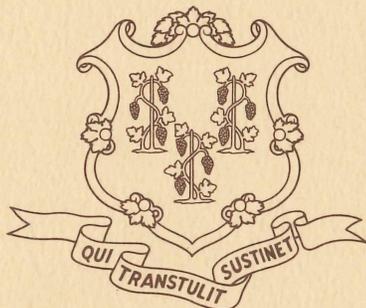


Child Day Care In Connecticut

Connecticut

General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

August 1981

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

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CHILD DAY CARE IN CONNECTICUT:

A PROGRAM REVIEW

LEGISLATIVE PROGRAM REVIEW AND

INVESTIGATIONS COMMITTEE

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LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

Child Day Care in Connecticut:
A Program Review

SUMMARY

As the composition of families and the roles of its members have changed during the past four decades, the availability of quality day care services at affordable prices has not necessarily met demand. Connecticut currently recognizes three categories of child day care facilities--family day care homes, group day care homes and day care centers. As of January 1, 1981, there were approximately 2,600 family homes, 48 group homes and 864 centers. Together these facilities serve close to 49,000 children.

In January 1980, the Legislative Program Review and Investigations Committee (LPR&IC) authorized a two part program review of child day care services in Connecticut. Of particular concern to the committee was the fact that six state entities with separate, but sometimes overlapping involvement, hamper the state's efforts to regulate day care and the public's ability to obtain information about such services. The Departments of Children and Youth Services, Education, Health Services and Human Resources all have roles connected with the licensure and monitoring of day care facilities. In addition, the Office of Child Day Care and the Child Day Care Council are involved in developing regulations and providing information about day care.

The first part of the LPR&IC review, which was published in December 1980, concentrated on family day care homes. This second study focuses on group day care homes and day care centers. The committee's recommendations contained in this report, however, do cover all three categories of facilities. The committee has tried to develop a regulatory structure that will facilitate a state day care policy. The members hope a more limited but better defined state role, combined with increased parental involvement, will lead to better day care services in Connecticut. Major recommendations concern changes in the definitions of the types of facilities regulated, the level of regulation for family day care homes and the consolidation of all responsibility for day care certification and licensure within one agency.

RECOMMENDATIONS

Level of Regulation by Type of Facility

1. The definition of a family day care home should be revised to cover between three and seven children inclusive. A facility caring for less than three children will not be regulated at all.
2. All day care facilities caring for more than seven children shall be called day care centers.
3. The licensure of family day care homes should be phased out and replaced with a certification system within two years of the adoption of this report.
4. All day care facilities caring for more than seven children shall be called day care centers. All of these centers shall be licensed, but regulations may differentiate and set appropriate standards for children cared for in an individual's private home.

Regulatory Authority

5. All day care facilities should be regulated by the Department of Health Services.
6. The Department of Health Services should continue to improve its working relationships with as many local health and safety authorities as possible. In addition, DOHS should be sure these local representatives have correct and up-to-date information on the regulation of day care in the state.
7. The existing relationship between DOHS and SDE by which the Department of Education provides specified staff on a regular basis to work in conjunction with DOHS staff to oversee the provision of day care center services in the state should be continued. This current relationship should be extended so that the same consultive relationship will apply to the regulation of all licensed and certified day care facilities. In addition, SDE should be involved in the preparation of that portion of the regulations which concerns child development requirements.
8. The statutorily mandated relationship between DOHS and DHR should be continued. The Department of Health Services should provide the DHR regional offices with accurate up-to-date lists of providers.

9. DOHS should be given statutory authority to consult with DCYS, DMH, DMR and other agencies with related interests, if the commissioner of health services feels such a relationship would be beneficial to the state's regulation of child day care.

Organizational Structure

10. The regulation of day care facilities should be handled by a single day care division within the Department of Health Services. In addition, a majority of the current staff from the Day Care Division of the Bureau of Field Operations in the Department of Human Resources should be transferred statutorily to this single division in DOHS.
11. DOHS should establish a day care policy section within its day care unit.
12. The commissioner of health services shall regularly report on the status of day care in the state of Connecticut to the General Assembly committee of cognizance.
13. The Office of Child Day Care shall be abolished.
14. The commissioner of health services shall be allowed the option of establishing a council on child day care with a membership that reflects the views and perspectives of a variety of day care consumers to advise him/her upon request.

Publicly Funded Day Care Centers

15. Publicly funded day care centers should be inspected using the same standards on the same schedule as all other day care centers.
16. The Department of Human Resources should develop a cost estimate of its needs in this area for the next three fiscal years. Included in this analysis should be an estimate of the funds needed to meet increasing social security costs, annual wage increments and minimum wage rates for publicly funded day care center employees. This information should be reported to the legislature's Appropriations Committee by February 1982.
17. The Department of Human Resources should develop a plan to pay for substitutes in publicly funded day care centers.

State Incentives

18. The Human Services Committee should study the issue of how to supplement day care services for low income people who are working.

Private School Designations as a Means to Avoid Day Care Center Licensure

19. The Department of Health Services, as the agency responsible for licensing day care centers, should be required to work with the Department of Education to determine which statutes and/or regulations need to be changed in order to close a loophole in current law which enables day care centers to avoid licensure by calling themselves private schools. This report should be submitted to the committee of cognizance by January 15, 1982.
20. The fee for a day care center license should be increased to \$100 for two years and family day care homes should be charged \$25 for a two year license or certificate. The fee for a temporary license or certificate should increase from \$15 to \$20.
21. A fine of up to \$100 per day for each violation of the licensure or certification requirements for family day care homes should be imposed. In addition, the same penalty shall apply to day care centers (as newly defined in this report) which violate licensure requirements.

Licensing, Certifying and Employing Persons with Certain Criminal Convictions

22. The statutes relating to the granting, denying, suspending and revoking of licenses and certificates of operators of child day care services should be amended to provide that those operators who have criminal conviction records should be treated in accordance with the state policy provided in C.G.S. Sections 46a-79 to 46a-81, inclusive. In addition, these statutes should apply the same principles to the employment by child day care facilities of individuals with criminal conviction records.

CHAPTER I

INTRODUCTION

The need for and utilization of child day care services has expanded in the United States as the composition of families and the roles of its members have changed during the past few decades. The availability of quality services at affordable prices, however, has not necessarily met demand. In an effort to affect the provision of at least some day care services, government intervention--in the forms of regulations and funding--has occurred at the federal, state and local levels.

In January 1980, the Legislative Program Review and Investigations Committee (LPR&IC) recognized that the limited availability of a variety of types of quality day care services was a growing problem in Connecticut. State efforts to regulate day care and the ability of potential consumers and providers of such care to obtain information were hampered by the separate, but sometimes overlapping, involvement of six state entities. At that time, the committee authorized a two part program review of child day care services in the state.

The first study was published in December 1980. It focused only on family day care homes in order to give the committee an opportunity to familiarize itself with the concepts and issues relevant to day care, while maintaining a manageable scope for review. That report analyzed the roles of the major agencies overseeing family day care homes and examined the views of licensed family day care home providers.

The current study focuses on all types of child day care services (family day care homes, group day care homes and day care centers)¹, although it is the latter two categories which receive primary attention. At the present time, four state agencies--the Departments of Children and Youth Services, Education, Health Services and Human Resources--are directly involved in the licensure and monitoring of these facilities. In addition, the Office of Child Day Care and the Child Day Care Council have roles in the regulation of and provision of information about day care services.

¹ Family day care homes are private homes caring for not more than 4 children unrelated to the provider, group day care homes care for not less than 5 nor more than 12 related or unrelated children, and day care centers serve 13 or more unrelated children (C.G.S. Sec. 19-43b).

The extent of the duties of some of these entities fluctuate depending on whether it is family homes or group homes and centers which are involved.

In this review, the LPR&IC has tried to develop a regulatory structure which will facilitate a unified state day care policy. It is the hope of the committee that a more limited but better defined state role, in conjunction with increased parental and industry involvement, will lead to better day care services in Connecticut. In keeping with that intent, the committee has recommended changes in the definitions of the types of day care facilities regulated by the state, a reduction in the level of regulation for family day care homes and consolidation of all responsibility for day care certification and licensure within one agency. A greater emphasis on providing information to current and potential users and providers of child day care services is also recommended.

Methodology

Since this program review is the second phase of a two part study, a large amount of basic data on day care had been gathered previously by LPR&IC staff. Additional material on the regulation and operation of group day care homes and day care centers did have to be compiled as well as up-to-date information on regulatory requirements in other states.

In February 1981, the committee held a 3½ hour public hearing on group day care homes and day care centers at which more than 20 people testified. Individuals and agency representatives were encouraged to address the demand for day care, consumer access to information about available services and the effect of governmental regulation on the cost and accessibility of day care. The committee's earlier public hearing on family day care homes was held in June 1980.

A questionnaire on the need for day care services, the effectiveness of various state agencies with respect to child day care functions, cooperation between those agencies and the appropriate level of regulation of day care was sent to staff members of the different state agencies involved in the regulation of day care services. (See Appendix II.) A total of 21 surveys were sent out--8 to the Department of Health Services, 9 to the Department of Human Resources, 1 to the Office of Child Day Care and 3 to the Department of Education. Seventeen individuals returned the questionnaires for a response rate of 81 percent. Similar instruments were used during the first program review to obtain information from the staff involved in licensing and monitoring family day care homes.

A telephone survey of licensed day care center operators was conducted in March 1981. (See Appendix III.) A random sample of 60 of the 912 licensed centers and group day care homes was pulled; 2 facilities were closed and 1 was a group day care home so there were 57 respondents. Private day care centers made up 81 percent of the sample while 10 percent were publicly funded centers and 9 percent were Head Start facilities. As part of the first phase of the day care study, nearly 800 of the 2,500 licensed family day care home providers were surveyed. Fifty-one percent of them returned the committee's questionnaire.

During both the first and second parts of the LPR&IC study, questionnaires were mailed to the 11 members of the Child Day Care Council, a statutorily mandated board which advises other state entities on day care matters. Only 42 percent of the members responded to the first questionnaire and many questions were not answered, making the results too limited to use as a basis for drawing conclusions. The response rate on the second questionnaire was similarly low.

The other major source of information for this study was interviews with representatives of all the entities currently involved in day care regulation--the Departments of Children and Youth Services, Education, Health Services and Human Resources and the Office of Child Day Care--as well as others interested in the availability and provision of day care services. Reports from other states and the federal government, data collected by the Connecticut regulatory agencies themselves and budgetary analyses were also used to prepare this report.

CHAPTER II

DAY CARE SERVICES

Child day care is a service which is primarily used by parents or guardians who are working or away from home and need care for their children during a portion of the day. It is also used to provide temporary protective care for abused children. Connecticut presently has three categories of child day care facilities--family day care homes, group day care homes and day care centers. Family day care homes are regulated by the Department of Children and Youth Services (DCYS), although the Department of Human Resources (DHR) performs the actual licensing and monitoring functions. The Department of Health Services (DOHS) regulates group day care homes and day care centers.

A family day care home consists of a private family home caring for not more than 4 children not related to the provider for not less than 3 nor more than 12 hours during a 24 hour period on a regularly recurring basis. A group day care home provides a program of supplementary care to not less than 5 nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in a week. Day care centers provide a program of supplementary care to more than 12 unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week (C.G.S. Sec. 19-43b).

Regulation of Child Day Care in Connecticut

As described in the LPR&IC study on family day care homes, regulations promulgated by DCYS govern the operation of such facilities. The Department of Health Services has promulgated specific regulations that govern how day care centers and group day care homes operate. All day care facilities that accept federally funded children must also meet certain additional requirements.

Federal regulation. The 1968 Federal Interagency Day Care Requirements (FIDCR), which were drawn up by the then U.S. Department of Health, Education and Welfare, govern all day care facilities accepting federally funded children. New federal regulations for day care were supposed to become effective October 1, 1980, but they have been postponed until January 1, 1982. Depending upon decisions that will be made later this year concerning the placement of several federally assisted day care related programs into a "block grant" program, these regulations

may never be implemented. As a result, since July 1, 1980, states have not been required to observe the FIDCR. Instead, they must assure that state and local standards are being observed by the facilities accepting federally funded children.²

Connecticut has chosen to continue enforcing the 1968 FIDCR which impose regulations more stringent than the state standards on facilities accepting such children. The regulations affect approximately 104 day care centers and any family day care home accepting federally funded children. The FIDCR include provisions for staff to child ratios (see Table II-1); licensing, facility and educational requirements; social, health and nutrition services; and staff training.

Table II-1. 1968 Federal Interagency Day Care Requirements (FIDCR)--Staff/Child Ratios.

	<u>Age Range</u>	<u>Staff/Child Ratio*</u>	<u>Group Size*</u>
Family Day Care Home	0-6	1/5	5
	3-14	1/6	6
Group Day Care Home ¹	3-14	1/6	12
Day Care Center ²	3-4	1/5	15
	4-6	1/7	20
	6-14	1/10	25

* In groups where the ages of children are mixed, the ratio and group size of the youngest child prevails.

¹ No children under 3 should be cared for in this category. If preschool children are cared for, the staff/child ratio should not exceed 1/5.

² If children under 3 are cared for, state standards must be met. In Connecticut, the staff/child ratio is 1/4 with a maximum group size of 8.

Source: U.S. Department of Health, Education and Welfare, Office of Child Development, Federal Interagency Day Care Requirements (Washington, D.C.: Government Printing Office, 1968), pp. 5-7.

² Federal Register, Vol. 46 No. 106, June 3, 1981, pp. 29732-29733.

Under FIDCR, the facility and grounds used by the children must meet the requirements of local or state authorities, there must be appropriate indoor and outdoor space, arrangements must be made so that young children have adequate nap space and provisions must be made to meet the needs of any handicapped child enrolled in a center. Educational activities under the supervision of a trained staff member must be provided to every child enrolled in a publicly funded day care facility. All children enrolled in such a facility must receive dental, medical and other health evaluations and be immunized before entering the program. An orientation session must be provided for all staff and in-service training programs should be offered during the year. Facilities should provide an opportunity for parents to become involved in the running of the program.

The Connecticut Department of Human Resources is responsible for offering technical assistance to facilities accepting federally funded children. DHR is also responsible for monitoring the facilities to determine whether they are in compliance with the FIDCR. The department's day care personnel visit these facilities quarterly. The information gathered during each compliance visit is available to the Department of Health Services, which does the actual licensing.

