



Senate

General Assembly

File No. 325

January Session, 2019

Substitute Senate Bill No. 936

Senate, April 2, 2019

The Committee on Education reported through SEN. MCCRORY, D. of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Subsections (a) to (c), inclusive, of section 17b-749 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2019*):

4 (a) The Commissioner of Early Childhood shall establish and
5 operate a child care subsidy program to increase the availability,
6 affordability and quality of child care services for families with a
7 parent or caretaker who (1) is working or attending high school, or (2)
8 receives cash assistance under the temporary family assistance
9 program from the Department of Social Services and is participating in
10 an education, training or other job preparation activity approved
11 pursuant to subsection (b) of section 17b-688i or subsection (b) of
12 section 17b-689d. Services available under the child care subsidy
13 program shall include the provision of child care subsidies for children
14 under the age of thirteen or children under the age of nineteen with

15 special needs. The Office of Early Childhood shall open and maintain
16 enrollment for the child care subsidy program and shall administer
17 such program within the existing budgetary resources available. The
18 office shall issue a notice on the office's Internet web site any time the
19 office closes the program to new applications, changes eligibility
20 requirements, changes program benefits or makes any other change to
21 the program's status or terms, except the office shall not be required to
22 issue such notice when the office expands program eligibility. Any
23 change in the office's acceptance of new applications, eligibility
24 requirements, program benefits or any other change to the program's
25 status or terms for which the office is required to give notice pursuant
26 to this subsection, shall not be effective until thirty days after the office
27 issues such notice.

28 (b) The commissioner shall establish income standards for
29 applicants and recipients at a level to include a family with gross
30 income up to fifty per cent of the state-wide median income, except the
31 commissioner (1) may increase the income level [to up to seventy-five
32 per cent of the state-wide median income] up to the maximum level
33 allowed under federal law, (2) upon the request of the Commissioner
34 of Children and Families, may waive the income standards for
35 adoptive families so that children adopted on or after October 1, 1999,
36 from the Department of Children and Families are eligible for the child
37 care subsidy program, and (3) on and after March 1, 2003, shall reduce
38 the income eligibility level to up to fifty-five per cent of the state-wide
39 median income for applicants and recipients who qualify based on
40 their loss of eligibility for temporary family assistance. The
41 commissioner may adopt regulations in accordance with chapter 54 to
42 establish income criteria and durational requirements for such waiver
43 of income standards.

44 (c) The commissioner, in consultation with the Commissioner of
45 Social Services, shall establish eligibility and program standards
46 including, but not limited to: (1) A priority intake and eligibility
47 system with preference given to serving (A) recipients of temporary
48 family assistance who are employed or engaged in employment

49 activities under the Department of Social Services' "Jobs First"
50 program, (B) working families whose temporary family assistance was
51 discontinued not more than five years prior to the date of application
52 for the child care subsidy program, (C) teen parents, (D) low-income
53 working families, (E) adoptive families of children who were adopted
54 from the Department of Children and Families and who are granted a
55 waiver of income standards under subdivision (2) of subsection (b) of
56 this section, and (F) working families who are at risk of welfare
57 dependency; [, and (G) any household with a child or children
58 participating in the Early Head Start-Child Care Partnership federal
59 grant program for a period of up to twelve months based on Early
60 Head Start eligibility criteria;] (2) health and safety standards for child
61 care providers not required to be licensed; (3) a reimbursement system
62 for child care services which account for differences in the age of the
63 child, number of children in the family, the geographic region and type
64 of care provided by licensed and unlicensed caregivers, the cost and
65 type of services provided by licensed and unlicensed caregivers,
66 successful completion of fifteen hours of annual in-service training or
67 credentialing of child care directors and administrators, and program
68 accreditation; (4) supplemental payment for special needs of the child
69 and extended nontraditional hours; (5) an annual rate review process
70 for providers which assures that reimbursement rates are maintained
71 at levels which permit equal access to a variety of child care settings;
72 (6) a sliding reimbursement scale for participating families; (7) an
73 administrative appeals process; (8) an administrative hearing process
74 to adjudicate cases of alleged fraud and abuse and to impose sanctions
75 and recover overpayments; (9) an extended period of program and
76 payment eligibility when a parent who is receiving a child care
77 subsidy experiences a temporary interruption in employment or other
78 approved activity; and (10) a waiting list for the child care subsidy
79 program that (A) allows the commissioner to exercise discretion in
80 prioritizing within and between existing priority groups, including,
81 but not limited to, children described in 45 CFR 98.46, as amended
82 from time to time, and households with an infant or toddler, and (B)
83 reflects the priority and eligibility system set forth in subdivision (1) of

