
OLR Bill Analysis

sSB 936 (File 325, as amended by Senate "A")*

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

SUMMARY

This bill makes the following changes to the early childhood statutes:

1. authorizes the Office of Early Childhood (OEC) commissioner to increase the family income ceiling for Care 4 Kids child care subsidy applicants, thereby expanding the number of families eligible for the subsidy, and removes an obsolete Care 4 Kids priority group (§ 1);
2. grants a 45-day grace period to foster children to comply with the immunization and physical exam requirements in state child care regulations (§§ 2 & 3);
3. delineates the specific individuals who must undergo recurring comprehensive background checks in order to provide child care services (§ 4);
4. allows the OEC commissioner to order a summary suspension or probation of a provider's license for a child care center, group child care home, or family child care home, pending any license revocation or other proceedings, if she finds that public health, safety, or welfare require emergency action (§§ 5 & 6);
5. allows OEC to fine a child care center or group child care home up to \$5,000 for failing to give written notice at least 30 days before closure and establishes a procedure for issuing this penalty (§ 7);
6. changes the due date for OEC's annual report about school

- readiness programs' staff qualifications from July 1 to January 1 (see BACKGROUND) (§ 8);
7. shortens the eligibility period for competitive school readiness program grants from five to three years (§ 9);
 8. removes a reference to the now obsolete federal Goodling Even Start Family Literacy Program (§ 10);
 9. requires an individualized family services plan under the Birth to Three early intervention program (see BACKGROUND) to be signed by the child's pediatrician, primary care provider (i.e., physician or advanced practice registered nurse), or qualified personnel, rather than be developed with the pediatrician or primary care doctor (§§ 11 & 12);
 10. removes the requirement that OEC conduct a trend analysis of certain bachelor's degree programs in early childhood education or child development (see BACKGROUND) (§ 13);
 11. allows the OEC commissioner, for certain reasons the bill specifies, to suspend or revoke approval of the application of an individual seeking a head teacher or educational consultant position in a state-licensed child care center or group child care home (§ 501); and
 12. generally allows a child care center or group child care home that is licensed with a preschool endorsement to deem a child ages 32-36 months old to be age three for enrollment purposes (§ 502).

The bill also makes other minor, technical, and conforming changes.

*Senate Amendment "A" adds provisions about OEC approval of applicants for head teacher or educational consultant positions at child care centers and homes (§ 501) and the minimum age of children enrolled in child care programs for three-year-olds (§ 502). It also makes minor changes to provisions about the grace period for foster child vaccine and physical exam requirements (§§ 2 & 3) and

comprehensive background checks for Care 4 Kids child care providers.

EFFECTIVE DATE: July 1, 2019, but provisions about OEC's (1) annual school readiness staff qualifications report and (2) trend analysis of bachelor's degree programs are effective upon passage.

§ 1 — CARE 4 KIDS ELIGIBILITY

Current law authorizes the OEC commissioner to increase the family income level for Care 4 Kids child care subsidies eligibility to no more than 75% of the statewide median income. The bill allows the commissioner to instead increase it to the maximum level allowed under federal law, which is up to 85% of the statewide median income, thereby expanding the number of eligible families. This ceiling applies to both applicants for and current recipients of the subsidy.

The bill also removes from current law a priority group to which the OEC commissioner must give preference when determining Care 4 Kids eligibility. This priority group is any household with a child or children participating in the Early Head Start-Child Care Partnership federal grant program for up to 12 months based on Early Head Start eligibility criteria. (The federal program was not implemented.)

§§ 2 & 3 — FOSTER CHILD IMMUNIZATION AND PHYSICAL EXAM REQUIREMENTS

The bill allows any child care center, group child care home, or family child care home to serve a foster child for up to 45 days without that child meeting state child care regulations' immunization and physical exam requirements. It requires such centers or homes to maintain the foster child's records for at least two years after he or she leaves their care.

Under the bill, a foster child refers to any child in the custody of the Department of Children and Families (DCF) who is placed:

1. in a DCF-licensed foster home, foster home approved by a DCF-licensed child-placing agency, or state-licensed child care facility
or

2. with a relative or fictive kin caregiver (i.e., an adult age 21 or older who is not biologically related to the child but has an emotionally significant familial relationship with him or her).

§ 4 — COMPREHENSIVE BACKGROUND CHECKS

Current law requires comprehensive background checks to be conducted at least once every five years at child care centers, group child care homes, and family child care homes. The bill delineates the individuals to whom this background check requirement applies:

1. any licensee, employee, volunteer or alternate staff, assistant, substitute, or household member of a child care center, group child care home, or family child care home;
2. any person who provides child care services under the Care 4 Kids subsidy program in a family child care home or through an informal arrangement with neighbors, grandparents, great-grandparents, siblings, aunts, or uncles in their own homes; or
3. any other person who provides child care services under Care 4 Kids.

Under the bill, the comprehensive background checks for these individuals must be conducted in accordance with federal regulations governing criminal background checks for child care providers.

The above background check requirements do not apply to a person providing child care under the Care 4 Kids program (1) exclusively to children to whom he or she is related and (1) without being issued an OEC license to provide child care services.

§ 7 — NOTICE OF CLOSURE

The bill allows OEC to fine a child care center or group child care home up to \$5,000 for failing to give written notice at least 30 days before proposed closure to (1) OEC, (2) all center or home employees, and (3) parents or guardians receiving services at such centers or homes.