Any private or publicly funded day care facility accepting federal nutrition subsidies must meet all requirements established by the U.S. Department of Agriculture (USDA). The requirements include a preapproval visit, annual staff training and three monitoring visits for a day care center and four visits for a family day care home. Since April 1980, USDA has been offering 99 cents for each lunch and dinner served, 50 cents for each breakfast and 30 cents for each snack. The Connecticut Department of Human Resources provides the training and technical assistance and performs the monitoring function for facilities receiving nutrition subsidies. The Department of Education disburses the funds to participants.

State regulation. Any person, group or corporation that wants to open a day care center or group day care home in Connecticut must submit an application for a license to the Department of Health Services (C.G.S. Sec. 19-43b - 19-43e). An individual must be at least eighteen years of age in order to apply for and receive a day care license.

Once a day care application is submitted, DOHS staff will inspect the potential day care facility and review the qualifications of the prospective day care operator. Before a license is issued DOHS staff must be assured that the applicant, the facilities and the program meet the health, educational and social

needs of the children likely to attend the facility. In addition, the applicant must obtain local zoning approval and have the facility inspected by the local fire marshal to determine if it is in compliance with the state fire code. Under present DOHS licensing regulations, day care centers and group day care homes must also be in compliance with a number of other health, educational, nutritional and physical requirements.

There are minimum education and experience requirements for day care center and group day care home staff personnel. The director-teacher or head teacher in a day care center must have at least a high school diploma or an equivalent certificate, at least one year of supervised experience in an acceptable program working with young children and the personal qualities needed to work with children and to supervise others. A program assistant must have the personal qualities needed to work with young children and accept supervision as well as a high school diploma or its equivalent. A program aide must be able to work with young children and work under supervision.

The operator of a group day care home must be able to work with children and relate to other adults. He or she must have at least a high school diploma or its equivalent and at least one year of experience in an acceptable program working with young children. All other persons working in a group day care home must have the personal qualities needed to work with children. DOHS statistics indicate that in January 1981 nearly 90 percent of the day care center and group day care home directors had educational training greater than the minimum requirement of a high school diploma.

The operator of a day care center or a group day care home must maintain a staff adequate for the number, ages and needs of the children being served. At all times there shall be a second person on the premises of a day care center or group day care home. Connecticut day care regulations do not require specific staff to child ratios unless a center or group day care home cares for children under the age of three. In that case, there must be one staff member for every four children in groups no larger than eight.

There are other special requirements for centers and group day care homes caring for children under the age of three. A consultant or staff nurse must visit the facility at least once a week, frequent contact must be maintained with a physician and infants must be removed from their cribs for all feedings. An infant under four weeks old cannot be admitted to a day care center or group day care home.

Day care centers and group day care homes must provide adequate play and program equipment and first aid supplies, develop a written education plan and provide an adequate meal for children who remain five or more hours per day and two snacks and one meal or one snack and two meals for those who stay eight or more hours. Before being admitted to a day care center or group day care home, a child must be immunized against communicable diseases and have a health certificate signed by a licensed physician.

A group day care home or day care center license is valid for two years and may be renewed upon conditions established by regulation. A license may be suspended or revoked for failure to maintain compliance with state regulations. If a day care license is denied or revoked, the operator is entitled to a hearing as established under state regulations. The fee for a day care center or group day care home license is \$25 for two years; a fee of \$15 is charged for each temporary license issued or renewed for a term of six months.³

A person who wants to open a family day care home must submit an application to DHR, although DCYS is the official grantor of the license. Regulations governing the operation of family day care homes define the conditions constituting family day care, set minimum requirements for the persons to be present during child care and the safety of the physical surroundings, require that basic attendance and emergency records be kept, and require water and lead paint tests in certain instances. Currently, there is no licensure fee for family day care homes.

At the present time, there does not appear to be a single state mechanism for notifying day care operators that a license is required for operating a facility. A LPR&IC survey of family day care home providers during February 1980 indicated that 29 percent of the 386 respondents found out that a license was required from a neighbor or friend who was not a provider, 28 percent from another day care worker, 24 percent from contact with the Department of Human Resources and 6 percent from contact with the Department of Children and Youth Services.

³ DOHS issues six month licenses to most new group day care homes and day care centers. These temporary licenses give the facilities an opportunity to complete licensure record keeping and program development requirements, some of which cannot be finished or implemented until the day care service is in operation.

Respondents to the March 1981 LPR&IC telephone survey of 57 licensed day care center operators found out about licensure in similar ways. Almost one-third knew a license was required from past experience, 23 percent found out through the state, 18 percent took over facilities that were already in existence and licensed, about 15 percent found out from other people and 11 percent "just knew".

Day Care Services Available in Connecticut

As of January 1, 1981, a statistical summary compiled by the Department of Health Services listed 864 licensed day care centers and 48 licensed group day care homes in Connecticut serving about 38,711 children. Approximately 104 of the centers, but none of the group day care homes, are publicly funded through the Department of Human Resources. These centers primarily serve AFDC and other low income children, while private centers and group day care homes serve low, middle and upper income children. There are approximately 2,600 family day care homes in the state.

Hours of operation and ages served. Day care centers and group day care homes in Connecticut are open a variety of hours and days per week. Some facilities are open mainly in the morning or afternoon while others are open for a full day. Data compiled by DOHS indicate there is little or no weekend or second shift care available in these facilities. (See Table II-2.)

The ages of children served in day care centers and group day care homes range from infants to school age children. An infant/toddler is a child under the age of three. DOHS statistics indicate that nearly 90 percent of all day care centers and group day care homes that were licensed in January 1981 accept at least children aged three through six. Seven percent of these facilities also care for infants. Approximately 11 percent of all the centers and group homes accept children older than six years of age.

Publicly funded centers. The 104 publicly funded day care centers serve approximately 4,522 children. DHR receives matching federal dollars for the centers it supports. The department provides financial assistance to human resource development agencies and to municipalities for the purpose of developing and operating child day care centers.

The Work Incentive Program (WIN) is a federal employment and training program which requires AFDC recipients with children older than six to register for work and training as a prerequisite for receiving AFDC payments. In Connecticut, WIN is

Table II-2. Licensed Group Day Care Homes and Day Care Centers
in Connecticut--Schedules of Service.

	<u>No. of Facilities</u>	
<u>Months of Operation</u>		
Open 11 or more months per year	315	(35%)
Open Sept. or Oct. through May or June	588	(65%)
Open during the summer only	1	
Other	8	
<u>Days of Operation</u>		
1-2 days per week	6	
3 days per week	55	(6%)
4 days per week	43	(5%)
5 days per week	767	(84%)
6 days per week	1	
Irregular or unknown	40	(4%)
<u>Hours of Operation</u>		
5 or more hours per day	324	(36%)
Less than 5 hours - A.M. only	293	(32%)
Less than 5 hours - P.M. only	18	(2%)
Two sessions less than 5 hours each	162	(18%)
Other or unknown	115	(13%)

Source: Connecticut Department of Health Services, Maternal and Child Health Section, Statistical Summary of Licensed Day Care Centers and Group Day Care Homes in Connecticut (Hartford, CT, January 1981), pp. 4-5.

co-administered by DHR and the Department of Labor. The role of the Department of Labor is to locate either a job or a place in an employment training program for the AFDC recipient. DHR is responsible for finding day care slots for the children of women who are placed in the WIN program.

All monetary payments for day care under the WIN program are paid by DHR which is reimbursed at the level of 90 percent from the federal government. During FY 1979-80, over 3,200 children

were provided day care services with 49 percent of the children placed for care in family day care homes, 48 percent in their own homes or the homes of relatives and 3 percent in day care centers and group day care homes.⁴ DHR can purchase services for qualified children in private day care centers when publicly funded day care center slots are not available.

Since July 1, 1981, the Department of Human Resources has been administering the AFDC Day Care Program. This program provides financing for the cost of day care for the children of families receiving assistance under the AFDC program when the parent is employed and participating in the AFDC Incentive Earnings Plan or is unable to provide adequate care or supervision because of short term illness. Day care may be provided at a day care center or by a foster family home approved for day care. Federal financial reimbursement is available at the 75 percent level.

Head Start centers, which are another type of day care program, serve approximately 4,000 children. Eligibility standards for the Head Start program require that children come from families with incomes below the poverty level and be prekindergarten. Ten percent of all slots are reserved for handicapped children. Day care sessions last between 2½ and 5 hours per day and provide a developmental educational program. The centers are linked to the federally funded Follow-Through programs that are operated for children who have moved out of Head Start centers into school. The FY 1980-81 budget for Connecticut Head Start centers was \$8.4 million. Three-quarters of this amount was federally funded and 22 percent was provided by local (in-kind) support.⁵

In March 1981, LPR&IC staff reviewed the records of 31 publicly funded day care centers serving 1,362 children. Nearly three-quarters of the children enrolled in these programs were from single-parent families. The ages of the children ranged from 3 through 12. Thirty-six percent of the children were 3 years old, 43 percent were 4 years old, 12 percent were 5 years old and enrolled in kindergarten, 3 percent were 5 years old and in full-time day care and less than 1 percent were between the ages of 6 and 12 in after-school programs. One-quarter of the children were from families with incomes of less than \$5,121 and 82 percent of the families had incomes below \$13,000.

⁴ Connecticut Digest of Administrative Reports to the Governor 1979-80 (1980), p. 267.

⁵ Information provided during interviews with DHR staff.

Private day care centers and group day care homes. Almost 90 percent of the day care centers and all of the group day care homes in Connecticut are operated by private individuals or groups. The owners or sponsors of these facilities include private individuals, church groups and parent cooperatives. DOHS and the State Department of Education (SDE) provide technical assistance to all day care operators. The technical assistance includes advice on how to start up a facility, stay in compliance with health and safety standards and help a director develop an adequate education program.

Industry sponsored efforts. Industry sponsored day care is being provided in Connecticut and other states. Employers nationwide have pursued a number of different options in attempting to meet the child care needs of their employees. These alternatives include the establishment of on-site child care centers, contracting for slots for employee children in existing day care operations, reimbursing employees' child care expenses by giving an allowance and contributing start-up money to community based child care programs. A number of organizations, including Intermedics Inc., Stride Rite Corporation and the Amalgamated Clothing and Textile Workers Union, have been operating work-site facilities for several years and have indicated that the programs have been successful.⁶

In Connecticut, some companies and organizations, including Connecticut General (CG), are presently involved in the operation of day care facilities on or near the work-site. Connecticut General purchased and renovated a building which they subsequently leased to Kinder Care/Living and Learning, a national day care chain. Connecticut General employees are entitled to discount day care prices. The center has a licensed capacity of 70 slots with over half reserved for the children of CG employees.⁷

The Permanent Commission on the Status of Women (PCSW) recently conducted a survey of 150 Connecticut companies representing service, insurance, finance and manufacturing firms of various sizes. The survey sought to establish whether any companies were providing child care, were interested in doing so and what might be done to encourage them to operate or subsidize a day care facility.

⁶ Permanent Commission on the Status of Women, *Proposals to Encourage Provision of Work Site Child Care* (Hartford, CT, 1981), pp. 2-5.

⁷ Ibid., pp. 6-7.

Of the 61 companies that responded, 28 percent indicated they provide information about child care to their employees, 66 percent that are not currently providing child care said they would like information on how to set up a child care center and 64 percent indicated an interest in receiving information about tax benefits. Nearly 80 percent of the respondents indicated they foresee problems in providing work-site child care. Space was a concern for 78 percent of the employers; facilities (such as kitchen and recreation areas) were a problem for 69 percent and 57 percent listed funding as a concern.⁸

The governor recently signed Public Act 81-100 which provides a 25 percent tax credit against state business taxes for companies which open day care facilities for their employees. The purpose of this act is to encourage the involvement of private companies in sponsoring work-site day care facilities.

Information efforts. State agencies and private organizations provide information and assistance to day care providers and consumers. The Office of Child Day Care (OCDC) refers consumers to established day care facilities and has provided information concerning work-site day care options to interested unions and private employers. The Departments of Education, Health Services and Human Resources also provide assistance and refer potential child care consumers and providers to appropriate state and local agencies.

A number of private, community, nonprofit and profit-making organizations refer consumers to available day care services. Church related organizations, YMCAs, YWCAs and others provide informal day care referral services within many local communities. Profit-making information and referral services are also being established in Connecticut. The major functions of these organizations are to refer parents to licensed day care facilities, educate parents about quality child care and licensing and act as a support service for all types of licensed providers. According to the 57 respondents to the LPR&IC telephone survey of licensed day care centers, the most common ways people have found out about their facility are word of mouth (74 percent), newspaper advertising (49 percent) and planned recruitment drives (12 percent).

⁸ Permanent Commission on the Status of Women, Survey of Industry Based Child Care (Hartford, CT, 1981), p. 1.

CHAPTER III

THE NEED FOR DAY CARE

A family's need for child care services depends on a number of factors. The ages of the children, the employment status of the parent(s) and the proximity of relatives can all affect the desire for day care.

Trends in recent years suggest that the demand for child day care services will be increasing despite a declining birth rate. Preliminary census figures for 1980 show that the birth rate in Connecticut is below the national average and the gap is widening. In 1970, the state's birth rate was 16.4 per 1,000 compared to the national average of 18.2. In 1978, this figure fell to 11.8 per 1,000 for Connecticut compared to the national average of 15.3. These statistics, however, must be balanced against the increase in the number of women, particularly with preschool children, who are entering the labor market and the growth of single parent families. National studies that have taken into account the declining birth rate still project a need for more day care services in the future.⁹

At the LPR&IC's first public hearing on family day care homes, the representative from the Community Council of the Capitol Region presented information which pointed toward increased demand for day care. She said:

The need for day care has been identified in numerous national and local studies. Factors related to the need for day care include the continuing increase of women participating in the work force, the increase of single parent households and the continuing rise in the cost of living which in turn has increased the number of families with two working parents. These changing social and economic patterns are bringing more and more parents with young children into the labor force, and will continue to have tremendous influence on the need for expanded and alternative child care arrangements.¹⁰

⁹ The Joint Center for Urban Studies, *The Nation's Families 1960-1990* (Cambridge, Mass., 1980), summary section.

¹⁰ Marina Rodriguez, planner, Community Council of the Capitol Region, LPR&IC public hearing on family day care homes, June 11, 1980, p. 82.

