



Agency Legislative Proposal - 2016 Session

Document Name 11/12/15, OEC, Minor/Technical Revisions

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Office of Early Childhood

Liaison: Maggie Adair

Phone: 860-713-6413

E-mail: Maggie.Adair@ct.gov

Lead agency division requesting this proposal: Various

Agency Analyst/Drafter of Proposal: Maggie Adair, Cynthia Isales

Title of Proposal: AAC Technical Revisions to Statutes of Early Childhood

Statutory Reference: Various

Proposal Summary:

Section 1: Add Birth to Three in the OEC successor department language – Section 10-500(d).

Section 2: Add the Maternal Infant Early Childhood Home Visiting Program Director and two additional Home Visiting program models to the Home Visiting Consortium – P.A. 15-45.

Section 3: Add the McKinney-Vento Local Liaison to the School Readiness Council – Section 10-16r(a).

Section 4: Give the Commissioner of Early Childhood the authority to enter into stipulations, agreements, memoranda of understanding, interim consent orders or consent orders.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Section 1: Add Birth to Three in the OEC successor department language – Section 10-500(d). The Birth to Three Program was transferred from DDS to OEC in the 2016 legislative session, and therefore, needs to be acknowledged as an official entity within the OEC. Adding reference to the Birth to Three statutes to this statute means that Sec. 4-38d applies to the Birth to Three program.

Section 2: Add the Maternal Infant Early Childhood Home Visiting (MIECHV) Program Director and two additional Home Visiting program models to the Home Visiting Consortium – P.A. 15-45. The federal



MIECHV grant requires state grantees to have a MIECHV State Advisory Council with the Program Director as a member. To avoid duplication, the Home Visiting Consortium serves the role of the MIECHV State Advisory Council. The addition of two more home visiting models provides more comprehensive representation of home visiting models in Connecticut.

Section 3: Add the McKinney-Vento Local Liaison to the School Readiness Council – Section 10-16r(a). This was one of the policy recommendations of the CT Early Childhood Cabinet subcommittee on Families with Young Children Without Homes. The policy package concerning families with young children experiencing homelessness or at risk of becoming homeless was approved by the CT Early Childhood Cabinet on October 27.

Section 4: The Commissioner of Early Childhood may enter into stipulations, agreements, memoranda of understanding, interim consent orders or consent orders with (1) any person or entity licensed or applying for licensure; (2) any person approved or applying for approval as an assistant or substitute; (3) any person or entity that is the subject of an investigation conducted by the Office of Early Childhood; or (4) any party in a contested case in which the Office of Early Childhood is a party. This clarifies the Commissioner's authority to enter into various types of agreements to address and resolve matters under the Commissioner's jurisdiction, in a manner that is mutually agreeable to the parties, and to avoid the expense and use of resources in enforcement or legal proceedings in certain cases.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: State Department of Education

Agency Contact (name, title, phone): Laura Stefon, Legislative Liaison, 860-713-6493

Date Contacted: 11/9/15 regarding adding McKinney-Vento Local Liaison to each local School Readiness Council.

Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Commissioner Wentzell is fine with the proposal.

Will there need to be further negotiation? ☐ **YES** ☒ **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*

None.



State None.
Federal None.
Additional notes on fiscal impact None.

Insert fully drafted bill here

Section 1: Add Birth to Three in the OEC successor department language – Section 10-500(d).

Sec. 10-500. Office of Early Childhood. Commissioner. Responsibilities. Successor department. (a) There is established an Office of Early Childhood. The office shall be under the direction of the Commissioner of Early Childhood, whose appointment shall be made by the Governor. Such appointment shall be in accordance with the provisions of sections 4-5 to 4-8, inclusive. The commissioner shall be responsible for implementing the policies and directives of the office. The commissioner shall have the authority to designate any employee as his or her agent to exercise all or part of the authority, powers and duties of the commissioner in his or her absence. Said office shall be within the Department of Education for administrative purposes.

.... (d) The Office of Early Childhood shall constitute a successor department, in accordance with the provisions of sections 4-38d, 4-38e and 4-39, to (1) the Department of Education with respect to sections 8-210, 10-16n, 10-16p to 10-16r, inclusive, 10-16u, 10-16w, 10-16aa, 17b-749a, 17b-749c and 17b-749g to 17b-749i, inclusive; (2) the Department of Social Services (A) with respect to sections 17b-12, 17b-705a, 17b-730, 17b-733 to 17b-736, inclusive, 17b-738, 17b-739, 17b-749, 17b-749d to 17b-749f, inclusive, 17b-749j, 17b-749k, 17b-750 to 17b-751a, inclusive, 17b-751d and 17b-751e, and (B) for the purpose of administering the child care development block grant pursuant to the Child Care and Development Block Grant Act of 1990; and (3) the Department of Public Health (A) with respect to sections 10a-194c, 12-634, 17a-28, 17a-101 and 19a-80f, (B) for the purpose of regulating child day care services pursuant to sections 19a-77, 19a-79, 19a-80, 19a-82 and 19a-84 to 19a-87e, inclusive, (C) for the purpose of the conduct of regulation of youth camps, pursuant to sections 19a-420 to 19a-434, inclusive, and (D) for the purpose of administering the Maternal, Infant, and Early Childhood Home Visiting Program authorized under the Patient Protection and Affordable Care Act of 2010, P.L. 111-148, **and (E) the Department of Developmental Services with respect to Sections 17a-248, 17a-248b to 17a-248h, inclusive, 38a-490a, and 38a-516.**