84 this subsection, which is reviewed periodically, with the inclusion of
85 this information in the annual report required to be issued annually by
86 the office to the Governor and the General Assembly in accordance
87 with section 17b-733. Such action will include, but not be limited to,
88 family income, age of child, region of state and length of time on such
89 waiting list.

90 Sec. 2. Section 19a-79 of the general statutes is amended by adding
91 subsection (f) as follows (*Effective July 1, 2019*):

92 (NEW) (f) Any child care center or group child care home may
93 provide child care services to a foster child for a period not to exceed
94 forty-five days without complying with any provision in regulations
95 adopted pursuant to this section relating to immunization and physical
96 examination requirements. Any child care center or group child care
97 home that provides child care services to a foster child at such center
98 or home under this subsection shall maintain a record on file of such
99 foster child for a period of two years after such foster child is no longer
100 receiving child care services at such center or home. For purposes of
101 this subsection, "foster child" means a child who is in the care and
102 custody of the Commissioner of Children and Families and placed in a
103 foster home licensed pursuant to section 17a-114, foster home
104 approved by a child-placing agency licensed pursuant to section 17a-
105 149 or facility licensed pursuant to section 17a-145.

106 Sec. 3. Section 19a-87b of the general statutes is amended by adding
107 subsection (i) as follows (*Effective July 1, 2019*):

108 (NEW) (i) Any family child care home may provide child care
109 services to a foster child for a period not to exceed forty-five days
110 without complying with any provision in regulations adopted
111 pursuant to this section relating to immunization and physical
112 examination requirements. Any family child care home that provides
113 child care services to a foster child at such home under this subsection
114 shall maintain a record on file of such foster child for a period of two
115 years after such foster child is no longer receiving child care services at
116 such home. For purposes of this subsection, "foster child" means a

117 child who is in the care and custody of the Commissioner of Children
118 and Families and placed in a foster home licensed pursuant to section
119 17a-114, foster home approved by a child-placing agency licensed
120 pursuant to section 17a-149 or facility licensed pursuant to section 17a-
121 145.

122 Sec. 4. Section 10-530 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective July 1, 2019*):

124 (a) As used in this section:

125 (1) "Child care facility" means a "child care center", "group child care
126 home" or "family child care home" that provides "child care services",
127 each as described in section 19a-77, or any provider of child care
128 services under the child care subsidy program established pursuant to
129 section 17b-749, as amended by this act;

130 (2) "Child care services provider or staff member" means any person
131 who is (A) a licensee, employee, volunteer or alternate staff, assistant,
132 substitute or household member of a child care facility, (B) a family
133 child care provider, or (C) any other person who provides child care
134 services under the child care subsidy program established pursuant to
135 section 17b-749, as amended by this act; and

136 (3) "Family child care provider" means any person who provides
137 child care services under the child care subsidy program established
138 pursuant to section 17b-749, as amended by this act, (A) in a family
139 child care home, as defined in section 19a-77, or (B) in a home not
140 requiring a license pursuant to subdivision (4) of subsection (b) of
141 section 19a-77.

142 (b) The comprehensive background checks required pursuant to
143 subsection (c) of section 19a-80, subsection (c) of section 19a-87b, and
144 subsection (a) of section 17b-749k, shall be conducted at least once
145 every five years for each child care services provider or staff member
146 in accordance with the provisions of 45 CFR 98.43, as amended from
147 time to time.