Similarly, the administrative assistant for a publicly funded day care center testified at the second LPR&IC public hearing on child day care that:

Not only is the number of single working parents on the rise, but the economy is causing more and more two parent families to have both parents work. We always have a waiting list and continually receive inquiries about the availability of child care. The need for expansion of day care services is evident.¹¹

According to a recent report prepared by the Permanent Commission on the Status of Women, the proportion of married couples in which the husband worked and the wife stayed home fell from 43 percent to 25 percent nationwide during the period between 1960 and 1975. The Joint Center for Urban Studies has projected that this figure will drop to 14 percent by 1990. The rates of work force participation by women from female headed households has also increased dramatically. For example, the number of divorced women who are working increased from 55 percent to 75 percent during the period from 1960 to 1978.¹²

A traditional indicator of need for day care services is the number of working women with preschool children. In March 1979, 55 percent of all mothers in the United States who had children under 18 were in the labor force. Of those with offspring between 6 and 17 years of age, 62 percent were working; 45 percent of the mothers with children under 6 were employed. By 1990, it is estimated that two-thirds of all mothers will be working, with 80 percent of them having children under 6 years of age.¹³ Connecticut statistics for 1976 indicate that nearly 40 percent of all women in the state who worked outside the home had children under 18 and 14 percent had children under the age of 6.¹⁴

¹¹ Paula Sullivan, Day Care Administrative Assistant, New Britain Child Development Center, LPR&IC public hearing on group day care homes and day care centers, February 26, 1981, p. 34.

¹² PCSW, Proposals to Encourage Work Site Child Care, p. 1.

¹³ Ibid.

¹⁴ Susan Bucknell, Executive Director, PCSW, LPR&IC public hearing, June 11, 1980, p. 39.

The ability of single parents to hold a job is particularly likely to depend upon the availability of child day care services. In the last 10 years in the United States, the number of single parent families (headed by either a male or a female) has nearly doubled, increasing from 11 percent of all families with children to nearly 20 percent. Eighty-four percent of these households are headed by women.¹⁵ In 1979, nearly 20 percent of all Connecticut families with children still at home were headed by women.¹⁶

The cost of day care is also a factor affecting a person's ability to find suitable services for their child. Current federal income tax laws allow working parents to subtract 20 percent of the cost of child care directly from their taxes up to a maximum of \$400 for one child and \$800 for two or more children. In 1977, tax credits were allowed for 4 million children and equaled an average of \$125 per child.¹⁷

This benefit is of limited use to many families, however, because of the actual cost of day care. Studies have found that the cost of one child's full-day care at a center can range from \$1,500 to \$4,000 per year.¹⁸ It has been estimated that the average American family can afford to pay no more than 10 percent of its gross family income for child day care, while low income families can pay no more than 5 percent of their income for such services.¹⁹

¹⁵ National Day Care Campaign, The National Campaign for Child Daycare for Working Families (Washington, D.C. November, 1980), p. 3.

¹⁶ PCSW, Proposals to Encourage Work Site Child Care, p. 1.

¹⁷ U.S. Department of Labor, Women's Bureau, Employers and Child Care: Establishing Services Through the Workplace (Washington, D.C., January, 1981), p. 3.

¹⁸ Ibid.

Information obtained from the LPR&IC telephone survey of licensed day care centers in Connecticut showed that a wide range of fees are being charged in this state, although the length of the service provided also varied greatly. For example, the cost for a child receiving care three days per week ranged from \$35-48/week to \$305-380/year in nine of the centers that responded. Charges at two centers running programs from 9 a.m. to 3 p.m., five days per week were in the \$40-45/week range.

¹⁹ National Day Care Campaign, op. cit.

The problems that low income families face in obtaining child day care services may require special consideration. In 1977, almost one-third of all female headed families had incomes below the poverty level.²⁰ Projections for FY 1981-82 indicate that almost 9 percent of the population in Connecticut will be living below the poverty level. This will include nearly 74,000 children under the age 18. Over three-quarters of their families are headed by women.²¹

As Dorothy Billington, chairperson of the Child Care Committee of the Permanent Commission on the Status of Women, noted at the LPR&IC's public hearing on group day care homes and day care centers:

...it makes good economic sense to provide accessible, affordable and quality child care programs. More families will have an opportunity to enter and remain in the workforce. Without sufficient child care programs, many women will be unable to work and will be forced to turn to public assistance for survival, or to turn to poor quality child care which could harm children. We want our citizens to be self-sufficient and economically independent. At the same time we must protect the needs of children in Connecticut.²²

Discussing need from a personal perspective, a single-parent, working mother wrote to the committee:

Both from my professional knowledge and from my personal experience, one fact comes through clearly: there is simply not an adequate supply of quality, affordable day care alternatives to meet the varied needs of children through the elementary school age level. Particularly, there is a growing need for flexibility in day

²⁰ U.S. Department of Labor, Women's Bureau, Facts About Women Heads of Households and Heads of Families (Washington, D.C., December, 1979), p. 8.

²¹ Connecticut Department of Labor, Annual Planning Information: Fiscal Year 1982 (May, 1981), p. 60.

²² LPR&IC public hearing, February 26, 1981, p. 4.

care: for second shift hours, for the hours before school as well as after school, for the times of minor illness (colds, stomach-aches) and the resultant school absences.²³

Many of this woman's comments were echoed by those who responded to the LPR&IC survey of state agency staff involved in day care regulation. More than three-quarters of them indicated they believe there is a need for more full day, before school, and after school day care services. Their views applied to both group day care homes and day care centers. A similar percentage also indicated a need for more infant care.

²³ February 26, 1981, letter from Rochell Y. Ripley to the LPR&IC.

CHAPTER IV AGENCY ROLES

In Connecticut, child day care facilities are subject to restrictions from local, state and federal governmental agencies. Federal mandates primarily affect publicly funded day care centers, although some requirements must be adhered to by any facility which accepts nutrition funding. Local regulations, which are principally concerned with zoning matters and interpreting the state fire code, vary from locality to locality. State requirements apply to all types of day care facilities,²⁴ although the minimum standards may differ for each category of care.

As discussed in detail in the committee's first report on family day care homes, the concept of state involvement in the temporary or permanent care of children dates back to the early 1900's. Since that time, state restrictions on facilities providing child day care services have varied and the agencies responsible for insuring compliance have also changed. While family day care homes have been licensed throughout this period, day care centers have only been licensed since 1967. The concept of group day care homes as a separate classification did not occur until 1977.

At the present time, the Departments of Children and Youth Services, Education, Health Services and Human Resources have specific statutory functions related to the licensure of day care facilities. The Office of Child Day Care and the Child Day Care Council also provide input into the regulatory process. Four other state entities--the Departments of Economic Development, Income Maintenance and Labor and the Permanent Commission on the Status of Women--have duties which sometimes cause them to become involved in the area of child day care in a limited manner.

The Department of Health Services

The Department of Health Services is responsible for the licensure of group day care homes and day care centers (C.G.S. Sec. 19-43e). Its duties in this area include: providing preliminary information about licensure requirements to individuals or groups

²⁴ Provisions in the statutes do exempt some facilities which care for children from being regulated as day care services. (See C.G.S. Sections 17-49a and 19-43b(d).)

interested in starting group day care homes or day care centers, verifying the existence of local approvals, inspecting facilities, monitoring day care operations for compliance and following up on complaints. With respect to family day care homes, DOHS frequently performs tests on water samples taken from wells at such homes.

In carrying out its licensure responsibilities, the department works with a number of other agencies on the local and state level. In addition to town zoning, building and fire code enforcement officials, DOHS also has strong working relationships with many of the local health departments in the state. In many instances, the local directors of health fill out the inspection forms for new and existing facilities.

On the state level, the major agency DOHS works with is the Department of Education which provides consultive staff on a regular basis to assist with licensure functions. DOHS also works with the Department of Human Resources concerning the regulation of publicly funded day care centers. Those facilities are licensed by DOHS, but they receive their funding through DHR. Because of his membership on the Child Day Care Council, the commissioner of health services (or his designee) has an opportunity to meet and exchange information with other agencies and individuals involved in the field of day care.

There are six employees assigned to licensing duties within the department--five day care specialists and one licensing supervisor. This is the same number of staff DOHS had in 1967 when licensing first began and there were half as many facilities. One typist and a full-time equivalent sanitarian (actually a number of people around the state who work part-time on this function) have also been assigned to this area. DOHS staff are also able to receive assistance from a nutritionist, a nurse, a medical social worker and immunization consultants, depending on the needs of specific situations.

During FY 1980-81, the total cost for the eight primary salaries, plus car rentals, telephone, printing, etc., was \$189,737. Almost 40 percent of that was paid for with federal funds.²⁵

The Department of Children and Youth Services

Officially, the Department of Children and Youth Services has statutory responsibility for the licensure of family day care homes (C.G.S. Sec. 17-48). In fact, the commissioner of DCYS

²⁵ Information provided during interviews with DOHS staff.

signs the licenses and must issue the regulations, but all licensure and monitoring functions are handled by the Department of Human Resources. As outlined in the first LPR&IC study on day care, this situation developed because of a series of legislative changes affecting the structure and organization of a number of state agencies.

While DCYS does not have any staff directly assigned to the regulation of child day care facilities, it is concerned about the availability of such services. In correspondence with the LPR&IC, the commissioner called for a broad definition of day care which would give prominence to such services as an option to prevent out-of-home placements for children in need of protective services.²⁶

The Department of Human Resources

As already indicated, the Department of Human Resources is involved in aspects of the regulation of all types of day care facilities. In addition to carrying out licensure and monitoring functions for family day care homes, the department has statutory authority to oversee the development, operation and renovation of child day care facilities which receive state financial assistance (C.G.S. Sec. 8-210) and to purchase services from privately owned day care centers (C.G.S. 8-210b).

The department has 36 staff people assigned to day care related functions in its six regional offices. Their duties include: handling initial and renewal licensure inspections, application processing, and complaint follow-ups for family day care homes; approving AFDC arrangements for purchased day care services; nutrition activities; and coordination with Preventive Services (Children and Youth Services), WIN, and Title XX training. Since July 1, 1981, they have also been involved in purchasing services for AFDC and Essential Services recipients.

Twenty-nine DHR staff in the central office also perform day care related functions. A support unit consisting of a social service, a health and an education coordinator is available to assist field representatives and day care operators. Other staff perform quarterly on-site visits to publicly funded day care centers, process grants and carry out nutrition program activities.

²⁶ November 18, 1980, letter from Mark J. Marcus, commissioner of DCYS, to LPR&IC staff.

During FY 1980-81, nearly \$587,000 was spent for the regional office staff and that portion of the central office staff assigned to family day care functions. More than 90 percent of this was federally funded. Approximately \$240,500 was spent for the salaries and benefits of the central office staff assigned to day care center administration, 75 percent of which is eligible for federal reimbursement. During this same period, at least \$77,000 was spent on other expenses, such as car rentals, telephones, printing, rent, etc.²⁷

The Department of Education

The statutes which outline the responsibilities of DOHS with respect to the regulation of group day care homes and day care centers mandate a consultative role with the State Department of Education (C.G.S. Sec. 19-43g). This requirement has evolved into a team approach to licensure with two staff persons from SDE assigned specifically to day care duties eight days per month. Working in conjunction with DOHS staff, the education department employees interact with all new day care centers and work with existing facilities where there may be problems.

The three areas of major concern to SDE are the educational programs offered by a facility, staff development and staff qualifications. The two associate consultants meet with center staffs to discuss concerns and problems and they provide in-service training programs to enable center employees to further develop the skills they need to work with children. Information about day care, particularly levels of quality, is provided to parent groups, local child care councils and libraries. SDE staff also work with early childhood programs which are exempt from day care licensing regulations but which are providing day care services as well as individuals or groups who are thinking of starting a day care service but who may not know which agency regulates such facilities or whether there is a need in their community for the service they propose to offer.

Because of limited resources--the same amount of available staff time as ten years ago when half as many facilities were licensed--the Department of Education has had to limit the number of different facilities it visits annually. With each worker assigned to different geographic regions, they are able to visit between 250 and 300 day care centers per year. According to the SDE staff, the major concern of the agency is with what happens

²⁷ July 16, 1980 and June 4, 1981, letters from Commissioner Ronald E. Manning to the LPR&IC.

to a child once he or she is in a day care facility. They believe that learning takes place, whether by accident or design, within any group setting.

During FY 1980-81, the cost of the staff activities directly attributable to the licensure monitoring services provided by SDE was approximately \$45,000. About \$2,300 came from federal funds; the remaining expenses were paid for with state funds.²⁸

The Office of Child Day Care

The Office of Child Day Care was created in 1975 to provide advocacy, coordination and planning for day care services of all types throughout the state (C.G.S. Sec. 4-60o). Attached to the Department of Human Resources for administrative purposes only (APO), funding for the office was included directly within DHR's budget during FY 1980-81. The state's FY 1981-82 budget includes \$68,000 for the office as an APO in DHR.

According to the statute establishing the OCDC, the director of the office shall be "an individual knowledgeable in all aspects of child day care and related fields and an advocate for the coordination, effectiveness and expansion of child day care." Six specific functions are mandated for the office. They are: identification of existing child day care services, development of a plan to coordinate existing and future services, identification of funding sources, development of recommended regulations for child day care services including parent controlled nonprofit day care cooperatives, and review and comment on various plans and applications of other state agencies which concern the disbursement of funds for day care services. The director of the office also serves as the chairperson of the Child Day Care Council.

The Office of Child Day Care has recently been working with several unions and private employers who are interested in opening work site day care facilities. In June 1981, the office was the cosponsor of a conference on "Assisting Employees With Child Care." The OCDC also provides information to consumers of day care services and refers them to existing day care programs. Potential day care operators are referred to the state agency which handles the regulation of the type of facility being proposed.

²⁸ Information provided during interviews with SDE staff.

The office has administered the Innovative Child Day Care Grant Program since 1979. This state funded program was intended to award grants to day care centers which offered a new or needed program in a community. Its focus has been after-school day care programs and crisis centers for abused children. Each center that was selected to receive a grant was expected to become financially self-sufficient at the end of a three year period. Six after-school programs have become independent. During FY 1980-81, \$111,672 in grant money was awarded; 330 children are being served by the facilities that were funded. No money was appropriated for the program in the OCDC's FY 1981-82 budget.

The Child Day Care Council

The Child Day Care Council is an 11 member²⁹ advisory body composed of the commissioners of the Departments of Children and Youth Services, Education, Health Services and Human Resources, the director of the Office of Child Day Care, who serves as chairperson, and six gubernatorial appointees representing specified organizations (C.G.S. Sec. 19-43c). Established in 1967, it serves in an advisory capacity to the Office of Child Day Care, makes recommendations to the commissioner of health services with respect to day care centers and group day care homes, and advises the state agencies concerned with the regulation of family day care homes.

The council is required to hold public hearings on its recommendations and seek input from the parents of children using day care services as well as other interested parties. The council also serves as a forum for state agency personnel to discuss and take positions on various day care policies and options. The members view council meetings as an opportunity to share information between agencies.

