



Substitute House Bill No. 6558

Public Act No. 21-171

**AN ACT CONCERNING ISSUES RELATING TO THE PROVISION OF
EARLY CHILDHOOD EDUCATION AND SERVICES IN
CONNECTICUT.**

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

Section 1. Section 19a-87b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No person, group of persons, association, organization, corporation, institution or agency, public or private, shall maintain a family child care home, as [defined] described in section 19a-77, without a license issued by the Commissioner of Early Childhood. Licensure forms shall be obtained from the Office of Early Childhood. Applications for licensure shall be made to the commissioner on forms provided by the office and shall contain the information required by regulations adopted under this section. The licensure and application forms shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b. Applicants shall state, in writing, that they are in compliance with the regulations adopted by the commissioner pursuant to subsection (f) of this section. Before a family child care home license is granted, the office shall make an inquiry and investigation which shall include a visit and inspection of the premises for which the license is requested. Any inspection

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conducted by the office shall include an inspection for evident sources of lead poisoning. The office shall provide for a chemical analysis of any paint chips found on such premises. Neither the commissioner nor the commissioner's designee shall require an annual inspection for homes seeking license renewal or for licensed homes, except that the commissioner or the commissioner's designee shall make an unannounced visit, inspection or investigation of each licensed family child care home at least once every year. A licensed family child care home shall not be subject to any conditions on the operation of such home by local officials, other than those imposed by the office pursuant to this subsection, if the home complies with all local codes and ordinances applicable to single and multifamily dwellings.

(b) (1) No person shall act as an assistant or substitute staff member to a person or entity maintaining a family child care home, as defined in section 19a-77, without an approval issued by the commissioner. Any person seeking to act as an assistant or substitute staff member in a family child care home shall submit an application for such approval to the office. Applications for approval shall: ~~[(1)]~~ (A) Be made to the commissioner on forms provided by the office, ~~[(2)]~~ (B) contain the information required by regulations adopted under this section, and ~~[(3)]~~ (C) be accompanied by a fee of fifteen dollars. The approval application forms shall contain a notice that false statements made in such form are punishable in accordance with section 53a-157b.

(2) A licensee of a family child care home who is attending a medical appointment, receiving medical treatment or completing education or training may use a substitute staff member who has been approved pursuant to this subsection to provide child care services for a duration of time that is greater than one hour while such licensee is absent, provided such licensee provides advance notice to the parents or guardians of children enrolled in the family child care home of the dates and times such substitute staff member will be providing such child care

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services and such licensee continues to maintain control of the day-to-day operations of the family child care home. No such use of a substitute staff member under this subdivision shall constitute a transfer or franchise of the family child care home.

(c) The commissioner, within available appropriations, shall require each initial applicant or prospective employee of a family child care home in a position requiring the provision of care to a child, including an assistant or substitute staff member and each household member who is sixteen years of age or older, to submit to comprehensive background checks, including state and national criminal history records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. The commissioner shall also request a check of the state child abuse registry established pursuant to section 17a-101k. The commissioner shall notify each licensee of the provisions of this subsection. For purposes of this subsection, "household member" means any person, other than the person who is licensed to conduct, operate or maintain a family child care home, who resides in the family child care home, such as the licensee's spouse or children, tenants and any other occupant.

(d) An application for initial licensure pursuant to this section shall be accompanied by a fee of forty dollars and such license shall be issued for a term of four years. An application for renewal of a license issued pursuant to this section shall be accompanied by a fee of forty dollars and a certification from the licensee that any child enrolled in the family child care home has received age-appropriate immunizations in accordance with regulations adopted pursuant to subsection (f) of this section. A license issued pursuant to this section shall be renewed for a term of four years. In the case of an applicant submitting an application for renewal of a license that has expired, and who has ceased operations of a family child care home due to such expired license, the commissioner may renew such expired license within thirty days of the

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date of such expiration upon receipt of an application for renewal that is accompanied by such fee and such certification.

(e) An application for initial staff approval or renewal of staff approval shall be accompanied by a fee of fifteen dollars. Such approvals shall be issued or renewed for a term of two years.