148 (c) Any person who applies for a position at a child care facility in
149 the state shall not be required to submit to such comprehensive
150 background checks if such person (1) is an employee of a child care
151 facility in the state, or [was previously an employee of a child care
152 facility in the state during the previous one hundred eighty days] has
153 not been separated from employment as a child care services provider
154 or staff member in the state for a period of more than one hundred
155 eighty days, and (2) has successfully completed such comprehensive
156 background checks in the previous five years. Nothing in this section
157 prohibits the Commissioner of Early Childhood from requiring that
158 [an employee or prospective employee of a child care facility to] a
159 person applying for a position as a child care services provider or staff
160 member submit to comprehensive background checks more than once
161 during a five-year period. [For purposes of this section, "child care
162 facility" means a child care center, group child care home or family
163 child care home that provides "child care services", as described in
164 section 19a-77, and the home of a family child care provider, as defined
165 in section 17b-705.]

166 Sec. 5. Section 19a-84 of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective July 1, 2019*):

168 (a) When the Commissioner of Early Childhood has reason to
169 believe any person licensed under sections 19a-77 to 19a-80, inclusive,
170 and sections 19a-82 to 19a-87, inclusive, has failed substantially to
171 comply with the regulations adopted under said sections, the
172 commissioner may notify the licensee in writing of the commissioner's
173 intention to suspend or revoke the license or to impose a licensure
174 action. Such notice shall be served by certified mail stating the
175 particular reasons for the proposed action. The licensee may, if
176 aggrieved by such intended action, make application for a hearing in
177 writing over the licensee's signature to the commissioner. The licensee
178 shall state in the application in plain language the reasons why the
179 licensee claims to be aggrieved. The application shall be delivered to
180 the commissioner not later than thirty days after the licensee's receipt
181 of notification of the intended action. The commissioner shall

182 thereupon hold a hearing or cause a hearing to be held not later than
183 sixty days after receipt of such application and shall, at least ten days
184 prior to the date of such hearing, mail a notice, giving the time and
185 place of the hearing, to the licensee. The hearing may be conducted by
186 the commissioner or by a hearing officer appointed by the
187 commissioner in writing. The licensee and the commissioner or
188 hearing officer may issue subpoenas requiring the attendance of
189 witnesses. The licensee shall be entitled to be represented by counsel
190 and a transcript of the hearing shall be made. If the hearing is
191 conducted by a hearing officer, the hearing officer shall state the
192 hearing officer's findings and make a recommendation to the
193 commissioner on the issue of revocation or suspension or the intended
194 licensure action. The commissioner, based upon the findings and
195 recommendation of the hearing officer, or after a hearing conducted by
196 the commissioner, shall render the commissioner's decision in writing
197 suspending, revoking or continuing the license or regarding the
198 intended licensure action. A copy of the decision shall be sent by
199 certified mail to the licensee. The decision revoking or suspending the
200 license or a decision imposing a licensure action shall become effective
201 thirty days after it is mailed by registered or certified mail to the
202 licensee. A licensee aggrieved by the decision of the commissioner may
203 appeal as provided in section 19a-85. Any licensee whose license has
204 been revoked pursuant to this subsection shall be ineligible to apply
205 for a license for a period of one year from the effective date of
206 revocation.

207 (b) The provisions of this section shall not apply to the denial of an
208 initial application for a license under sections 19a-77 to 19a-80,
209 inclusive, and 19a-82 to 19a-87, inclusive, provided the commissioner
210 shall notify the applicant of any such denial and the reasons for such
211 denial by mailing written notice to the applicant at the applicant's
212 address shown on the license application.

213 (c) If the commissioner finds that public health, safety or welfare
214 imperatively requires emergency action, and incorporates a finding to
215 that effect in his or her order, the commissioner may order summary

216 suspension or summary probation of a license issued under sections
217 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, pending
218 proceedings for revocation or other action. These proceedings shall be
219 promptly instituted and determined.