The Department of Income Maintenance

The Department of Income Maintenance is involved in child day care indirectly because of its role in the disbursement of funds. In the past, DIM was responsible for the purchase of day care services for the AFDC and Essential Services programs. That task became the responsibility of DHR on July 1, 1981. Now, the role of DIM is limited to processing the checks requested by DHR because that agency does not have the mechanical capability to process its own checks.

²⁹ Public Act 81-471 increases the membership of the council to 13 by adding the commissioner of income maintenance and a provider of child day care services. This law took effect on July 1, 1981.

The Department of Labor

The Department of Labor has no direct function related to day care, but it does co-administer the Work Incentive Program (WIN) with the Department of Human Resources. The Department of Labor's role is to locate either a job or a place in an employment training program for a WIN recipient. DHR is responsible for locating day care slots for the children of WIN participants.

The Department of Economic Development

A major function of the Department of Economic Development has been to help stimulate the state's economy through the creation and retention of jobs for Connecticut workers. In the past, the department's Economic Planning Unit has worked with the Office of Child Day Care in providing information to private companies who are interested in opening work site day care facilities.

During the 1981 Connecticut legislative session, the Department of Economic Development endorsed granting a credit against state business taxes for companies which open day care facilities for their employees. A representative of the department testified at a Finance Committee public hearing that on-site day care facilities would help working women remain in the job market and also attract new employees.³⁰

The Permanent Commission on the Status of Women

The Permanent Commission on the Status of Women is composed of 17 members who must be appointed in accordance with specified statutory requirements (C.G.S. Sec. 46a-1). The main function of the commission is to conduct an ongoing study of all matters concerning women. In relation to this broad mandate, PCSW has been involved in studying the need for and availability of child day care services. In July 1975, PCSW released a report on "Day Care in Connecticut: Problems and Perspectives."

As previously noted, the commission recently conducted a survey on the attitudes of Connecticut companies concerning work site day care. On the basis of that study and in keeping with its function of recommending legislative reforms to the General Assembly, the PCSW proposed legislation during the 1981 session that would offer tax incentives to employers who wish to establish on-site day care facilities.

³⁰ Ron VanWinkle, Director of Economic Planning, DED, February 17, 1981.

Local Governmental Involvement

A day care center or group day care home applicant must obtain local zoning, building, health and fire code approval before its application can be considered by the Department of Health Services. Family day care homes are not required by the state to have zoning or fire approval, but a local community can choose to subject homes to local zoning regulations. A local fire marshal can inspect a family day care home even though the state fire code does not contain a separate classification for this type of facility.

Each town has its own zoning ordinances and a commission that is responsible for interpreting the regulations. Individual town zoning requirements treat day care centers and group day care homes as different types of facilities.

Local fire marshals must inspect all new day care centers and group day care homes to determine if they are in compliance with the state fire code. The state fire code includes provisions for exits, emergency lighting, electrical services, fire alarm and smoke detection equipment as well as minimum construction standards. The regulations for group day care homes are not as stringent as those for day care centers. It has been found that local fire marshals' interpretations of the state fire code sometimes differ between towns.

CHAPTER V

RECOMMENDATIONS

In 1980, when the Legislative Program Review and Investigations Committee began to study the child day care area, it was evident that the state did not have a clearly identified or focused day care policy. The regulation of services was hampered by the involvement of multiple agencies in the licensing and monitoring process. At the same time, consumers and providers of day care did not have easy access to information in a central location and the scope of public financing was unclear.

At the time the committee issued its first report on family day care homes in December 1980, members felt strongly that changes in program activities and administrative structures were needed to improve the efficiency and effectiveness of the family day care home system. Although the committee made specific suggestions in those areas, the members recognized that their recommendations might have to be revised during this subsequent study.

To avoid needless statutory changes, no legislation concerning regulatory authority was introduced during the 1981 session of the General Assembly. The recommendations in this report are based on an examination of all types of day care in Connecticut. They reflect the view of the LPR&IC on the most effective way to regulate child day care and establish policies in this area. Legislation needed to implement statutory changes will be introduced during the 1982 legislative session.

Level of Regulation by Type of Facility

In Connecticut, there are three different types of occupational regulatory control. Licensure, which is the most restrictive form, means a person must obtain a license from a recognized authority in order to perform a specified activity or operate a specified facility. Some demonstration of competence is required to obtain the license.

Certification provides verification that an individual has certain credentials relative to a profession or occupation; criteria similar to those required for licensure can be established. The decision to meet these standards, however, is voluntary as long as an individual or facility does not claim to be certified without verification from the state.

Registration is a process which requires all individuals who wish to engage in a particular activity or operate a particular kind of facility to list their names with an official group. There may be some minimum practice standards which an applicant is required to meet, but compliance is self-reported and there are no other restrictions on who may list their name or facility.

As previously indicated, there are currently three categories of child day care services in Connecticut--family day care homes, group day care homes and day care centers. The definitions of each are based on the number of children cared for, the setting where the care is given and the amount of time per day during which service is provided. All of these facilities are required to be licensed by the state.

At the present time, there appears to be some confusion about what it means when an individual or facility holds a license from the state. Many people feel this signifies a constant surveillance by the state to ensure that the licensee complies with all mandated requirements. In fact, the license only means that at certain points in time all standards were met. These specific times are generally upon receipt of an initial license and, in some cases, at or near the time for license renewal, depending on the availability of agency resources.

The existence of mandatory regulatory requirements does not mean that all day care facilities in Connecticut are licensed. It has been estimated that hundreds of illegal family day care homes exist in the state as well as some unlicensed group day care homes and day care centers. Nearly one quarter of the family day care home providers who responded to the April 1980 LPR&IC questionnaire indicated they knew of people who were operating without a license.

Some family and group day care homes also take in more children than they are licensed to serve. The existence of these illegal operations is primarily spread by word of mouth, but specific evidence of their existence includes advertisements placed in local newspapers by individuals who are not on the list of licensed facilities and complaints which have been received by the agencies responsible for regulating these facilities.

During its study of family day care homes, the committee found that enforcement of the law in this area was not pursued rigorously. While efforts were made to license people when they were found to be operating day care homes illegally, penalties

for violating the law are limited and rarely if ever invoked. At the time of the first LPR&IC day care study, major reservations were expressed about the fact that it was misleading to call the current system of regulating family day care homes "licensure" because the many unlicensed homes made it more like a certification mechanism.

Similar enforcement problems exist with respect to group day care homes and day care centers. Although specific efforts to insure compliance by utilizing the judicial system have recently occurred, the problem does not appear to be an isolated one. Believing that the current regulatory system is not working as intended, the LPR&IC also questions the need for such stringent state involvement.

The committee feels that parents of children enrolled in day care should play a large role in ensuring the quality of the care received. During the data gathering process for the current study, many people did express concerns about the need for certain minimum standards with respect to health, safety and educational factors whenever the care of children is involved. While the committee understands and shares many of these feelings, they believe these concerns must be balanced with the right of parents to play a major role in overseeing the care their children receive as well as the truthfulness of the effectiveness of current regulation. Indeed, a poorly managed and operated licensure system may lull the unwary parent into a false sense of security with respect to the care of his or her child.

During the LPR&IC's earlier study on family day care homes and again during this study, the appropriate level of regulation for child day care facilities was given extensive consideration. In conjunction with this, the maximum number of children who should be allowed in each type of facility was also examined. Support among the committee for a reduction in the level of regulation for family day care homes and an expansion of the number of children cared for in such facilities has increased since the first study.

This change is in keeping with actions taken in other states during the last few years which show a trend toward a reduction of the state role. At least 13 states have no regulatory standards for day care homes caring for less than a certain number of children (generally 3 to 6 children). In four other states approval is voluntary for those facilities which care for the

number of children that fall within the family day care home category.³⁰

With regard to the issue of how many children a person or facility could reasonably be expected to care for at one time, the committee decided the current capacity limits should be increased and the categories of facilities should be reduced. It is the recommendation of the Legislative Program Review and Investigations Committee that the definition of a family day care home be revised to cover between three and seven children inclusive. A facility caring for less than three children will not be regulated at all.

It is the understanding of the committee that this category will continue to apply only to care provided in a private home other than that of the child's by a person unrelated to the child for periods of more than three hours on a regularly recurring basis (C.G.S. Sec. 19-43b(c)). Current exemptions in the law (C.G.S. Sec. 17-49a and 19-43b(d)) will continue to apply. The committee believes regulations which will indicate the restrictions a day care provider must comply with concerning care for latch-key³¹ children and infants and the number of his or her own children that may be present for all or part of the day should be adopted to implement this recommendation.

The LPR&IC further recommends that all day care facilities caring for more than seven children be called day care centers. This change requires the elimination of the group day care home category (C.G.S. Sec. 43-b(b)) and expands the existing definition of day care centers (C.G.S. Sec. 43-b(a)). It is expected that this definition will continue to include all facilities (except those exempted by C.G.S. Sec. 19-43b(d)) which provide

³⁰ The states which have no standards include Arkansas, Arizona, Georgia, Kentucky, Mississippi, Missouri, New Jersey, New York, Rhode Island, Tennessee, Utah, Virginia and Wisconsin. The states where approval is voluntary are Louisiana, North Carolina, Ohio and West Virginia.

Information obtained from: Lawrence Johnson and Associates, Comparative Licensing Study: Overview and Comparative Analyses (Washington: Lawrence Johnson and Associates, 1980).

³¹ The latch-key syndrome describes a situation where children come home to an empty house after school.

a program of supplementary care to eight or more unrelated children outside their own homes on a regular basis for one or more days per week.

Although the committee is recommending that some form of regulation continue for all day care facilities caring for three or more children, it believes that different levels are appropriate for each type. As indicated earlier, the committee believes the parents or guardians of a child have the right to determine what is best for him or her in as many situations as possible. In a family day care home setting, a voluntary certification system facilitates that notion. The committee also expects that more facilities would become known under such a system since it would no longer be illegal to operate without state approval.

Accordingly, it is the recommendation of the Legislative Program Review and Investigations Committee that the licensure of family day care homes be phased out and replaced with a certification system within two years of the adoption of this report.³² This means that persons wishing to operate a family day care home will have the option of choosing whether or not they want to seek state certification for their home. If they decide not to be certified, it will be illegal for them to claim that designation. During the period prior to the establishment of a certification process, all family day care homes will still have to be licensed in order to operate.

In conjunction with this recommendation, the committee believes improved public education efforts must occur to inform parents about basic health, safety and educational factors they may wish to consider in choosing where they will place their children. The agencies involved in day care functions should make such information available.

With respect to day care centers as newly defined, it is the belief of the Legislative Program Review and Investigations Committee that these facilities should continue to be licensed. The committee found that the placement of larger numbers of children together in one facility raises more safety and health concerns which can best be met by establishing uniform licensure requirements that must be adhered to by all people wishing to provide services in these types of facilities. In addition,

³² Legislation will be needed to permit implementation of this recommendation. Since it is expected a bill to accomplish this change will be introduced during the 1982 legislative session, the report recommends two years from the adoption of the report while the proposed bill in Appendix IV refers to one year from the effective date of the law.

the provision of appropriate educational and child development programs can be mandated and monitored.

In keeping with the committee's earlier recommendation concerning the size of a family day care home and in an effort to streamline the regulatory process, the Legislative Program Review and Investigations Committee recommends that all day care facilities caring for more than seven children be called day care centers. All of these centers shall be licensed, but regulations may differentiate and set appropriate standards for children cared for in an individual's private home. These differences should be based on safety and space considerations among other factors. It is the intent of the committee to insure flexibility in dealing with facilities similar to those currently categorized as group day care homes. Specific limits on the exact number of children that can be cared for in a private home will continue to be limited by the restrictions of the zoning code in a particular town.

Regulatory Authority

As mentioned several times earlier in this report, the responsibility for regulating child day care services in Connecticut is currently shared by a half dozen state entities. The Department of Children and Youth Services issues licenses for family day care homes while staff from the Department of Human Resources handle the licensure paperwork and inspection of these homes. The Department of Health Services licenses group day care homes and day care centers. DOHS is assisted in its regulatory functions by consultive staff from the Department of Education and local health officials. In addition, DHR performs certain monitoring functions for publicly funded day care centers.

DHR is responsible for the disbursement of state and federal dollars to approximately 104 publicly funded day care centers. As of July 1, 1981, the department also handles payments to AFDC mothers whose children are enrolled in day care programs. In the past, this function was performed by the Department of Income Maintenance. Two other entities--the Office of Child Day Care and the Child Day Care Council--are also involved in the promulgation of regulations to implement the state's oversight of child day care services.

While the major day care related functions of all these agencies differ, there appear to be definite instances of duplication in areas such as the development of regulations and public information. At the same time, the similarity of some of the regulatory functions the agencies perform raises questions as to whether those duties couldn't be handled more efficiently under a consolidated administrative structure. It is the belief of the LPR&IC that the current multiagency jurisdiction over day care impedes consumer accessibility to information about day care services, makes it more difficult for the public to know where to file complaints, creates obstacles for individuals or groups wishing to establish new or larger facilities, and perpetuates the absence of a consistent day care policy for the state.

In its earlier study of family day care homes, the committee recommended the consolidation of all aspects of the regulation of those facilities within one agency. At that time, the LPR&IC found strong support among those interviewed, the people who testified at the public hearing and the respondents to the committee's questionnaires for consolidating all responsibilities for family day care homes within one agency.

Looking at all levels of child day care in the current study, the committee again heard support for consolidation. In testimony at the LPR&IC public hearing, the operator of a private, information and referral organization said:

The general approach towards our system of child care in Connecticut also seems extremely fragmented and confusing. Certainly a government overseeing the care of over 50,000 children should engage in a more comprehensive plan of management. This we feel can be accomplished only through a combination of all licensing agencies into one coordinated unit.³³

It is the continued belief of the committee that all regulation as well as policy direction should be placed within one agency. After carefully examining all of the possible agencies for the consolidation of these responsibilities and considering the comments offered by individuals working with and for the various agencies currently involved in that regulation, it is the recommendation of the Legislative Program Review and Investigations Committee that all day care facilities be regulated by the Department of Health Services.

³³ Faith Anderson, Kids Kount, LPR&IC public hearing, February 26, 1981, pp. 25-26.

As noted earlier, the committee believes health and safety factors are a major reason for regulating day care centers and those are concerns which logically fall within the purview of DOHS. In addition, the department already has well established relationships with local health departments, which will enable agency personnel to work with staff at the local level to facilitate the inspection and monitoring of day care facilities. The utilization of these individuals to provide better coordination and assistance on the local level should be enhanced by their ability to deal with one centralized state agency for all aspects of the regulation of day care.

