commissioner, upon the request of a Birth-to-Three Early Intervention program's director, to allow someone to teach within the program if he or she holds a teaching endorsement in one of the following areas: (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 Birth-to-Three provider's request, when renewing these teaching credentials.

§ 16 — YOUTH CAMP LICENSE VIOLATIONS

The act creates a notification and hearing process for youth camp operators that OEC cites for operating without a license. By law, the commissioner may issue a civil penalty (up to \$1,000 for a first offense) and seek an injunction to halt unlicensed operation. But prior law was silent about the penalty process, including a hearing.

The act 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 (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 act, a hearing request 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 none is requested, or the requestor fails to appear, or if, after the hearing, the commissioner finds that the person committed the violation, then 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