220 Sec. 6. Section 19a-87e of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective July 1, 2019*):

222 (a) The Commissioner of Early Childhood may (1) refuse to license
223 under section 19a-87b, as amended by this act, a person to own,
224 conduct, operate or maintain a family child care home, as defined in
225 section 19a-77, (2) refuse to approve under section 19a-87b, as
226 amended by this act, a person to act as an assistant or substitute staff
227 member in a family child care home, as defined in section 19a-77, or (3)
228 suspend or revoke the license or approval or take any other action that
229 may be set forth in regulation that may be adopted pursuant to section
230 19a-79, as amended by this act, if the person who owns, conducts,
231 maintains or operates the family child care home, the person who acts
232 as an assistant or substitute staff member in a family child care home, a
233 person employed in such family child care home in a position
234 connected with the provision of care to a child receiving child care
235 services or a household member, as defined in subsection (c) of section
236 19a-87b, who is sixteen years of age or older and resides therein, has
237 been convicted, in this state or any other state of a felony, as defined in
238 section 53a-25, involving the use, attempted use or threatened use of
239 physical force against another person, or has a criminal record in this
240 state or any other state that the commissioner reasonably believes
241 renders the person unsuitable to own, conduct, operate or maintain or
242 be employed by a family child care home, or act as an assistant or
243 substitute staff member in a family child care home, or if such persons
244 or a household member has been convicted in this state or any other
245 state of cruelty to persons under section 53-20, injury or risk of injury
246 to or impairing morals of children under section 53-21, abandonment
247 of children under the age of six years under section 53-23, or any
248 felony where the victim of the felony is a child under eighteen years of
249 age, a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-

250 72b or 53a-73a, illegal manufacture, distribution, sale, prescription,
251 dispensing or administration under section 21a-277 or 21a-278, or
252 illegal possession under section 21a-279, or if such person, a person
253 who acts as assistant or substitute staff member in a family child care
254 home or a person employed in such family child care home in a
255 position connected with the provision of care to a child receiving child
256 care services, either fails to substantially comply with the regulations
257 adopted pursuant to section 19a-87b, as amended by this act, or
258 conducts, operates or maintains the home in a manner which
259 endangers the health, safety and welfare of the children receiving child
260 care services. Any refusal of a license or approval pursuant to this
261 section shall be rendered in accordance with the provisions of sections
262 46a-79 to 46a-81, inclusive. Any person whose license or approval has
263 been revoked pursuant to this section shall be ineligible to apply for a
264 license or approval for a period of one year from the effective date of
265 revocation.

266 (b) When the commissioner intends to suspend or revoke a license
267 or approval or take any other action against a license or approval set
268 forth in regulation adopted pursuant to section 19a-79, as amended by
269 this act, the commissioner shall notify the licensee or approved staff
270 member in writing of the commissioner's intended action. The licensee
271 or approved staff member may, if aggrieved by such intended action,
272 make application for a hearing in writing over the licensee's or
273 approved staff member's signature to the commissioner. The licensee
274 or approved staff member shall state in the application in plain
275 language the reasons why the licensee or approved staff member
276 claims to be aggrieved. The application shall be delivered to the
277 commissioner within thirty days of the licensee's or approved staff
278 member's receipt of notification of the intended action. The
279 commissioner shall thereupon hold a hearing within sixty days from
280 receipt of such application and shall, at least ten days prior to the date
281 of such hearing, mail a notice, giving the time and place of the hearing,
282 to the licensee or approved staff member. The provisions of this
283 subsection shall not apply to the denial of an initial application for a
284 license or approval under section 19a-87b, as amended by this act,

285 provided the commissioner shall notify the applicant of any such
286 denial and the reasons for such denial by mailing written notice to the
287 applicant at the applicant's address shown on the license or approval
288 application.

289 (c) Any person who is licensed to conduct, operate or maintain a
290 family child care home or approved to act as an assistant or substitute
291 staff member in a family child care home shall notify the commissioner
292 of any conviction of the owner, conductor, operator or maintainer of
293 the family child care home or of any household member, as defined in
294 subsection (c) of section 19a-87b, who is sixteen years of age or older,
295 or any person employed in such family child care home in a position
296 connected with the provision of care to a child receiving child care
297 services, of a crime which affects the commissioner's discretion under
298 subsection (a) of this section, immediately upon obtaining knowledge
299 of such conviction. Failure to comply with the notification requirement
300 of this subsection may result in the suspension or revocation of the
301 license or approval or the taking of any other action against a license or
302 approval set forth in regulation adopted pursuant to section 19a-79, as
303 amended by this act, and shall subject the licensee or approved staff
304 member to a civil penalty of not more than one hundred dollars per
305 day for each day after the person obtained knowledge of the
306 conviction.