(f) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to [assure] ensure that family child care homes, as [defined] described in section 19a-77, meet the health, educational and social needs of children utilizing such homes. Such regulations shall ensure that the family child care home is treated as a residence, and not an institutional facility. Such regulations shall specify that each child be protected as age-appropriate by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f. Such regulations shall provide appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parents or guardian objects to such immunization on religious grounds and require that any such objection be accompanied by a statement from such parents or guardian that such immunization would be contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a family support magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney admitted to the bar of this state. Such regulations shall also specify conditions under which family child care home providers may administer tests to monitor glucose levels in a child with diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a child receiving child care services

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at a family child care home pursuant to a written order of a physician licensed to practice medicine in this or another state, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child. Such regulations shall specify appropriate standards for extended care and intermittent short-term overnight care. The commissioner shall inform each licensee, by way of a plain language summary provided not later than sixty days after the regulation's effective date, of any new or changed regulations adopted under this subsection with which a licensee must comply.

(g) Upon the declaration by the Governor of a civil preparedness emergency pursuant to section 28-9 or a public health emergency pursuant to section 19a-131a, the commissioner may waive the provisions of any regulation adopted pursuant to this section if the commissioner determines that such waiver would not endanger the life, safety or health of any child. The commissioner shall prescribe the duration of such waiver, provided such waiver shall not extend beyond the duration of the declared emergency. The commissioner shall establish the criteria by which a waiver request shall be made and the conditions for which a waiver will be granted or denied. The provisions of section 19a-84 shall not apply to a denial of a waiver request under this subsection.

(h) Any family child care home may provide child care services to homeless children and youths, as defined in 42 USC 11434a, as amended from time to time, for a period not to exceed ninety days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to homeless children and youths at such home under this subsection shall maintain a record on file of all homeless children and

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youths who have attended such home for a period of two years after such homeless children or youths are no longer receiving child care services at such home.

(i) Any family child care home may provide child care services to a foster child for a period not to exceed forty-five days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to a foster child at such home under this subsection shall maintain a record on file of such foster child for a period of two years after such foster child is no longer receiving child care services at such home. For purposes of this subsection, "foster child" means a child who is in the care and custody of the Commissioner of Children and Families and placed in a foster home licensed pursuant to section 17a-114, foster home approved by a child-placing agency licensed pursuant to section 17a-149, facility licensed pursuant to section 17a-145 or with a relative or fictive kin caregiver pursuant to section 17a-114.

(j) For the fiscal years ending June 30, 2022, to June 30, 2026, inclusive, the Commissioner of Early Childhood may issue a license to maintain a family child care home in New Britain, New Haven, Bridgeport, Stamford, Hartford, Danbury or Waterbury in accordance with the provisions of this chapter to a person or group of persons who have partnered with an association, organization, corporation, institution or agency, public or private, to provide child care services in a space provided by such association, organization, corporation, institution or agency, provided such space has been approved by the commissioner and is not in a private family home. The commissioner shall not approve more than one facility in each such city to be used for licenses issued under this subsection. An application for a license under this subsection shall include a copy of the current fire marshal certificate of compliance with the Fire Safety Code, and written verification of compliance with

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the State Building Code, local zoning and building requirements and local health ordinances. The commissioner may require an applicant for a license under this subsection to comply with additional conditions relating to the health and safety of the children who will be served in such facility. The commissioner may waive any requirement that does not apply to such facility. Any license issued under this subsection shall expire on June 30, 2026, except that the commissioner may suspend or revoke any such license at any time in accordance with the provisions of section 19a-87e.

Sec. 2. (*Effective July 1, 2021*) (a) There is established a task force to analyze and make recommendations on issues relating to early childhood workforce development needs in the state.

(b) The task force shall examine the following: (1) How to encourage equity-based practices in early childhood education preparation and professional development; (2) ways to address inequity in access to employment opportunities and compensation in the early childhood workforce; (3) the feasibility of creating a new co-authored license that would offer multiple levels of flexibility to address the range of ages, settings and roles in the early childhood field, including a professional continuum for assistants, lead teachers, generalists and specialists, such as early intervention, mental health, integrated special education and rehabilitation therapies; and (4) workforce demands in the state related to the need for early childhood educators providing child care services for infants and toddlers and children up to ages six, seven or eight.