Other advantages to designating DOHS as the sole agency for day care regulation include its image as a neutral agency with respect to the provision of day care services and its long tradition of regulating individuals and facilities for health and safety purposes. The department is not directly involved in the provision of or funding for child day care services and it does not have an advocacy function in this area. The department's representative at the LPR&IC public hearing discussed why the agency should continue its existing duties. She said:

Child care is a preventive program--a program meant to prevent some of the debilitating factors to which young children are exposed. For this reason, as well as its acceptance as a regulatory agency, the Department of Health Services is the most appropriate home for this [group day care home and center licensure] program.³⁴

Since group day care homes and day care centers have been under its jurisdiction in the past, the addition of temporarily licensing and subsequently certifying family day care homes is a related duty for the Department of Health Services to assume. Bringing together the regulation of all day care services within one agency should lead to better coordination of the regulatory requirements that currently differ by type of facility and licensure agency.

The 17 departmental employees who responded to the LPR&IC questionnaire sent to those involved in child day care regulation were evenly divided on the question of whether coordination and regulation of all day care services should be put under

³⁴ Estelle Siker, M.D., director of the Community Health Division, DOHS, LPR&IC public hearing, February 26, 1981, p. 9.

the control of one state agency. All but one of the respondents who answered in the affirmative, however, said the agency should be DOHS.

In written testimony submitted to the LPR&IC, the president of the Connecticut Day Care and Child Development Council stated, "I wish to urge this committee to put the regulation of *all day care services* in the Department of Health Services."³⁵ Similarly, the director of the Office of Child Day Care said:

I had taken the position initially when my office submitted a plan to the legislature in April of '76 that I felt that all licensing, that is the licensing of all types of day care services, should be consolidated in the Department of Health. I still feel that way.³⁶

Under this reorganized structure, the Department of Children and Youth Services will be eliminated from direct participation in any regulatory function, but the Department of Human Resources will continue to disburse state and federal funds allocated for the purchase and provision of day care services. The committee agreed with several people who testified at its second public hearing that the funding for and regulation of day care facilities should be handled by separate agencies. The director of the Office of Child Day Care said, "I don't think the same agency should pay for and regulate. I'm not alone in this. The feds [federal government representatives] have raised the question about possible conflict of interest."³⁷

Although the Department of Health Services will have sole responsibility for the regulation of day care services, it is not the intent of the LPR&IC to have the agency operate exclusive of all others. As discussed in the rationale for selecting DOHS, its relationships with local health departments are an important component of the regulatory process. The cooperation of DOHS and the various local authorities--health, fire and zoning--is vital because of the assistance these entities can provide to

³⁵ February 26, 1981, letter from Luna B. Leach, president, Connecticut Day Care and Child Development Council, to the Legislative Program Review and Investigations Committee.

³⁶ Frances T. Roberts, LPR&IC public hearing, February 26, 1981, pp. 18-19.

³⁷ Ibid, p. 18.

the department with respect to inspections and monitoring as well as the increased accessibility they can provide to consumers in need of day care information. The statutorily mandated consultive relationship between these two groups (C.G.S. Sec. 19-43g) should be retained.

Because local zoning restrictions and the state fire code must be met before a day care center can obtain a license from DOHS, a nonconforming structure in one town may not be a problem in another. Although the state exercises no jurisdiction over local zoning restrictions, the development of a working relationship with one regulatory agency for all day care facilities may in time facilitate more consistent zoning requirements.

The same state fire code is used by all 169 towns, but sections of it have been interpreted differently by some towns. This has led to a situation similar to zoning--what one town allows, another may prohibit. It is the hope of the committee that placing responsibility for the regulation of all day care services within one state agency will improve the flow of information between the local and state levels of government leading to more consistent application of the fire code requirements. It is the recommendation of the Legislative Program Review and Investigations Committee that the Department of Health Services continue to improve its working relationships with as many local health and safety authorities as possible. In addition, DOHS should be sure these local representatives have correct and up-to-date information on the regulation of day care in the state.

Likewise, the department should continue its statutorily mandated consultive relationship with the Department of Education. In addition to health and safety considerations, educational concerns were identified as a third factor to be included in the standards for day care facilities. At the present time, SDE staff provide assistance to DOHS on a regular basis. While those two individuals will work with any day care center where there may be a problem, they spend most of their consultive time working with new centers. As described in Chapter IV, their activities include working with facilities in the areas of determining an appropriate educational program, staff qualifications and staff development. SDE staff also provide input into the development of regulations for group day care homes and day care centers.

It is the belief of the LPR&IC that this cooperative arrangement provides a broader perspective to the state's oversight of day care. With the transfer of responsibility for family day care homes to DOHS, the consultive role of the Department of Education

should be expanded to allow their assistance with those facilities as well. Accordingly, the Legislative Program Review and Investigations Committee recommends the continuation of the existing relationship between DOHS and SDE by which the Department of Education provides specified staff on a regular basis to work in conjunction with DOHS staff to oversee the provision of day care center services in the state. This current relationship should be extended so that the same consultive relationship will apply to the regulation of all licensed and certified day care facilities. In addition, SDE should be involved in the preparation of that portion of the regulations which concerns child development requirements.

The relationship between DOHS and DHR is also important. Because the latter agency will continue to be responsible for the disbursement of public funds for day care, in one sense, it will be the largest consumer of day care services in the state. In addition, the department is familiar with day care centers from the regulatory perspective because of the site visits it conducts to verify compliance with federal requirements.

It is the belief of the committee that DHR can provide valuable advice on the promulgation of standards and that it too can serve as a reference source for consumers seeking information about day care regulation. The fact that the LPR&IC is recommending the centralization of day care regulatory activities in one agency does not mean that others who may come in contact with potential consumers and providers of day care should not be able to provide information to them. The LPR&IC recommends the continuation of the statutorily mandated relationship between DOHS and DHR. The Department of Health Services should provide the DHR regional offices with accurate up-to-date lists of day care providers.

It is the understanding of the committee that at various times, depending on what problems or issues may develop, that DOHS might be interested in consulting with other appropriate state agencies about day care issues. The committee knows of no barrier to this informal process, but in an effort to highlight the most likely consultations, the LPR&IC recommends DOHS be given statutory authority to consult with the Departments of Children and Youth Services, Mental Health and Mental Retardation and other agencies with related interests, if the commissioner of health services feels such a relationship would be beneficial to the state's regulation of child day care. (See C.G.S. Sec. 19-43g.)

Organizational Structure

In order to carry out its recommendation to consolidate responsibility for the regulation of all child day care services within the Department of Health Services, the Legislative Program Review and Investigations Committee believes certain changes must be made in the current organizational structure of the various day care units. Statutory revisions are also needed to ensure the unduplicated performance of other duties connected with the state's involvement in child day care.

As noted earlier, both DOHS and DHR have staff assigned to the licensure and monitoring of day care facilities. Most of these workers are responsible for different types of facilities, although there is some overlap with respect to publicly funded centers which may be inspected by both departments. The Legislative Program Review and Investigations Committee recommends that the regulation of day care facilities be handled by a single day care division within the Department of Health Services. In addition, the committee recommends that a majority of the current staff from the Day Care Division of the Bureau of Field Operations in the Department of Human Resources be transferred statutorily to this single division in DOHS. These previously separate staffs will now be working together to oversee all licensure, certification and monitoring activities for day care facilities.

At the present time, 65 people in DHR have specified day care duties. Thirty-six of these individuals are assigned to the central office, 17 in the Bureau of Field Operations (BFO) and 12 in the Bureau of Program Planning and Development (BPPD). These employees are responsible for licensing family day care homes, approving arrangements for purchased day care services, processing nutrition grants, coordinating with Title XX training, WIN and preventive services at DCYS, and assisting with the start up and operation of publicly funded centers. As of July 1, 1981, DHR has also had responsibility for the purchase of day care services for AFDC children.³⁸

It is the intent of the LPR&IC that 32 positions be transferred from DHR to DOHS. Eight of the slots will be from the Bureau of Field Operations (the supervisor of family day care home licensing, a senior field representative, 3 field representatives and 3 clericals) and 24 will be from the regional offices (20

³⁸ June 4, 1981, letter from Ronald E. Manning, commissioner, Department of Human Resources to LPR&IC cochairmen.

Supervisory or staff positions and 4 clerical). This arrangement will allow DHR to retain 2 day care workers in each of its 6 regional offices as well as maintain the support unit and part of the grant technical assistance unit in its central office. All of the BPPD staff assigned to day care related functions will be retained by DHR. It is expected that these staff workers will continue to handle the nonlicensure day care functions cited above.

The LPR&IC recognizes that pending budgetary cutbacks may force a reduction in the number of day care staff employed by DHR at the time the legislation to implement these recommendations is acted upon. It is the belief of the committee that if there is a reduction in the number of filled positions within the day care division of DHR at that time, then the number of staff to be transferred to DOHS may be reduced by an amount determined by applying the percentage of staff lost since the start of FY 1981-82 in the department as a whole to the 29 positions that were filled on June 4, 1981. Authorization for any of the 32 positions that are vacant at the time the legislation is drafted shall also be transferred to DOHS. In no event, shall less than half of the remaining staff be transferred.

Having recommended the centralization of all regulation in the Department of Health Services, it is the belief of the committee that the development of day care policy should be the responsibility of that agency as well. Public outreach and planning functions will also be handled by DOHS, with some involvement by DHR with respect to publicly funded centers. The Legislative Program Review and Investigations Committee recommends that DOHS establish a day care policy section within its day care unit, the staffing for and the size of which shall be determined by the commissioner of health services. Funding for these employees should be obtained from the money currently budgeted for the Office of Child Day Care. Those dollars should be transferred from the DHR budget to the DOHS budget. (See p. 42.)

The purpose of this policy section will be to look at the effectiveness and efficiency of current state resources. The department is encouraged to provide assistance (for example, conferences and written materials) to municipalities and industries interested in the start-up of day care services. It is the recommendation of the Legislative Program Review and Investigations Committee that the commissioner of health services regularly report on the status of day care in the state of Connecticut to the General Assembly committee of cognizance. The

LPR&IC does not want to anticipate or foster need, but it does want to recognize the day care needs that exist.

Two other entities that are involved in day care are the Office of Child Day Care and the Child Day Care Council. The office, which is attached to DHR for administrative purposes only, was created to provide coordination and planning for day care services of all types throughout the state. The 11 member council serves in an advisory capacity to the OCDC in several areas as well as to the commissioners responsible for the promulgation of day care regulations.

The Office of Child Day Care has six statutory functions. It appears that one of those tasks has never been implemented (i.e., review and comment on certain types of plans), another has been modified to fit within the existing day care regulatory system (i.e., develop regulations for certain cooperative day care arrangements) and several others are similar to functions being carried out by the state agencies responsible for licensure and monitoring (e.g., identify and inventory day care services, develop regulations).

The committee found that while the statutes require the director of the office to "be an individual knowledgeable in all aspects of child day care and related fields and an advocate for the coordination, effectiveness and expansion of child day care" (C.G.S. Sec. 4-60o(a)), advocacy is not one of the six statutorily mandated functions of the office and yet it dominates the work of the office. The committee believes it is inappropriate for the state to be in the position of generating more demand for the creation of more services. Given the proposed consolidation of regulatory and policy responsibilities within DOHS, the LPR&IC recommends the abolition of the Office of Child Day Care. As previously stated, the committee believes the funding currently earmarked for the office should be transferred from DHR to DOHS. Some or all of these funds should be used to staff the new policy section within that agency.

The usefulness of the Child Day Care Council was also questioned by the committee. At the present time, a majority of the members are representatives of state agencies involved in day care services. As such, these individuals already have input into the governmental process since their agencies develop and monitor compliance with regulations used to implement the statutes. While the committee believes it is important for consumers of day care services as well as employers and unions, which are expressing increased concerns about the availability of day care, to have input into the day care policies developed by the

state, a statutorily defined and mandated council is not necessarily the most effective vehicle for that purpose.

It is the recommendation of the LPR&IC that the commissioner of health services be allowed the option of establishing a council on child day care with a membership that reflects the views and perspectives of a variety of day care consumers to advise him/her upon request. Current statutory language (C.G.S. Sec. 19-43c) should be revised to reflect that the existence of and membership on such a council is at the discretion of the commissioner. If a council is established, the committee encourages the placement on it of the parents of children enrolled in both publicly funded and privately operated day care facilities, providers of day care services and business and union representatives interested in the development of day care services.

To encourage the comments and suggestions of the public with respect to the state role in the day care field, the committee urges DOHS to make major efforts, using the format it deems appropriate, to solicit comments on all regulations and planning and policy decisions it makes in the area of day care. When reporting to the General Assembly on problems or issues the department has identified as needing legislative action, DOHS should be able to provide information on the public's feelings about the department's recommendations. As with any other citizens concerned about a particular issue, day care consumers and providers also have access to their elected state and local representatives if they wish to convey any views on topics related to child day care.

Publicly Funded Day Care Centers

The approximately 100 publicly funded day care centers in Connecticut are operated in accordance with specified procedures identified by the state and federal government. The LPR&IC has not recommended any changes in the funding to these centers or the agency through which that funding is disbursed. The committee did find several areas where it believes more information or fewer restrictions could lead to improvements in the provision of day care services in publicly funded centers.

Inspections. Publicly funded day care centers currently receive visits from DHR staff in addition to the licensure monitoring done by DOHS and local health department staff. In the

past, federal regulations required more frequent inspections than the state standards. As discussed in Chapter II, implementation of revised federal regulations has been postponed until January 1982. In the meantime, the individual states have the right to establish whatever standards they feel are appropriate for the regulation of federally funded facilities; these standards can be the same as those for privately funded day care.³⁹

It is the recommendation of the LPR&IC that publicly funded day care centers be inspected using the same standards on the same schedule as all other day care centers.⁴⁰ Reducing the extra oversight of publicly funded day care centers should facilitate the performance of a minimum number of inspections per licensure period for all regulated day care facilities. This policy is also in keeping with the committee's belief that all day care--whether publicly or privately funded--should be treated the same way if it falls within the definitions of regulated facilities.

Cost data. During the LPR&IC public hearing on group day care homes and day care centers, a number of speakers testified about the low salaries paid to workers in publicly funded day care centers. Low salaries have been one of the factors leading to high staff turnover in such facilities. At the same time, when the minimum wage does go up, DHR is faced with having to increase wages for day care workers out of a nonexpanding pool of money. Department of Human Resources' staff have cited increasing minimum wage rates, increasing social security costs and annual wage increments as expenses that will have to be absorbed by future DHR budgets. The department was not able to give any estimates of how much money will be needed to meet these increasing costs.