307 (d) It shall be a class A misdemeanor for any person seeking
308 employment in a position connected with the provision of care to a
309 child receiving family child care home services to make a false written
310 statement regarding prior criminal convictions pursuant to a form
311 bearing notice to the effect that such false statements are punishable,
312 which statement such person does not believe to be true and is
313 intended to mislead the prospective employer.

314 (e) Any person having reasonable cause to believe that a family
315 child care home, as defined in section 19a-77, is operating without a
316 current and valid license or in violation of the regulations adopted
317 under section 19a-87b, as amended by this act, or in a manner which

318 may pose a potential danger to the health, welfare and safety of a child
319 receiving child care services, may report such information to the Office
320 of Early Childhood. The office shall investigate any report or
321 complaint received pursuant to this subsection. The name of the
322 person making the report or complaint shall not be disclosed unless (1)
323 such person consents to such disclosure, (2) a judicial or administrative
324 proceeding results from such report or complaint, or (3) a license
325 action pursuant to subsection (a) of this section results from such
326 report or complaint. All records obtained by the office in connection
327 with any such investigation shall not be subject to the provisions of
328 section 1-210 for a period of thirty days from the date of the petition or
329 other event initiating such investigation, or until such time as the
330 investigation is terminated pursuant to a withdrawal or other informal
331 disposition or until a hearing is convened pursuant to chapter 54,
332 whichever is earlier. A formal statement of charges issued by the office
333 shall be subject to the provisions of section 1-210 from the time that it is
334 served or mailed to the respondent. Records which are otherwise
335 public records shall not be deemed confidential merely because they
336 have been obtained in connection with an investigation under this
337 section.

338 (f) If the commissioner finds that public health, safety or welfare
339 imperatively requires emergency action, and incorporates a finding to
340 that effect in his or her order, the commissioner may order summary
341 suspension or summary probation of a license issued under section
342 19a-87b, as amended by this act, pending proceedings for revocation or
343 other action. These proceedings shall be promptly instituted and
344 determined.

345 Sec. 7. (NEW) (*Effective July 1, 2019*) (a) Any licensee child care
346 center or group child care home, as described in section 19a-77 of the
347 general statutes, that fails to provide written notice to (1) the Office of
348 Early Childhood, (2) all staff employed at such child care center or
349 group child care home, and (3) the parents or guardians of children
350 receiving child care services, as described in section 19a-77 of the
351 general statutes, at such child care center or group child care home, at

352 least thirty days prior to the effective date of a proposed closure of
353 such child care center or group child care home, shall be subject to a
354 civil penalty of not more than five thousand dollars.

355 (b) If the Commissioner of Early Childhood has reason to believe
356 that a violation has occurred for which a civil penalty is authorized by
357 subsection (a) of this section, he or she may send to such licensee by
358 certified mail, return receipt requested, or personally serve upon such
359 licensee, a notice which shall include: (1) A reference to the section or
360 sections of the general statutes or regulations involved; (2) a short and
361 plain statement of the matters asserted or charged; (3) a statement of
362 the maximum civil penalty which may be imposed for such violation;
363 and (4) a statement of the licensee's right to request a hearing, such
364 request to be submitted in writing to the commissioner not later than
365 thirty days after the notice is mailed or served.

366 (c) If such licensee so requests, the commissioner shall cause a
367 hearing to be held. The hearing shall be held in accordance with the
368 provisions of chapter 54 of the general statutes. If such licensee fails to
369 request a hearing or fails to appear at the hearing or if, after the
370 hearing, the commissioner finds that the licensee has committed such
371 violation, the commissioner may, in his or her discretion, order that a
372 civil penalty be imposed that is not greater than the penalty stated in
373 the notice. The commissioner shall send a copy of any order issued
374 pursuant to this subsection by certified mail, return receipt requested,
375 to the licensee named in such order.