(c) The task force shall make recommendations concerning: (1) Legislation for educator preparation requirements in the early childhood field; (2) the creation of a new early childhood teacher license or credential jointly issued by the Office of Early Childhood and the Department of Education; (3) the development of a unifying framework for early childhood educator preparation, in accordance with the National Association for the Education of Young Children and the

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Council for Exceptional Children - Division of Early Childhood, in order to offer definition of levels for competencies and compensation, such as (A) professional development and alternative routes for aides or classroom assistants, (B) associate degree preparation and alternative routes for assistant teachers, (C) bachelor's degree preparation or post-baccalaureate work for head teachers, (D) bachelor's degree preparation, post-baccalaureate work or graduate degree attainment for specialists, and (E) alignment with competencies to address adult learners, experience in the field, as well as capacity in languages, community context and cultural norms; (4) methods to increase compensation related to competency and degree attainment that will work across all sectors of the early care and education sector including subsidized and parent fee supported programs; and (5) workforce development and the creation of job opportunities in early childhood.

(d) The task force shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives, one of whom is a professor of early childhood education at a public institution of higher education in the state and one of whom is a representative of a school readiness program, as defined in section 10-16p of the general statutes, or a state-funded child care center pursuant to section 8-210 of the general statutes, as amended by this act;

(2) Two appointed by the president pro tempore of the Senate, one of whom is a faculty member from a community college and one of whom is a representative of a private child care provider that is not receiving state financial assistance under section 8-210 of the general statutes, as amended by this act, or 10-16p of the general statutes;

(3) One appointed by the majority leader of the House of Representatives, who is a representative from the Capitol Region Education Council;

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(4) One appointed by the majority leader of the Senate, who is an operator of a family child care home or a representative of an organization that represents or supports the interests of family child care homes;

(5) One appointed by the minority leader of the House of Representatives, who is a representative from the Connecticut Early Childhood Alliance;

(6) One appointed by the minority leader of the Senate, who is a representative from a state or national early childhood accrediting organization;

(7) The Commissioner of Early Childhood, or the commissioner's designee;

(8) The Commissioner of Education, or the commissioner's designee;

(9) The cochairs of the Connecticut Consortium for the Advancement of Early Childhood Educators; and

(10) The executive director of the State Education Resource Center, or the executive director's designee.

(e) Any member of the task force appointed under subdivision (3), (4), (5) or (6) of subsection (d) of this section may be a member of the General Assembly.

(f) All initial appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(g) The appointments of the speaker of the House of Representatives and the president pro tempore of the Senate shall serve as the chairpersons of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days

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after the effective date of this section.

(h) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to education shall serve as administrative staff of the task force.

(i) Not later than January 1, 2023, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2023, whichever is later.

Sec. 3. Subsections (a) to (d), inclusive, of section 17b-749 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Early Childhood shall establish and operate a child care subsidy program to increase the availability, affordability and quality of child care services for families with a parent or caretaker who (1) is (A) working or attending high school, or (B) subject to the provisions of subsection (d) of this section, is enrolled or participating in (i) a public or independent institution of higher education, (ii) a private occupational school authorized pursuant to sections 10a-22a to 10a-22o, inclusive, (iii) a job training or employment program administered by a regional workforce development board, (iv) an apprenticeship program administered by the Labor Department's office of apprenticeship training, (v) an alternate route to certification program approved by the State Board of Education, (vi) an adult education program pursuant to section 10-69 or other high school equivalency program, or (vii) a local Even Start program or other adult education program approved by the Commissioner of Early Childhood; or (2) receives cash assistance under the temporary family assistance program from the Department of Social Services and is participating in an

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education, training or other job preparation activity approved pursuant to subsection (b) of section 17b-688i or subsection (b) of section 17b-689d. Services available under the child care subsidy program shall include the provision of child care subsidies for children under the age of thirteen or children under the age of nineteen with special needs. The Office of Early Childhood shall open and maintain enrollment for the child care subsidy program and shall administer such program within the existing budgetary resources available. The office shall issue a notice on the office's Internet web site any time the office closes the program to new applications, changes eligibility requirements, changes program benefits or makes any other change to the program's status or terms, except the office shall not be required to issue such notice when the office expands program eligibility. Any change in the office's acceptance of new applications, eligibility requirements, program benefits or any other change to the program's status or terms for which the office is required to give notice pursuant to this subsection, shall not be effective until thirty days after the office issues such notice.

