



**PA 19-121**—sSB 936

*Education Committee*

*Judiciary Committee*

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

**SUMMARY:** This act makes the following changes in 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. allows child care centers, group child care homes, and family child care homes to serve foster children for up to 45 days before the child must comply with 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 to the Education Committee about school readiness programs' compliance with statutory staff qualification requirements 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 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 also be developed with the pediatrician or primary care physician (§§ 11 & 12);
10. allows the OEC commissioner, for certain reasons, to suspend or revoke approval of an individual's renewal application for a head teacher or

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educational consultant position in a state-licensed child care center or group child care home (§ 13);

11. generally allows a child care center or group child care home that is state-licensed with a preschool endorsement to deem a child ages 32-36 months old to be three years old for enrollment purposes (§ 14); and
12. removes the requirement that OEC conduct a trend analysis of bachelor's degree programs in early childhood education or child development to determine whether they align with the teacher preparation standards of the National Association for the Education of Young Children (§ 15).

The act also makes other technical and conforming changes.

EFFECTIVE DATE: July 1, 2019, except provisions on OEC's annual school readiness staff qualifications report (§ 8) and trend analysis of bachelor's degree programs (§ 15) take effect upon passage.

### § 1 — CARE 4 KIDS ELIGIBILITY

Prior law authorized the OEC commissioner to increase the family income level for Care 4 Kids child care subsidies eligibility to a ceiling of no more than 75% of the statewide median income. The act 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. This ceiling applies to both applicants for and current recipients of the subsidy.

The act also removes from prior law a priority group to which the OEC commissioner was required to give preference when determining Care 4 Kids eligibility. This priority group was 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.

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

The act 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 these centers or homes to maintain the foster child's records for at least two years after he or she leaves their care.

Under the act, 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 related to the child but has an emotionally significant familial relationship with him or her or the child's family).

### § 4 — COMPREHENSIVE BACKGROUND CHECKS

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Existing 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 act further 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 (including such care funded by the Care 4 Kids subsidy program);
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 or formal or informal arrangement with 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 (except as noted below).

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

The act specifies that 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 (2) without being issued an OEC license to provide child care services.

Additionally, the act revises the classes of child care facility employees that were exempt from comprehensive background check requirements under prior law. The act also removes the OEC commissioner's authority to require an employee of a child care center, group child care home, or family child care home to submit to a comprehensive background check more than once during a five-year period.

### § 7 — NOTICE OF CLOSURE

The act 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 these 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

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Administrative Procedure Act. She may impose a civil penalty 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. Under prior law, a town's eligibility for this competitive grant program was determined on a five-year period. The act reduces the period to three years.

### § 10 — FAMILY LITERACY PROGRAM

By 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 for children and their parents or guardians. The act 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.

### § 13 — OEC APPROVAL OF HEAD TEACHERS AND EDUCATIONAL CONSULTANTS

The act requires the OEC commissioner to approve the application of any individual seeking permission to work as a head teacher or in an 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.

The procedures below 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.

#### *Notice of Suspension or Revocation*

Under the act, if the commissioner intends to suspend or revoke approval, she

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must notify the person by certified mail, stating the particular reasons for her intended action.

### *Request for a Hearing*

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

### *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 10 days before 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 witnesses to attend. 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 about 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. A decision to suspend or revoke approval 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 by the decision may appeal under the Uniform Administrative Procedures Act procedures in the New Britain judicial district court.

## § 14 — MINIMUM AGE FOR THREE-YEAR-OLD PRESCHOOL PROGRAM ENROLLMENT

The act allows a child care center or group child care home that is state-licensed with a preschool endorsement to deem a child ages 32 – 36 months old to be three years old 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.

State regulations allow preschool enrollment for students of this age only in

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the months of September, October, November, and December if they turn three on or before January 1 (Conn. Agencies Regs. § 19a-79-3a(l)). Under the act, students of this age may enroll at any time in the school year.

### 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 ten years (CGS § 10-16p(b), as amended by PA 19-34).

#### *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.