376 Sec. 8. Section 10-520a of the general statutes is repealed and the
377 following is substituted in lieu thereof (*Effective from passage*):

378 Not later than [July] January first, annually, the Office of Early
379 Childhood shall submit a report regarding the status of school
380 readiness program providers' compliance with the staff qualifications
381 requirement, described in subsection (b) of section 10-16p, to the joint
382 standing committee of the General Assembly having cognizance of
383 matters relating to education, in accordance with the provisions of
384 section 11-4a.

385 Sec. 9. Subdivision (1) of subsection (d) of section 10-16p of the
386 general statutes is repealed and the following is substituted in lieu
387 thereof (*Effective July 1, 2019*):

388 (d) (1) The commissioner shall establish a competitive grant
389 program to provide spaces in accredited school readiness programs or
390 school readiness programs seeking accreditation located in (A) an area
391 served by a priority school or a former priority school, (B) a town
392 ranked one to fifty when all towns are ranked in ascending order
393 according to town wealth, as defined in subdivision (26) of section 10-
394 262f, whose school district is not a priority school district pursuant to
395 section 10-266p, (C) a town formerly a town described in subparagraph
396 (B) of this subdivision, as provided for in subdivision (2) of this
397 subsection, or (D) a town designated as an alliance district, as defined
398 in section 10-262u, whose school district is not a priority school district
399 pursuant to section 10-266p. A town in which a priority school is
400 located, a regional school readiness council, pursuant to subsection (c)
401 of section 10-16r, for a region in which such a school is located or a
402 town described in subparagraph (B) of this subdivision may apply for
403 such a grant in an amount equal to the number of spaces in an
404 accredited school readiness program or a school readiness program
405 seeking accreditation multiplied by the per child cost set forth in
406 subdivision (1) of subsection (b) of section 10-16q. Eligibility shall be
407 determined for a [five-year] three-year period based on an applicant's
408 designation as having a priority school or being a town described in
409 subparagraph (B) of this subdivision for the initial year of application.
410 Grant awards shall be made annually contingent upon available
411 funding and a satisfactory annual evaluation. The chief elected official
412 of such town and the superintendent of schools of the school district or
413 the regional school readiness council shall submit a plan, as described
414 in subsection (c) of this section, for the expenditure of such grant funds
415 to the commissioner. In awarding grants pursuant to this subsection,
416 the commissioner shall give preference to applications submitted by
417 regional school readiness councils and may, within available
418 appropriations, provide a grant to such town or regional school
419 readiness council that increases the number of spaces for eligible

420 children who reside in an area or town described in subparagraphs (A)
421 to (D), inclusive, of this subdivision, in an accredited school readiness
422 program or a school readiness program seeking accreditation. A town
423 or regional school readiness council awarded a grant pursuant to this
424 subsection shall use the funds to purchase spaces for such children
425 from providers of accredited school readiness programs or school
426 readiness programs seeking accreditation.

427 Sec. 10. Section 10-265n of the general statutes is repealed and the
428 following is substituted in lieu thereof (*Effective July 1, 2019*):

429 The Office of Early Childhood shall administer, within available
430 appropriations, an even start family literacy program [, in accordance
431 with the William F. Goodling Even Start Family Literacy Program
432 under the No Child Left Behind Act, P.L. 107-111,] to provide grants to
433 establish new or expand existing local family literacy programs that
434 provide literacy services for children and the parents or guardians of
435 such children.

436 Sec. 11. Subsection (c) of section 17a-248e of the general statutes is
437 repealed and the following is substituted in lieu thereof (*Effective July*
438 *1, 2019*):

439 (c) The individualized family service plan shall be [developed in
440 consultation with the child's pediatrician or primary care physician]
441 signed by the child's pediatrician or a primary care provider or
442 qualified personnel, as those terms are defined in section 17a-248.