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

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(c) The commissioner, in consultation with the Commissioner of Social Services, shall establish eligibility and program standards including, but not limited to: (1) A priority intake and eligibility system with preference given to serving (A) recipients of temporary family assistance who are employed or engaged in employment activities under the Department of Social Services' "Jobs First" program, (B) working families whose temporary family assistance was discontinued not more than five years prior to the date of application for the child care subsidy program, (C) teen parents, (D) low-income working families, (E) adoptive families of children who were adopted from the Department of Children and Families and who are granted a waiver of income standards under subdivision (2) of subsection (b) of this section, [and] (F) working families who are at risk of welfare dependency, (G) parents or caretakers participating in an apprenticeship program administered by the Labor Department's office of apprenticeship training, (H) parents or caretakers enrolled in an adult education program pursuant to section 10-69 or other high school equivalency program, (I) parents or caretakers participating in a job training or employment program administered by a regional workforce development board, and (J) parents or caretakers enrolled in a public or independent institution of higher education; (2) health and safety standards for child care providers not required to be licensed; (3) a reimbursement system for child care services which account for differences in the age of the child, number of children in the family, the geographic region and type of care provided by licensed and unlicensed caregivers, the cost and type of services provided by licensed and unlicensed caregivers, successful completion of fifteen hours of annual in-service training or credentialing of child care directors and administrators, and program accreditation; (4) supplemental payment for special needs of the child and extended nontraditional hours; (5) an annual rate review process for providers which assures that reimbursement rates are maintained at levels which permit equal access to a variety of child care settings; (6) a sliding reimbursement scale for

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participating families; (7) an administrative appeals process; (8) an administrative hearing process to adjudicate cases of alleged fraud and abuse and to impose sanctions and recover overpayments; (9) an extended period of program and payment eligibility when a parent who is receiving a child care subsidy experiences a temporary interruption in employment or other approved activity; and (10) a waiting list for the child care subsidy program that (A) allows the commissioner to exercise discretion in prioritizing within and between existing priority groups, including, but not limited to, children described in 45 CFR 98.46, as amended from time to time, and households with an infant or toddler, and (B) reflects the priority and eligibility system set forth in subdivision (1) of this subsection, which is reviewed periodically, with the inclusion of this information in the annual report required to be issued annually by the office to the Governor and the General Assembly in accordance with section 17b-733. Such action will include, but not be limited to, family income, age of child, region of state and length of time on such waiting list.

(d) Not later than July 1, 2015, an applicant determined to be eligible for program benefits by the Commissioner of Early Childhood shall remain eligible for such benefits for a period prescribed by federal law, except any applicant determined to be eligible for program benefits by the commissioner under subparagraph (B) of subdivision (1) of subsection (a) of this section shall only be eligible for and receive such benefits upon the availability of federal funds received pursuant to Coronavirus Response and Relief Supplemental Appropriations Act, P.L. 116-260, as amended from time to time, or the American Rescue Plan Act of 2021, P.L. 117-2, as amended from time to time, and designated by the commissioner for such benefits.

Sec. 4. Section 8-210 of the general statutes is amended by adding subsection (g) as follows (*Effective July 1, 2021*):

(NEW) (g) For the fiscal years ending June 30, 2022, and June 30, 2023,

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the Office of Early Childhood shall permit any family that meets the eligibility requirements described in subdivision (1) or (2) of subsection (a) of section 17b-749, as amended by this act, or subdivision (2) of subsection (d) of section 17b-749, as amended by this act, to participate in a program provided at a state-contracted child care center under this section.

Approved July 12, 2021