If the OEC commissioner believes this violation occurred, she may either personally serve or send by certified mail, return receipt requested, a notice that must contain the following:

4. a reference to the section or sections of the general statutes or regulations involved;
5. a short and plain statement of the matters asserted or charged;
6. a statement of the maximum civil penalty that may be imposed; and
7. a statement of the licensee's right to request a hearing, which must be submitted in writing to the commissioner within 30 days after the notice is mailed or served.

The commissioner must hold a hearing upon the licensee's request, with hearing proceedings following the provisions of the state's Uniform Administrative Procedure Act. The commissioner may impose a civil penalty (i.e., fine) up to the amount stated in her notice, if (1) the licensee fails to request a hearing or fails to appear at the requested hearing or (2) she finds after the hearing that the licensee committed the violation in question. The commissioner must send a copy of any order she issues by certified mail, return receipt requested, to the licensee.

§ 9 — SCHOOL READINESS GRANT ELIGIBILITY PERIOD

By law, the OEC commissioner must establish a competitive school readiness grant program to fund spaces in accredited school readiness programs or programs that seek accreditation in towns that (1) contain priority schools or former priority schools, (2) are designated as alliance districts, or (3) have high poverty. Currently, a town's eligibility for this competitive grant program is determined on a five-year period. The bill reduces the eligibility period to three years.

§ 10 — FAMILY LITERACY PROGRAM

Under current law, OEC must administer an even start family literacy program within available appropriations. This program

provides grants to establish new or expand existing local family literacy programs that provide literacy services for children and their parents or guardians. The bill removes the requirement that OEC administer the program in accordance with the William F. Goodling Even Start Family Literacy Program under the federal No Child Left Behind Act (P.L. 107-111). This federal program no longer exists.

§ 501 — OEC APPROVAL OF HEAD TEACHERS AND EDUCATIONAL CONSULTANTS

The bill requires the OEC commissioner to approve the application of any individual seeking a head teacher or educational consultant position in a state-licensed child care center or group child care home if the applicant satisfies agency requirements established in state regulations. It allows the commissioner to suspend or revoke this approval, however, if she has reason to believe that the individual has (1) failed to comply substantially with these state regulations, (2) knowingly made or caused to be made any false or misleading statements to OEC, or (3) engaged in any other behavior that makes him or her unsuitable to work in such a position.

Notice of Suspension or Revocation

The commissioner may issue written notice of her intention to suspend or revoke approval to the individual via certified mail, stating the particular reasons for her intended action.

Request for a Hearing

Under the bill, an individual who receives this notice may apply in writing for a hearing if aggrieved by the intended suspension or revocation. He or she must state in plain language why he or she is aggrieved. The application must be delivered to the commissioner within 30 days after the person's receipt of notification of the intended suspension or revocation.

Hearing

The commissioner must hold a hearing or cause one to be held within 60 days of receiving the application. She must also mail a notice of the hearing's date and time to the person at least ten days in

advance of the hearing. The commissioner or a hearing officer the commissioner appoints in writing may conduct the hearing. The person and the commissioner or hearing officer may issue subpoenas requiring witness attendance. He or she must be allowed to have legal representation and a hearing transcript must be made.

Decision

If a hearing officer conducts the hearing, he or she must state his or her findings and make a recommendation to the commissioner on the suspension or revocation. The commissioner, based upon her findings or those of a hearing officer, must render a written decision suspending, revoking, or continuing the approval. The decision takes effect 30 days after it is mailed to the person by registered or certified mail. Any person whose approval has been revoked is ineligible to apply for an approval for one year after the revocation's effective date.

Appeal of Hearing Decision

Anyone aggrieved of the decision may appeal under the Uniform Administrative Procedures Act procedures to the judicial district court of New Britain.

Exemptions

The above procedures do not apply to the denial of an initial application for an approval to work as a head teacher or an educational consultant in a licensed child care center or group care home, provided the commissioner must notify the applicant of the denial and the reasons for it by mailed written notice to the address the applicant listed on the application.

§ 502 — MINIMUM AGE FOR THREE-YEAR-OLD PROGRAM ENROLLMENT

The bill allows a child care center or group child care home that is licensed with a preschool endorsement to deem a child ages 32 - 36 months old to be age three for purposes of enrolling him or her in a preschool program the center or home provides. But the center or home may only do so with written authorization from the child's parent or guardian and the program director.

BACKGROUND

School Readiness Staff Qualifications Report

OEC must submit an annual report to the Education Committee describing school readiness programs' compliance with the staff qualification requirements established in state law (CGS § 10-520a). These requirements call for lead classroom teachers in state-funded child care programs to meet increasingly higher educational standards over the next four years, which culminate in requiring that all lead classroom teachers hold a bachelor's degree by July 1, 2023 (CGS § 10-16p(b)).

Birth to Three

The Birth to Three program is designed to strengthen families' capacities to meet the developmental and health-related needs of their infants and toddlers who have developmental delays or disabilities. Eligible families work with service providers to develop individualized family service plans. OEC is the state's lead agency for the program.

Trend Analysis

By law, OEC must conduct a quarterly trend analysis of regionally accredited institutions' bachelor's degree programs in early childhood education or child development that have not been approved by the state's Board of Regents for Higher Education or the Office of Higher Education and OEC.

This trend analysis must determine (1) whether these programs align with the teacher preparation standards of the National Association for the Education of Young Children (NAEYC) and (2) which courses and concentrations offered as part of such degree programs align with NAEYC standards (CGS § 10-520).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/15/2019)

Judiciary Committee

Joint Favorable

Yea 27 Nay 9 (04/22/2019)