443 Sec. 12. Section 17a-248g of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective July 1, 2019*):

445 (a) Subject to the provisions of this section, funds appropriated to
446 the lead agency for purposes of section 17a-248, sections 17a-248b to
447 17a-248f, inclusive, this section and sections 38a-490a and 38a-516a
448 shall not be used to satisfy a financial commitment for services that
449 would have been paid from another public or private source but for
450 the enactment of said sections, except for federal funds available

451 pursuant to Part C of the Individuals with Disabilities Education Act,
452 20 USC 1431 et seq., except that whenever considered necessary to
453 prevent the delay in the receipt of appropriate early intervention
454 services by the eligible child or family in a timely fashion, funds
455 provided under said sections may be used to pay the service provider
456 pending reimbursement from the public or private source that has
457 ultimate responsibility for the payment.

458 (b) Nothing in section 17a-248, sections 17a-248b to 17a-248f,
459 inclusive, this section and sections 38a-490a and 38a-516a shall be
460 construed to permit the Department of Social Services or any other
461 state agency to reduce medical assistance pursuant to this chapter or
462 other assistance or services available to eligible children.
463 Notwithstanding any provision of the general statutes, costs incurred
464 for early intervention services that otherwise qualify as medical
465 assistance that are furnished to an eligible child who is also eligible for
466 benefits pursuant to this chapter shall be considered medical assistance
467 for purposes of payments to providers and state reimbursement to the
468 extent that federal financial participation is available for such services.

469 (c) Providers of early intervention services shall, in the first instance
470 and where applicable, seek payment from all third-party payers prior
471 to claiming payment from the birth-to-three system for services
472 rendered to eligible children, provided, for the purpose of seeking
473 payment from the Medicaid program or from other third-party payers
474 as agreed upon by the provider, the obligation to seek payment shall
475 not apply to a payment from a third-party payer who is not prohibited
476 from applying such payment, and who will apply such payment, to an
477 annual or lifetime limit specified in the third-party payer's policy or
478 contract.

479 (d) The commissioner, in consultation with the Office of Policy and
480 Management and the Insurance Commissioner, shall adopt
481 regulations, pursuant to chapter 54, providing public reimbursement
482 for deductibles and copayments imposed under an insurance policy or
483 health benefit plan to the extent that such deductibles and copayments

484 are applicable to early intervention services.

485 (e) The commissioner shall establish and periodically revise, in
486 accordance with this section, a schedule of fees based on a sliding scale
487 for early intervention services. The schedule of fees shall consider the
488 cost of such services relative to the financial resources of the state and
489 the parents or legal guardians of eligible children, provided that on
490 and after October 6, 2009, the commissioner shall (1) charge fees to
491 such parents or legal guardians that are sixty per cent greater than the
492 amount of the fees charged on the date prior to October 6, 2009; and (2)
493 charge fees for all services provided, including those services provided
494 in the first two months following the enrollment of a child in the
495 program. Fees may be charged to any such parent or guardian,
496 regardless of income, and shall be charged to any such parent or
497 guardian with a gross annual family income of forty-five thousand
498 dollars or more, except that no fee may be charged to the parent or
499 guardian of a child who is eligible for Medicaid. Notwithstanding the
500 provisions of subdivision (8) of section 17a-248, as used in this
501 subsection, "parent" means the biological or adoptive parent or legal
502 guardian of any child receiving early intervention services. The lead
503 agency may assign its right to collect fees to a designee or provider
504 participating in the early intervention program and providing services
505 to a recipient in order to assist the provider in obtaining payment for
506 such services. The commissioner may implement procedures for the
507 collection of the schedule of fees while in the process of adopting or
508 amending such criteria in regulation, provided the commissioner posts
509 notice of intention to adopt or amend the regulations on the
510 eRegulations System, established pursuant to section 4-173b, within
511 twenty days of implementing the policy. Such collection procedures
512 and schedule of fees shall be valid until the time the final regulations
513 or amendments are effective.

514 (f) The commissioner shall develop and implement procedures to
515 hold a recipient harmless for the impact of pursuit of payment for
516 early intervention services against lifetime insurance limits.