Because of concern that DHR is unable to provide specific figures on the costs associated with the operation of its publicly funded centers, the LPR&IC recommends that the Department

³⁹ Federal Register, Vol. 46 No. 106, June 3, 1981, pp. 29732-29733.

⁴⁰ It is the understanding of the committee that facilities which receive nutrition funding from the federal government must be inspected more than once per year. If this requirement remains in effect, then the DHR staff responsible for handling this function should perform these additional inspections. Whenever possible, however, arrangements to obtain the information needed for this program should be worked out with DOHS as part of their inspection process.

of Human Resources develop a cost estimate of its needs in this area for the next three fiscal years. Included in this analysis should be an estimate of the funds needed to meet increasing social security costs, annual wage increments and minimum wage rates for publicly funded day care center employees. This information should be reported to the legislature's Appropriations Committee by February 1982 for their use in determining future funding levels that will be needed for publicly funded day care centers.

Substitutes in day care centers. In the past, day care facilities receiving federal money have been subject to federal regulations concerning staffing requirements. For example, groups of children including three and four year olds must have one staff member for every five children. After school centers for school age children must have one staff member for every ten children.

The issue of substitutes being used in public and private day care centers was raised during the second LPR&IC public hearing on day care. A private day care center may employ a substitute if that person has a medical examination sheet on file at the center. The Department of Human Resources, however, will not reimburse its centers for substitutes. It is the recommendation of the Legislative Program Review and Investigations Committee that the Department of Human Resources develop a plan to pay for substitutes in publicly funded day care centers.

State Incentives

While the LPR&IC has stated previously that it does not believe the state should be in the position of generating more demand for day care services, the committee does support incentives to help people who are already taking initiatives themselves. For example, Public Act 81-100 provides a 25 percent tax credit against state business taxes for companies that open day care facilities for their employees. The intent of this legislation is to promote the involvement of private employers in sponsoring company-based child day care. The Legislative Program Review and Investigations Committee endorses the intent of this legislation and will be monitoring implementation to see how well it works.

The problem of paying for child day care services is often greatest for low income people who are working. They are earning too little to pay the going rate charged by many day care

facilities, but they may not qualify for governmental assistance because they are employed. Publicly funded day care centers generally care for children over the ages of two years and eight months and even then these facilities don't always have enough space for all the children eligible for care. Some privately operated day care facilities charge on a sliding fee basis, but there are no requirements that they do so.

During the LPR&IC public hearing on group day care homes and day care centers, several people testified about this problem. A teacher at a day care center said:

We have a good number of parents at our center that are stretched beyond their means to pay their day care bill. They've gone to this state for help financially in paying their bill, and they were told that if they were not on some kind of welfare program, such as AFDC, that they didn't qualify for day care money.⁴¹

With the cost of day care services increasing, this problem is not likely to diminish. It is the recommendation of the Legislative Program Review and Investigations Committee that the Human Services Committee study the issue of how to supplement day care services for low income people who are working.

Private School Designations As a Means to Avoid Day Care Center Licensure

At the present time, a facility that normally would be defined as a day care center in Connecticut can avoid licensure entirely if it establishes a formal educational program for the children over seven years of age enrolled in its facility and it files a register of attendance with the commissioner of education. While the school must comply with local and fire code regulations, program approvals are voluntary. Exactly how many facilities are using the private school label to avoid licensure as a day care center is not known, but there have been estimates that between 10 and 100 facilities are currently doing so.⁴²

⁴¹ Susan Markham-Blondin, teacher, Community Children's Center, LPR&IC public hearing, February 26, 1981, p. 63.

⁴² Interviews with private individuals and SDE staff.

In order to correct this problem, changes may be needed in both the day care and school program requirements of the state. Resolution of this issue is beyond the scope of this day care study and thus the problems are not addressed in detail. The staffs of the agencies involved in this area should develop recommended changes in regulations and/or statutes. If legislative action is needed to implement these changes, then that information should be provided to the standing committee with jurisdiction over the matter prior to the start of the 1982 legislative session.

The LPR&IC recommends that the Department of Health Services, as the agency responsible for licensing day care centers, be required to work with the Department of Education to determine which statutes and/or regulations need to be changed in order to close a loophole in current law which enables day care centers to avoid licensure by calling themselves private schools. This report should be submitted to the committee of cognizance by January 15, 1982.

Fee Revisions

At the present time, no fee is charged for a family day care home license and the fee for a group day care home or day care center license is only \$25 for two years. These amounts in no way cover the expense of regulating day care services nor are they in line with fees charged for other regulatory purposes. Expenditures for the salaries of the employees in the various agencies responsible for day care licensure activities during FY 1980-81 exceeded \$600,000. Accordingly, it is the recommendation of the Legislative Program Review and Investigations Committee that the fee for a day care center license be increased to \$100 for two years and that family day care homes be charged \$25 for a two year license or certificate. The fee for a temporary license or certificate should increase from \$15 to \$20.

Currently, day care facilities which operate in violation of the statutory licensure provisions are subject to fines of up to \$100 per violation or offense (C.G.S. Sec. 17-52 and 19-431). There seems to be some ambiguity, however, as to the meaning of those statutes. Questions have been raised as to: 1) whether the fine applies to each day of operating without a license or only to the act of operating without a license for any continuing period of time; and 2) if the fine applies to

violations of regulations by facilities that are already licensed. In order to clear up these issues, the committee determined that changes should be made in the existing statutes.

The LPR&IC believes the imposition of a single \$100 fine for failing to operate legally is such a small penalty that it may be viewed merely as a cost of doing business by some day care operators. The committee contends an increase in the penalties that can be assessed for such violations might lead to improved compliance with the law. Accordingly, the LPR&IC recommends the imposition of a fine of up to \$100 per day for each violation of the licensure or certification requirements for family day care homes. In addition, the same penalty shall apply to day care centers (as newly defined in this report) which violate licensure requirements.

Licensing, Certifying and Employing Persons with Certain Criminal Convictions

The problem of child care personnel who have prior criminal convictions that would render them unfit to care for children, including the potential of abusing or molesting them, does not appear to be widespread. It is a serious issue, however, which the committee believes should be addressed.

Connecticut state policy is to "encourage all employers to give favorable consideration to providing jobs to qualified individuals, including those who may have criminal conviction records" (C.G.S. Sec. 46a-79). Consequently, a person cannot be denied employment or disqualified from engaging in a business for which a license or certificate is required by the state solely because of a prior criminal conviction (C.G.S. Sec. 46a-80).

A person, however, may be denied employment or a license or certificate if the state or its agencies determine that the applicant is not suitable for the particular business after considering the following three factors: 1) the nature of the crime and its relationship to the job for which the person has applied; 2) information pertaining to the degree of rehabilitation of the convicted person; and 3) the time elapsed since the conviction or release. A rejection based upon a criminal conviction is to be sent by registered mail to the applicant, specifically stating the evidence presented and the reasons for rejection (C.G.S. Sec. 46a-80).

In contrast, family day care home regulations prohibit, within five years of the date of application, the granting of a license to a person who is awaiting, on trial for, or convicted of a felony against persons. Licensure is also prohibited if a child has been removed from the care or custody of a person for reasons of child abuse or neglect within that same time period (Regulations of Connecticut State Agencies, Sec. 17-48-110). The personnel policy guidelines issued by DOHS for day care employees are silent on this subject.

In order to ensure the protection of children being cared for, the LPR&IC feels statutory requirements in the area of child day care services should be consistent with current state policy. Therefore, the LPR&IC recommends that the statutes relating to the granting, denying, suspending and revoking of licenses and certificates of operators of child day care services be amended to provide that those operators who have criminal conviction records should be treated in accordance with the state policy provided in C.G.S. Sections 46a-79 to 46a-81, inclusive. In addition, these statutes should apply the same principles to the employment by child day care facilities of individuals with criminal conviction records.

The committee believes the final decision for determining which individuals should be refused a license or certificate (because of their crimes or those of their employees) should be left to the discretion of the agency based on the three factors stated above. The LPR&IC does feel, however, that the nature of certain crimes and their relationship to the job of providing supplementary care to children should be given special consideration by the commissioner of health services. These crimes include: felonies (as defined in C.G.S. Sec. 53a-25), cruelty to persons (C.G.S. Sec. 53-20), injury or risk of injury to or impairing morals of children (C.G.S. Sec. 53-21), abandonment of children under the age of six years (C.G.S. Sec. 53-23), and sexual contact in the fourth degree (C.G. S. Sec. 53a-73a). This in no way precludes the commissioner from denying a license or certificate because of a conviction for a crime not specified above.

In order to accomplish this recommendation, the licensed or certified person should be subject to a fine and possible license or certificate suspension or revocation if they fail to notify the commissioner of the Department of Health Services of any criminal conviction of the owner, operator or employee of the child day care service immediately upon notice of the conviction. In addition, it should be a Class A misdemeanor for

an employee to make a false written statement regarding prior criminal convictions, with intent to deceive his employer, pursuant to a form bearing notice to that effect. Similarly, forms provided by the commissioner of the Department of Health Services for applications for licenses and certificates shall bear notice to the effect that false statements made therein are punishable under C.G.S. Sec. 53a-157 as a Class A misdemeanor.

APPENDICES

APPENDIX I

GLOSSARY

certification - a form of regulatory control that provides verification that an individual has certain credentials relative to his/her profession or occupation. The decision to meet those standards is voluntary as long as an individual or facility does not claim to be certified without verification from the state.

CDCC - Child Day Care Council.

day care center - provides a program of supplementary care to more than 12 unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

DCYS - Department of Children and Youth Services.

DHR - Department of Human Resources.

DIM - Department of Income Maintenance.

DOHS - Department of Health Services.

family day care home - a private family home caring for not more than 4 children not related to the provider for not less than 3 nor more than 12 hours during a 24 hour period on a regularly recurring basis.

group day care home - provides a program of supplementary care to not less than 5 nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in a week.

latch key syndrome - a situation where children come home to an empty house after school.

licensure - the most restrictive form of regulation; it means a person must obtain a license from a recognized authority in order to perform a specified activity or operate a specified facility.

LPR&IC - Legislative Program Review and Investigations Committee.

OCDC - Office of Child Day Care.

PCSW - Permanent Commission on the Status of Women.

registration - a process of regulation that requires all individuals who wish to engage in a particular activity or operate a particular kind of facility to list their names with an official group. There may be some minimum practice standards which an applicant is required to meet, but compliance is self-reported and there are no other restrictions on who may list their name or facility.

SDE - State Department of Education.

APPENDIX II

N=17

LPR&IC Questionnaire--State Agency Personnel

LPR&IC Day Care Center and Group Day Care Home Study

- N=17 1. Please indicate whether you believe more child day care services are needed in the following categories. (Please circle your answer)

	<u>Day Care Center</u>				<u>Group Day Care Home</u>			
		Yes	No		Yes	No		
Full-day	88%	Yes	12%	No	88%	Yes	0%	No
Night-time	41%	Yes	24%	No	47%	Yes	12%	No
Infant care	88%	Yes	6%	No	82%	Yes	0%	No
Before school	88%	Yes	0%	No	76%	Yes	0%	No
After school	100%	Yes	0%	No	88%	Yes	0%	No
Weekend care	29%	Yes	29%	No	41%	Yes	18%	No
Other (please specify)								
_____		Yes		No		Yes		No

- N=11 2. Are there any areas not currently mandated by state statute or regulation in which you feel a day care center operator or group day care home operator should be required to receive training?

Group day care home operator: Training in business practices, and child development; disciplinary and child abuse information; character references.

Day care center operator: Training in administration and management, and child development; disciplinary and child abuse information; character references.

N=15 3. In your opinion, how successful has the Child Day Care Council been in the following areas?

	<u>Very Suc- cessful</u>	<u>Successful</u>	<u>Not Successful</u>	<u>Don't Know</u>
a. Increasing communication between the various agencies involved in day care	27%	47%	7%	20%
b. Setting broad policy objectives (priorities) for the state in the area of child day care	0%	53%	20%	27%
c. Recommending to the Commissioner of Health Services new regulations or amendments to existing regulations	7%	53%	7%	33%
d. Developing a plan to coordinate existing and future child day care services	0%	20%	33%	40%
e. Other (please specify) <u>1</u>				

4. On a scale of 1 = very effective to 5 = not effective, how would you rate each of the following state agencies in carrying out their respective functions in the area of child day care? (Please circle one answer for each.)

	Very Effective		Not Effective			Don't Know
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Child Day Care Council	6%	25%	31%	12%	0%	25%
Dept. of Children & Youth Services	0%	12%	31%	19%	6%	19%
Dept. of Education	12%	75%	12%	0%	0%	0%
Dept. of Health Services	6%	75%	6%	12%	0%	0%
Dept. of Human Resources	6%	44%	25%	25%	0%	0%
Dept. of Income Maintenance	0%	12%	31%	25%	0%	25%
Office of Child Day Care	6%	31%	31%	6%	6%	19%
Other (Please specify) _____						

N=17 5. Please indicate which of the following outcomes you feel are caused or affected by the present system of licensing group day care homes and day care centers. (Please consider each item separately for group homes and centers and circle the appropriate number if the answer is yes.)

	<u>Group Day Care Homes</u>	<u>Day Care Centers</u>
Delays the opening of new facilities.....	59%	53%
Increases costs to providers.....	29%	18%
Decreases costs to providers.....	6%	6%
Increases costs to consumers.....	24%	18%
Decreases costs to consumers.....	6%	6%
Increases the availability of services.....	24%	29%
Decreases the availability of services.....	35%	24%
Increases the quality of service.....	71%	71%
Decreases the quality of service.....	6%	0%
Other (please specify) _____ ..	0%	0%

N=17 6. Based on the definitions below, which type of regulation would you favor for a day care center and which for a group day care home?

Licensing - A person must obtain a license from a designated state agency in order to operate a day care center or group day care home and some demonstration of competence would be required to obtain the license.

Certification - Provides verification that a day care center or group day care home operator has certain skills and the building meets certain standards, but it does not prevent others from engaging in the operation of a day care center or group day care home as long as they do not claim to be certified.

Registration - Requires individuals who wish to operate a day care center or group day care home to list their names with a designated state agency, but there are no restrictions on who may list their name.

