



House of Representatives

General Assembly

File No. 18

January Session, 2023

Substitute House Bill No. 5049

House of Representatives, March 7, 2023

The Committee on Veterans' and Military Affairs reported through REP. NOLAN of the 39th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT EXEMPTING FROM LICENSING REQUIREMENTS CERTAIN CHILD CARE SERVICES FOR CHILDREN OF MEMBERS OF THE UNITED STATES MILITARY.

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

1 Section 1. Subsections (a) and (b) of section 19a-77 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

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

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

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

14 (3) A "family child care home" which consists of a private family
15 home providing care (A) for (i) not more than six children, including the
16 provider's own children not in school full time, without the presence or
17 assistance of an assistant or substitute staff member approved by the
18 Commissioner of Early Childhood, pursuant to section 19a-87b, present
19 and assisting the provider, or (ii) not more than nine children, including
20 the provider's own children, with the presence and assistance of such
21 approved assistant or substitute staff member, and (B) for not less than
22 three or more than twelve hours during a twenty-four-hour period and
23 where care is given on a regularly recurring basis except that care may
24 be provided in excess of twelve hours but not more than seventy-two
25 consecutive hours to accommodate a need for extended care or
26 intermittent short-term overnight care. During the regular school year,
27 for providers described in subparagraph (A)(i) of this subdivision, a
28 maximum of three additional children who are in school full time,
29 including such provider's own children, shall be permitted, except that
30 if such provider has more than three children who are such provider's
31 own children and in school full time, all of such provider's own children
32 shall be permitted. During the summer months when regular school is
33 not in session, for providers described in subparagraph (A)(i) of this
34 subdivision, a maximum of three additional children who are otherwise
35 enrolled in school full time shall be permitted if there is such an
36 approved assistant or substitute staff member present and assisting
37 such provider, except that (i) if such provider has more than three such
38 additional children who are such provider's own children, all of such
39 provider's own children shall be permitted, and (ii) such approved
40 assistant or substitute staff member shall not be required if all of such
41 additional children are such provider's own children;

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

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

46 (b) For licensing requirement purposes, child care services shall not

47 include such services which are:

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

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

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

62 (4) Informal arrangements among neighbors and formal or informal
63 arrangements among relatives in their own homes, provided the relative
64 is limited to any of the following degrees of kinship by blood, marriage
65 or court order to the child being cared for: Grandparent, great-
66 grandparent, sibling, aunt or uncle;

67 (5) Supplementary child care operations for educational or
68 recreational purposes and the child receives such care infrequently
69 where the parents are on the premises;

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

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

76 (8) Religious educational activities administered by a religious

77 institution exclusively for children whose parents or legal guardians are
78 members of such religious institution;

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

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

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

87 (12) Administered by Organized Parents Make a Difference, Inc., a
88 Hartford-based nonprofit organization that is exclusively for school-age
89 children; [or]

90 (13) Administered by Leadership, Education and Athletics in
91 Partnership, Inc., a New Haven-based nonprofit youth development
92 organization; or

93 (14) Programs that exclusively provide care for children of members
94 of the United States Coast Guard or any branch of the military under the
95 United States Department of Defense and that are (A) administered by
96 the federal government or on federal property, or (B) administered by a
97 person certified as a family child care provider by the United States
98 Coast Guard or a branch of the military under the United States
99 Department of Defense.

| | | |
|---|---------------------|-------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 19a-77(a) and (b) |

VA 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 24 \$ | FY 25 \$ |
|-----------------------|---------------------|----------|----------|
| Early Childhood, Off. | GF - Revenue Impact | Minimal | Minimal |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential minimal revenue impact as it precludes the Office of Early Childhood from collecting licensing fees for childcare facilities administered by the federal government as well as individuals certified as family childcare providers by the United States Coast Guard or other branch of military under the United States Department of Defense.

For context, the licensure fee is \$40 every four years. Currently, there are no childcare facilities or family childcare providers that fit this criterion in the state.

The Out Years

The annualized ongoing fiscal impact identified above is dependent on the presence of such childcare facilities and providers in the state and the associated fee.

OLR Bill Analysis**sHB 5049*****AN ACT EXEMPTING FROM LICENSING REQUIREMENTS CERTAIN CHILD CARE SERVICES FOR CHILDREN OF MEMBERS OF THE UNITED STATES MILITARY.*****SUMMARY**

This bill exempts from state licensing requirements certain child care programs that only serve military members' children. It exempts these programs if they are administered by (1) the federal government or on federal property (e.g., a military installation) or (2) a family child care provider certified by the United States Coast Guard or a Department of Defense (DOD) military branch (see BACKGROUND). Under federal regulations, in addition to military members' children, family child care providers may serve children of other specified individuals (e.g., certain DOD civilian and contractor employees). It appears that programs serving these other individuals are still subject to state licensure under the bill.

As with other programs exempt from licensure, the program must inform the enrolled children's parents and guardians that it is not licensed to provide child care services by the Office of Early Childhood (CGS § 19a-77(c)).

EFFECTIVE DATE: Upon passage

BACKGROUND***Family Child Care (FCC) Programs***

Under DOD or Coast Guard guidance, military branches oversee child care programs, some of which are provided on-base and others in home settings (either on- or off-base). FCC programs are home-based child care services for up to eight children, generally provided by a

military spouse.

FCC providers must be certified to operate by the applicable military branch, or commanding officer, and comply with federal regulations and DOD- or Coast Guard-issued instruction. As with state-licensed child care providers, FCC providers must undergo background checks; periodic health, safety, and sanitation inspections; and orientation and trainings, among other things (32 C.F.R. 79 and DOD Instruction 6060.02).

FCC programs generally may serve military members and their spouses or domestic partners, certain DOD civilian and contractor personnel, surviving spouses, and individuals acting in loco parentis of eligible individuals (32 C.F.R. 79.4(d)).

COMMITTEE ACTION

Veterans' and Military Affairs Committee

Joint Favorable Substitute

Yea 19 Nay 0 (02/16/2023)