517 (g) Notwithstanding any provision of title 38a relating to the
 518 permissible exclusion of payments for services under governmental
 519 programs, no such exclusion shall apply with respect to payments
 520 made pursuant to section 17a-248, sections 17a-248b to 17a-248f,
 521 inclusive, this section and sections 38a-490a and 38a-516a. Except as
 522 provided in this subsection, nothing in this section shall increase or
 523 enhance coverages provided for within an insurance contract subject to
 524 the provisions of section 10-94f, subsection (a) of section 10-94g,
 525 subsection (a) of section 17a-219b, subsection (a) of section 17a-219c,
 526 sections 17a-248, 17a-248b to 17a-248f, inclusive, this section, and
 527 sections 38a-490a and 38a-516a.

528 [(h) Notwithstanding any provision of the general statutes or the
 529 regulations of Connecticut state agencies, the signature on an
 530 individualized family service plan of an advanced practice registered
 531 nurse, working within said nurse's scope of practice in collaboration
 532 with a physician licensed to practice medicine in this state, in
 533 accordance with section 20-87a, and performing or directly supervising
 534 the primary care services for children enrolled in the birth-to-three
 535 program, shall be deemed sufficient to order all such services included
 536 in the individualized family service plan and shall be deemed
 537 sufficient by the Department of Social Services to substantiate a claim
 538 for federal financial participation.]

539 Sec. 13. Section 10-520 of the general statutes is repealed. (*Effective*
 540 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	17b-749(a) to (c)
Sec. 2	<i>July 1, 2019</i>	19a-79
Sec. 3	<i>July 1, 2019</i>	19a-87b
Sec. 4	<i>July 1, 2019</i>	10-530
Sec. 5	<i>July 1, 2019</i>	19a-84
Sec. 6	<i>July 1, 2019</i>	19a-87e
Sec. 7	<i>July 1, 2019</i>	New section
Sec. 8	<i>from passage</i>	10-520a

Sec. 9	<i>July 1, 2019</i>	10-16p(d)(1)
Sec. 10	<i>July 1, 2019</i>	10-265n
Sec. 11	<i>July 1, 2019</i>	17a-248e(c)
Sec. 12	<i>July 1, 2019</i>	17a-248g
Sec. 13	<i>from passage</i>	Repealer section

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Office of Early Childhood	GF - Potential Cost	See Below	See Below
Office of Early Childhood	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 of the bill results in a potential cost associated with increasing income eligibility for the Care4Kids program, at the discretion of the commissioner. The bill aligns the maximum level with that allowed under federal law, which is currently 85% of the statewide median income (SMI). The actual cost depends on how the commissioner implements the change. If eligibility is expanded for new applicants, the Office of Early Childhood (OEC) could experience a significant cost associated with families whose incomes are between 50% and 85% SMI who are not currently eligible for the program. If the change is made to maintain eligibility for current program enrollees until their income exceeds 85% SMI, the state will experience a cost for those families who are currently enrolled and whose income is between 50% SMI and 85% SMI. If the change is made to reflect the federal maximum income limit and OEC continues current practice (families are ineligible when income exceeds 50% SMI), there is no fiscal impact. For reference, the overall average subsidy amount is approximately \$725 per month. Actual subsidies vary by provider

type, child age, level of care and region of the state.

Sections 2 and 3 result in a potential cost associated with allowing foster children to participate in state-subsidized childcare for up to 45 days without certain medical records. The actual cost to the state for supporting children earlier than they otherwise would have depends on: (1) the number of applicable foster children and (2) the subsidy rate for each child.

Section 7 results in a potential revenue gain by establishing a civil penalty of up to \$5,000 for failure of certain childcare providers to provide proper notification of a closure. The extent of the revenue gain depends on the number of childcare providers who do not provide at least 30 days notice prior to closing.

The bill makes other changes that are technical, conforming and clarifying in nature and have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 936*****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 prior to 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); and
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).

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

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 in a (1) DCF-licensed foster home, (2) foster home approved by a DCF-licensed child-placing agency, or (3) state-licensed child care facility.

§ 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.

The bill specifies that the comprehensive background checks for

these individuals must be conducted in accordance with federal regulations governing criminal background checks for child care providers.

§ 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:

1. a reference to the section or sections of the general statutes or regulations involved;
2. a short and plain statement of the matters asserted or charged;
3. a statement of the maximum civil penalty that may be imposed; and
4. 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.

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)