	<u>Day Care Center</u>	<u>Group Day Care Home</u>
Licensing	100%	82%
Certification	0%	0%
Registration	0%	12%
No state involvement	0%	0%
No response	0%	6%

Please explain why you selected the options you did. Licensure
provides a minimum level of quality, protects the children, need some state
involvement; registration provides a base of regulation.

N=17 7. Do you feel coordination and regulation of all day care services (family homes, group homes and centers) should be put under the control of one state agency?

Yes 47%
No 47%
Don't know 6%

If yes, please indicate which agency you would recommend and why.

DOHS - 7 (Major reason was better coordination.)

DHR - 1

If no, please indicate what arrangement you would recommend.

Present system is working, conflict of interest if one agency provides the funding and also does licensing, SDE and DOHS have a good team approach, family homes should be left separate.

N=16 8. Should the state have a role in the establishment of new private and industry sponsored child day care services?

Yes 87%

No 12%

Please explain your answer State should provide technical assistance, promote diversity of sponsorship, give tax credits, licensing assistance, make sure centers meet minimum standards, look at all options not just tax credits.

APPENDIX III

DAY CARE CENTER OPERATOR'S PHONE SURVEY

Hello, my name is _____.

I work for the Legislative Program Review and Investigations Committee of the Connecticut General Assembly. The committee is presently conducting a program review of day care centers and group day care homes which I believe you received a letter describing. I am calling in order to complete the questionnaire mentioned in that letter. Is this a good time for you to respond or should I call back at a more convenient time?

What is your official title? _____

How long have you been working in the field of day care? _____

- | | | |
|---|--|---|
| <p>N=56</p> <p>How Many Children
Mode-12 & 20
Mean-35</p> | <p>1. Do you presently have a waiting list?
(Circle answer: Yes No) [If yes,] approximately how many children are on the list? _____
length of the average wait? _____</p> | <p><u>Length of Avg. Wa.</u>
Mode - 1 month
Mean - 7 months</p> |
| <p>N=57</p> <p>Can equal more than 100%</p> | <p>2. How have people found out about your day care center in the past? (Some used more than one method.) _____</p> <p>Word of mouth 74% Radio advertising 5%
Newspaper advertising 49%
Periodic community meetings 9%
Planned recruitment drive 12%</p> | |
| <p>N=56</p> <p>CHECK ANSWER</p> | <p>3. Do you charge the same fee for all children at your center or is there a range?</p> <p>Yes, one fee 46% FILL IN What is it? _____
No, a range 46% ANSWER What is it? _____
No fee 7%</p> | |

[If a range,] what factors affect the fee charged?

- DO NOT READ
- 23% a) age of child
 - 59% b) length of time spent at center per day/week
 - 0% c) other siblings enrolled in center
 - 9% d) income level of parent(s)
 - 9% e) other (specify) family size, if only one parent.

N=57 4. Do you have meetings with the parents of the children in your center? 86% 14%

(CIRCLE ANSWER: YES NO)

[If yes,] how frequently? Monthly-31% Bimonthly-10% Quarterly-18%
Semi-annually-27% Annually-8% No Response-6%

5. Are parents allowed to visit the center during its hours of operation? 100% 0%

(CIRCLE ANSWER: YES NO)

[If no,] why not? _____

N=57 6. How did you discover that a day care license was required?

Past experience 35%

Through the state 23%

Center was in existence 14%

Through training or school 5%

Other, 23% spoke with other people, just knew.

7. How often do you communicate with or receive assistance from each of the following state agencies?

	Daily	Weekly	Monthly	Quart- erly	Annu- ally	Rarely If Ever	Never	Don't Know	Never Heard Of
DCYS	2%	2%	11%	7%	4%	42%	25%	4%	0%
DHR	0%	9%	9%	0%	9%	38%	29%	5	0%
DIM	0%	4%	7%	4%	2%	35%	45%	4%	0%
DOHS	0%	7%	13%	24%	27%	24%	0%	0%	0%
SDE	2%	0%	11%	27%	13%	24%	20%	0%	0%
OCDC	0%	4%	4%	2%	13%	44%	29%	0%	5%

N=56

8. Have you had any problems dealing with any state agencies?
 9% 91%
 (CIRCLE ANSWER: YES NO)

[If yes,] please specify agency and/or problem.

Three operators indicated problems with DCYS, one with DOHS and one with DHR. One operator indicated DCYS had not communicated with a child who was placed by a local hospital for preventive purposes. One operator said DHR was inconsistent with its regulation.

N=57

9. How many times in the past year has your center been inspected by state agency personnel? Range from 0-6

Which agency or agencies were they from? 16 centers were not inspected, 18 were inspected once, 11 twice, 3 three times, 6 four or more times. 33 centers were inspected by DOHS, 4 by SDE and 5 by DHR.

N=56

10. Do you feel the present licensing for day care centers system affects or causes any of the following?

Do you think licensing increases, decreases or has no effect on:

	<u>Increases</u>	<u>Decreases</u>	<u>No Effect</u>	<u>Don't Know</u>	<u>Other</u>
a) the costs of providers	34%	2%	59%	5%	0%
b) the cost to consumers	21%	2%	68%	5%	4%
c) the availability of services	30%	27%	30%	12%	0%
e) the quality of day care	86%	0%	12%	2%	0%

READ FOR EACH ITEM

N=56

11. Now, I'm going to read you the definitions of several levels of state regulation. I would like to know which level you think would be the most appropriate level for day care centers in Connecticut.

- 1) Licensure - A license must be obtained from a designated state agency in order to operate a center and some demonstration of competence would be required to obtain the license.
- 2) Certification - Provides verification that certain skills or standards have been met by a center and its operator, but it does not prevent others from operating centers as long as no claim is made that they are certified.
- 3) Registration - Centers must be listed with a designated state agency, but there are no restrictions on who may list their names with the agency

CHECK
ONE
RESPONSE

Do you think licensure 75% certification 12%
registration 3% or no state involvement 0% would
be most appropriate for day care centers in Connecticut?

Licensure, certification and registration - 7%
Licensure and certification - 2%

Why? *The reasons for favoring licensure included protecting the health and safety of the children, need for oversight, provide a base level of regulation and to assure accountability. Those who favored certification felt it would provide some level of regulation and force operators to meet some requirements. Registration was favored because it would provide a minimal level of care.*

N=32 12. Do you have any concerns you would like to mention? *The concerns expressed by the operators varied. Some nursery school owners felt they should not be licensed with day care centers. Public center operators expressed a need for more day care centers, more public money for day care and better salaries for day care workers. Some operators complained about the amount of paperwork required by the state and the lack of coordination among state agencies involved in day care. A Montessori school operator felt that Montessori schools should not be licensed with day care centers. The operator felt quality at Montessori schools was far better.*

THANK YOU FOR TAKING TIME TO ANSWER THESE QUESTIONS.

APPENDIX IV

Draft of Proposed Bill to Implement Legislative Recommendations

AN ACT CONCERNING CHILD DAY CARE SERVICES

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

That section 17-48 and sections 19-43b to 19-431, inclusive, of the general statutes be amended to transfer licensing and other regulatory authority over the care of a child by a person or group of persons, where said child is cared for in a "family day care home", as defined by section 19-43b(c) of the general statutes, from the commissioner of children and youth services to the commissioner of health services.

That sections 19-43b to 19-431, inclusive, of the general statutes be amended to provide that "child day care services" shall include only a "child day care center" and a "family day care home". A child day care center shall offer a program of supplementary care to more than seven unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days of the week. A family day care home shall offer supplementary care to not less than three nor more than seven children unrelated to the provider where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis.

No operator of a child day care service, as defined by this act, may operate said service without a license issued by the commissioner of health services. Said license shall authorize the operation of a child day care service only by a person licensed to operate the service, shall require that the operation of a child day care service meets certain minimum standards as a condition to licensure, and shall require the enforcement of standards by the commissioner of health services.

Notwithstanding said licensing requirements, on a date to be specified by the commissioner, but not later than one year after the effective date of this act, a certification system shall be instituted for family day care homes, as defined by this act. Under this system, a certificate shall authorize the operation of a family day care home by a person certified to operate the home, but a person who is not certified shall not be prohibited from

operating a family day care home. In addition, a person shall be prohibited from falsely representing that he is certified to operate a family day care home unless the person holds a certificate issued by the commissioner of health services which authorizes said operation. Furthermore, the certificate shall require that the operation of a family day care home meets certain minimum standards as a condition to certification.

For licensing and certifying requirements, said child day care services shall not include the services listed in section 19-43b(d) of the general statutes and family day care homes shall not include homes which provide services to children placed there by a child placing service, licensed under section 17-49a of the general statutes.

Forms provided by the commissioner of health services for applications for said licenses or certificates shall bear notice to the effect that false statements made therein are punishable in accordance with section 53a-157 of the general statutes. The commissioner shall issue said license or certificate if, upon inspection and investigation, he finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to receive a child day care service and comply with requirements established by regulations adopted under this act.

A license for a child day care center, shall be issued for a term of two years at a fee of one hundred dollars. A license or certificate for a family day care home shall be issued for a term of two years at a fee of twenty-five dollars. A temporary license or certificate for a child day care service shall be issued for a term of six months at a fee of twenty dollars.

The commissioner of health services may, in his discretion, refuse to license or certify a person to operate a child day care service, or may suspend or revoke said license or certificate, if the owner or operator of such service or a person employed by him in a position connected with the provision of care to a child receiving child day care services, has been convicted of a felony as such term is defined in section 53a-25 of the general statutes, cruelty to persons under section 53-20 of the general statutes, injury or risk of injury to or impairing morals of children under section 53-21 of the general statutes, abandonment of children under the age of six years under section 53-23 of the general statutes, sexual contact in the fourth degree under section 53a-73a of the general statutes, or has such a criminal record that the commissioner reasonably believes that said person is not suitable to hold such a license or certificate or be employed in such a position. However, no refusal of a license or certificate

shall be rendered except in accordance with the provisions of sections 46a-79 to 46a-81, inclusive, of the general statutes.

Any person who is licensed or certified to operate a child day care service shall notify the commissioner of health services of any criminal conviction of the owner or operator of said service or of any person employed by him in a position connected with the provision of care to a child receiving child day care services, immediately upon obtaining knowledge of such conviction. Failure to comply with said notification requirement may result in the suspension or revocation of the license or certificate and shall subject the licensed or certified person to a fine of not more than one hundred dollars per day for each day after said person obtained knowledge of the conviction.

In addition, it shall be a class A misdemeanor for any person seeking employment in a position connected with the provision of care to a child receiving child day care services to make a false written statement regarding prior criminal convictions pursuant to a form bearing notice to the effect that such false statements are punishable, which statement he does not believe to be true and is intended to mislead his employer in the performance of the employer's employment decision.

An applicant for a license or certificate to operate a child day care service shall be subject to the procedures provided in section 19-43 of the general statutes if said license or certificate is denied and, if granted, may have said license or certificate suspended or revoked by the commissioner in accordance with the provisions of section 19-43i of the general statutes. Any person aggrieved by a decision of the commissioner, which relates to the denial, suspension or revocation of a license or certificate, may appeal the decision in accordance with section 19-43j of the general statutes.

The commissioner of health services shall adopt regulations, in accordance with chapter 54, to further the purposes of this act and to assure that child day care services meet the health, educational and social needs of children utilizing such services. In addition, the commissioner may adopt regulations which set appropriate but differing standards for child day care centers that provide supplementary care to children in an individual's private home based upon the number of children receiving said care and taking into account factors including but not limited to safety and space considerations. The commissioner may also adopt regulations requiring a child day care service to file on a periodic basis reports which contain information on its operation, program finances and other relevant matters.

The child day care council established in section 19-43c of the general statutes shall be eliminated, but the commissioner shall have the authority to establish an advisory council, at his discretion. The commissioner of health services may consult with the advisory council on regulations which effectuate the purposes of this act and any other matters relevant to the provision of child day care services.

The commissioner of health services shall utilize consultative services and assistance from the departments of education and human resources and from municipal building, fire and health departments and may utilize consultative services and assistance from the departments of children and youth services, mental health and mental retardation. The commissioner shall also make periodic inspections of licensed and certified child day care services and shall provide consultative services to licensed and certified persons and applicants for licenses and certificates to assist them to obtain and maintain the standards established in regulations adopted under this act.

The commissioner of health services may, in accordance with section 19-43k of the general statutes, request an action to enjoin any person, group of persons, association, organization, corporation, institution, agency, public or private, or any other entity, from maintaining a child day care service without a license, or where a license is not required, from falsely representing that said entity is certified to operate a family day care home unless it holds a certificate issued by the commissioner, and from owning, operating or maintaining said child day care services in violation of this act or regulations adopted thereunder. In addition, said person or persons or an officer of said association, organization, corporation, institution, agency, public or private, or any other entity, shall be fined not more than one hundred dollars per day for each day said entity operates without a license, falsely represents that they are certified to operate a family day care home, or violates any provision of sections 19-43b to 19-43l, inclusive, and regulations adopted thereunder.

Section 4-60o of the general statutes shall be repealed, abolishing the office of child day care.

Thirty-two authorized positions in the day care division of the bureau of field operations in the department of human resources shall be transferred to the department of health services.*

STATEMENT OF PURPOSE: To implement the recommendations of the legislative program review and investigations committee's program review of Child Day Care In Connecticut.

- * When a proposed bill is actually submitted during the 1982 legislative session, it may be necessary to revise this paragraph in order to reflect changes in DHR staff resources which may have occurred subsequent to the completion of this report. (See p. 41.)

APPENDIX V
AGENCY RESPONSE

It is the policy of the Legislative Program Review and Investigations Committee to submit a late draft of each report to the appropriate agencies for comment prior to publication. Because of modifications made during the preparation of the final draft, page numbers referenced in the agency responses may not correspond to the information in this report. Written comments were solicited from the Departments of Children and Youth Services, Education, Health Services and Human Resources as well as the Office of Child Day Care.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND YOUTH SERVICES



WILLIAM A. O'NEILL
GOVERNOR

MARK J. MARCUS
COMMISSIONER

August 17, 1981

Michael L. Nauer, Director
Legislative Program Review and
Investigations Committee
18 Trinity Street
Hartford, Connecticut 06115

Dear Mr. Nauer:

Thank you for the opportunity to comment on the final draft of the Legislative Program Review and Investigations Committee's study on day care in Connecticut. Although your letter of August 7 indicates that the recommendations, having already been voted upon by the Committee, will not be changed, I would like to convey to the Committee this Agency's opinion on four points. We believe that:

All facilities providing child care should be regulated;

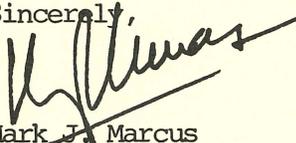
Such regulation, whether by licensure or certification, should not be voluntary;

Regulations and standards for day care centers should be uniform with no differentiation when such centers are located in an individual's private home; and

Interagency cooperation and consultation is essential to the provision of quality day care services.

In addition, I would like to reiterate the major point of my November 18, 1980, letter to the Committee, namely that State policy on day care should include and give prominence to day care as a child protection service within the context of child welfare services.

Sincerely,



Mark J. Marcus
Commissioner

MJM:bnl

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STATE OF CONNECTICUT

DEPARTMENT OF EDUCATION



August 17, 1981

Michael L. Nauer, Director
Legislative Program Review and
Investigations Committee
18 Trinity Street
Hartford, Connecticut 06115

Dear Mr. Nauer:

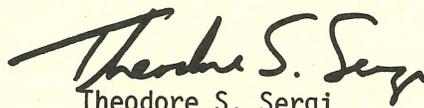
I thank you for the opportunity to comment on the recently-completed day care report. Department staff have enjoyed participating in the development of the report, including the interviews, information gathering, public hearings and presentation of the report to the Committee. The examination by the state, of its day care policy, which has not been reviewed since 1973, is both timely and appropriate.

We are pleased that the report recognizes the need for a coordinated delivery of services to day care programs by the State Department of Education and the State Department of Health Services and that it is recommending a continuation of the participatory role of our department predicated on an appropriate statutory base.

We strongly support the development of comprehensive approval standards, applied to all day care homes and centers, and that the designation as a private school not be used as a means of avoiding day care licensing.

We look forward to working with the State Department of Health Services to assure quality educational experiences for children in day care facilities.

Sincerely,


Theodore S. Sergi
Deputy Commissioner

TSS:wgm



STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

OFFICE OF COMMISSIONER

August 13, 1981

Mr. Michael L. Nauer
Director
Legislative Program Review
and Investigations Committee
Legislative Office Building
18 Trinity Street
Hartford, Connecticut 06115

Dear Mr. Nauer:

Thank you for asking me to comment on the draft Legislative Program Review and Investigations Committee report on day care in Connecticut. I have grave concerns that we will not be given the necessary personnel resources to carry out the recommendations of the report. In the absence of such resources, we will be unable to perform the required tasks in either a timely or a comprehensive manner.

In a time when we are facing cutbacks in our state and federal funding, we will be unable to use people who are currently working in other areas to meet new mandates in day care. It is my sincere hope that we will be given sufficient staff and other needed resources to be able to assume these new responsibilities effectively.

Sincerely,

Douglas S. Lloyd, M.D.
Commissioner

e



STATE OF CONNECTICUT

DEPARTMENT OF HUMAN RESOURCES
OFFICE OF THE COMMISSIONER

August 14, 1981

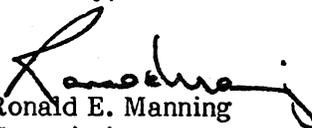
The Honorable Nancy L. Johnson
The Honorable Joseph H. Harper, Jr.
Co-Chairpersons
Legislative Program Review and
Investigations Committee
Legislative Office Building
18 Trinity Street
Hartford, Connecticut 06115

Dear Senator Johnson and Representative Harper:

This letter is a response to your final draft report on day care in Connecticut. It is recommended that the Committee refer back to its own report on family day care which was published in December.

The position of the Department of Human Resources remains the same. We do not agree with the Committee's recommendations to change to voluntary certification, or to consolidate all day care regulation in the Department of Health Services, or to transfer Department of Human Resource positions to that Department. Please refer to our prior comments.

Sincerely,


Ronald E. Manning
Commissioner

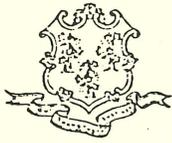
REM/jel

Attachment

Information Copies to:

Senator John C. Daniels
Senator M. Adela Eads
Senator Amelia P. Mustone
Senator Cornelius O'Leary
Senator Carl A. Zinsser
Michael L. Nauer, Director

Representative William J. Cibes
Representative J. Peter Fuscas
Representative Carol A. Herskowitz
Representative Dorothy K. Osler
Representative William J. Scully, Jr.



STATE OF CONNECTICUT

DEPARTMENT OF HUMAN RESOURCES
OFFICE OF THE COMMISSIONER

May 7, 1981

The Honorable Nancy Johnson, Senator
The Honorable Joseph Harper, Representative
Co-Chairpersons
Legislative Program Review and
Investigations Committee
Legislative Office Building
18 Trinity Street
Hartford, Connecticut 06115

Attention: Mike Nauer, Executive Director

Dear Senator Johnson and Representative Harper:

Please refer to the communication of April 29, 1981, from Ms. Anne E. McAloon to Mr. Marostica regarding the tentative proposed model for future regulation of day care in Connecticut now being considered by a sub-committee of the Legislative Program Review and Investigations Committee (copy attached). I sincerely appreciate this opportunity to comment on the tentative proposed model before it proceeds to further deliberation by the full committee since I foresee several major problems should this course of action be taken. I was bewildered by this development since it contradicts the earlier findings of the committee published in December of 1980. Although I recognize that the Committee left open other courses of action for future consideration, the draft material, in my opinion, is a substantive departure from the previous findings of the Committee.

I feel compelled to reiterate as firmly as I can the previous testimony of this agency and the detailed discussions which DHR staff have had with the Committee and its staff. The Department of Human Resources is the day care agency of the state. All of the appropriations from the General Assembly and all Federal day care funds are under the management of DHR. DCYS has little involvement in day care and has testified before the Committee in support of transferring to DHR the family day care licensing function. DHR pays from its appropriations for day care utilized by DCYS in the protective services program. DIM soon will have no direct involvement in day care. The activities of the Department of Health Services are limited to licensing of day care centers and group homes. In other words, this state has achieved what has escaped resolution in other states; that is, the locus of responsibility for day care in a single agency. This allows for policy development, resource utili-

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zation and management of day care in a unitary agency. The proposed change would reverse that accomplishment by increasing the involvement of both the Department of Health Services and the Department of Education.

DHR is the broadest human services agency in the state government. We interface and are co-located with DIM and its AFDC caseload which are the principal users of day care services and also have access to other DHR services such as job placement in the WIN program, preventive services, shelter services, and the resources of human resource development agencies such as community action agencies, programs funded through Title XX, municipalities and other agencies funded in various ways by DHR.

May I point out next to the Committee a matter about which the Committee may not be totally aware. The 1980 General Assembly transferred from DIM to DHR the appropriation of \$5,340,000 for purchase of day care. Yet no funds were authorized to DHR for the administration of the appropriation. DHR will assume full control of this appropriation on July 1, 1981. In light of this development, I am in no position to release staff to any agency for any purpose. The current DHR staff who are involved in licensing of family day care homes will be utilized to control, manage, and authorize all payments from this appropriation. The staff in the Department's six (6) regional offices in addition to licensing homes also receive and act on requests for information regarding day care, make available lists of certified homes, do quarterly visits as required by USDA under the child nutrition program, and review and approve placements of children with relatives and child care arrangements within the AFDC mother's own home. The staff in the DHR Central Office are assigned to the administration of the Department's day care grant program to some 99 centers, which it funds. State and Federal funds amounting to more than ten million dollars are involved. Grants are reviewed annually. Technical assistance is provided to assure that funds are used appropriately and that standards are met by the grantees. These staff are also engaged in evaluation and training activities with the grantees. The current staff certainly are not excessive when compared to the total funds which must be controlled, managed, and supervised. It is likely that with reduced Federal funds, DHR will be faced with staff reductions in its overall staffing. May I emphasize this development for your consideration.

The Reagan Administration's Economic Program will reduce federal funds by at least 25% under the block grant approach. All DHR day care positions are funded either 100% or 75% from Federal fund sources. By October 1, 1981, DHR and other state agencies will be faced with staff cutbacks. It is unlikely that the General Assembly will appropriate state funds to replace the Federal funds which will be lost to the state.

I do not see the "conflict of interest" in DHR's continued involvement in licensing of family day care homes while at the same time being the major purchaser and grantor of day care funds. That is appropriate, in

The Honorable Nancy Johnson, Senator
The Honorable Joseph Harper, Representative

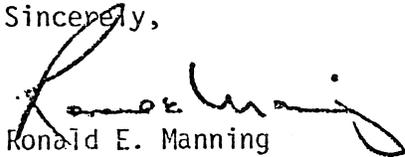
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my opinion, for a state agency which has control of the appropriations. I refer to DCYS which licenses not only foster homes but group homes and child care institutions as well, while being almost exclusively the purchaser of the very same services which it licenses. The agency which has the authority to expend the funds should be responsible for rate setting and policy making as well as licensing.

May I suggest to the Committee that further study be given before moving from licensing to certification of family day care homes. May I recommend that the staff of the Committee carefully research the experience of other states, identify and study the literature, and weigh carefully the cost benefits of this proposed change.

I urge the sub-committee to reconsider its tentative proposal. Certainly, no action should be taken until it is clear what the impact of the Reagan Administration Program will be upon the state. When that impact is known, the General Assembly may need to take drastic action in regard to the social welfare programs of the state.

Sincerely,



Ronald E. Manning
Commissioner

REM:PNT

cc: Ms. Anne E. McAloon
File



STATE OF CONNECTICUT
OFFICE of CHILD DAY CARE

August 14, 1981

To: Legislative Program Review and Investigations Committee
From: Child Day Care Council
Subject: Comments on Recommendations in Draft Report on Child Day Care

The Child Day Care Council met on Monday, August 10, in a special meeting to consider the recommendations contained in the draft report on child day care. Inasmuch as the material available to the chairperson for distribution contained only the first 25 pages of Chapter V, Recommendations, discussion was limited to issues raised in that portion and did not include issues in pages 26 to 37. The agenda for the meeting, identifying issues in the draft, is attached. Comments are given in abbreviated fashion and correspond to the numbers on the agenda.

Issues 1, 2 and 5 were discussed together since they all involve changes in categories of regulations.

General consensus that regulation should apply to 1 child as well as 3 or 7. Question raised whether provider's own child or children are to be included in number subject to regulation.

SDE Child Care Food program representative stated that if no regular monitoring is available for services with less than 3 children, this would eliminate food supplement money to those providers.

If single women with children must work, it will be impossible without child care; non-regulated homes will be unknown to us and thus not available for referral or placement.

Existence of child protective services should not be related to number of children served.

Issue 3 regarding elimination of group day care home and inclusion of services for 8 or more as "centers."

There still appear to be 3 categories, since a different set of standards is suggested for private homes. More confusion likely than presently exists, since questions raised whether private home requires provider to live there; applies to 2-family house with provider living in one section and services provided in another; applies to any number of children served. Could lead to unequal application of the law if regulation based on home ownership rather than nature of services or number served.

Reimbursement for food money is presently more liberal for family and group day care homes. If programs with 8 to 12 children are now called "centers," they will no longer be able to be reimbursed through a sponsor agency but will have to set up their own non-profit status and meet stronger eligibility requirements for each child. Child nutrition program is supposed to be for nutrition, not welfare.

Why get rid of cost-effective category? DHR District Offices hear from many people wishing to move from family home to group home status, increasing number of available day care spaces. Market appears ready for expansion in this category, and they are now getting tied in with other community organizations.

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(continued)

Fire, building and some local zoning codes have recognized category known as group day care homes with appropriate differentiations. This hard-won benefit would be lost. Elimination of this category would drive many small operators underground.

Issue 4: Replacing required licensing with voluntary certification.

General consensus that there are likely to be fewer homes for referral. Considered a step backwards; licensing is a way of educating providers and detecting inadequate homes, also assisting working parents who are not in a position to monitor standards and need help of government.

Issue 6: Concerning consolidation of licensing of all types in DOHS.

No consensus reached because DIM and DHR are opposed to this. Discussion noted that co-mingling payment and regulation presents problems which would be improved by leaving payment in DHR and consolidating regulation in DOHS.

Issues of co-location of staff and services were raised, but several people felt co-location in terms of housing was desirable without necessarily having all services administered by one agency.

Issues 7 through 10: Non-controversial except as basic premise of consolidation is controversial.

Issue 11: Concerning transfer of positions.

Numbers thought to be unrealistic, question of basis for this recommendation was raised. Many of these positions involve multiple functions.

Issue 12: Concerning day care policy unit in DOHS.

Opinion given that statute should not dictate departmental organization to Commissioner. Others hope that policy relates to planning and overall policy development and not just carrying out licensing responsibility.

Recommendations not clear how often Commissioner of DOHS must report. Fact that DOHS would be totally accountable for maintenance of standards was observed favorably.

Issue 13: Abolition of Office of Child Day Care.

Group felt advocacy role must be protected, whoever does planning (and policy development), whatever it is called and wherever it is located. Contradiction in recommendations pointed out where director is to be an advocate of expanded services and yet advocacy function of her office is considered inappropriate. Negative connotations of advocacy discussed, with thought of using such terms as encouragement, technical assistance, etc.

Issue 14: Concerning abolition of Child Day Care Council.

Consensus that leaving the Commissioner of DOHS to decide whether or not to have an advisory group and who is to serve on it would have the following results:

- 1) removes interaction among agencies and outside members
- 2) can't assume cooperation for problems-solving that is presently an integral function of Council within and outside of agencies participating on it - e.g., Fire Marshal, Building Inspector, Swimming Pool Licensing, etc.
- 3) removes potential of Council as watchdog
- 4) public hearing could be lost for regulation revisions.

Overall consensus was that recommendations indicate reduction of regulatory role and reduced concern for children.

CHILD DAY CARE COUNCIL
Special Meeting
August 10, 1981

AGENDA

Legislative Program Review and Investigations Committee Report on Day Care:
Discussion of Recommendations

1. Change FDC definition from up to 4 to 3 to 7 children.
2. No regulation of home serving less than 3.
3. All facilities for more than 7 = Centers.
4. Replace required licensing of FDC Homes with voluntary certification.
5. Different regulations and standards for centers in private homes.
6. Consolidation of all day care licensing in Dept. of Health Services.
- NC 7. DOHS to continue working with local authorities.
- NC 8. DOHS to continue working with State Dept. of Education.
- NC 9. DOHS to continue working with State Dept. of Human Resources.
- NC 10. DOHS to have statutory authority to consult with other agencies.
11. Transfer of DHR day care positions to DOHS. (32)
12. Establish a day care policy section in DOHS.
13. Abolish Office of Child Day Care.
14. Abolish Child Day Care Council.

NC = Non-Controversial issues.

FTR:mam
8/7/81

Frances T. Roberts