Section 2: Add the Maternal Infant Early Childhood Home Visiting (MIECHV) Program Director, Department of Social Services, and two additional Home Visiting program models to the Home Visiting Consortium.

P.A. 15-45 – An Act Establishing a Home Visiting Consortium

Section 1. (NEW) (*Effective from passage*) (a) There is established a Home Visitation Program Consortium that shall advise the Office of Early Childhood, Department of Children and Families, Department of Developmental Services and the Department of Education regarding the implementation of the recommendations for the coordination of home visitation programs within the early childhood system provided to the joint standing



committees of the General Assembly having cognizance of matters relating to appropriations, human services, education and children pursuant to section 17a-22dd of the general statutes, as amended by this act.

(b) The consortium shall consist of the following members:

(2) Not more than [eight] **ten** representing home visitation programs in the state, at least four of whom shall utilize different home visitation models;...

...**(13) The Maternal Infant Early Childhood Home Visiting (MIECHV) Program Director;**

[(13)] (14) The Child Advocate, or the Child Advocate's designee; and

[(14)] (15) The executive director of the Commission on Children, or the executive director's designee.

Section 3: Add the McKinney-Vento Local Liaison to the School Readiness Council.

Sec. 10-16r. Local school readiness councils; duties. Regional school readiness councils. (a) A town seeking to apply for a grant pursuant to subsection (c) of section 10-16p or section 10-16u shall convene a local school readiness council or shall establish a regional school readiness council pursuant to subsection (c) of this section. Any other town may convene such a council. The chief elected official of the town or, in the case of a regional school district, the chief elected officials of the towns in the school district and the superintendent of schools for the school district shall jointly appoint and convene such council. Each school readiness council shall be composed of: (1) The chief elected official, or the official's designee; (2) the superintendent of schools, or a management level staff person as the superintendent's designee; (3) parents; (4) representatives from local programs such as Head Start, family resource centers, nonprofit and for-profit child day care centers, group day care homes, prekindergarten and nursery schools, and family day care home providers; (5) a representative from a health care provider in the community; and **(6) the McKinney-Vento Local Liaison, and** **[(6)] (7)** other representatives from the community who provide services to children. The chief elected official shall designate the chairperson of the school readiness council.

Section 4: (NEW) The Commissioner of Early Childhood may enter into stipulations, agreements, memoranda of understanding, interim consent orders or consent orders with (1) any person or entity licensed or applying for licensure pursuant to section 19a-80, section 19a-87b, or section 19-421; (2) any person approved or applying for approval as an assistant or substitute pursuant to section 19a-87b; (3) any person or entity that is the subject of an investigation conducted by the Office of Early Childhood; or (4) any party in a contested case in which the Office of Early Childhood is a party.



Agency Legislative Proposal - 2016 Session

Document Name 12/29/15, OEC Non-Technical Legislative Proposals

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Office of Early Childhood

Liaison: Maggie Adair

Phone: 860-713-6413

E-mail: Maggie.Adair@ct.gov

Lead agency division requesting this proposal: Early Care and Education, Licensing, Legal

Agency Analyst/Drafter of Proposal: Maggie Adair, Cynthia Isales, Debra Johnson

Title of Proposal: AAC the Office of Early Childhood

Statutory Reference: Various

Proposal Summary:

Section 1: Care4Kids – Provide the OEC Commissioner with the authority to create Protective Services Categories, which allows the Commissioner to identify specific household populations as being categorically eligible for the child care subsidy. NEW language.

Section 2: Care4Kids – Increase the income threshold from 75% to 85% of State Median Income. This would allow a household initially enrolled in the program with an income at 50% of SMI or below to remain eligible for Care4Kids for up to one year as long as income does not exceed 85% of SMI. This is required by the CCDBG Reauthorization. Amend Sec. 17b-749(b).

Section 3: Background Checks - Care4Kids – Require any person providing child care services to a child who receives a child care subsidy and household members 16 and older to submit to state and federal background checks in compliance with the Child Care Development Block Grant Act. Under CCDBG Reauthorization, states must require broader background checks than are currently required. Current providers must submit to new background checks by September 30, 2017. The background check is required every five years unless the person subject to the check separates from employment for more than 180 days. Amend Sec. 17b-749k.

Section 4: Background Checks - Care4Kids – A child care subsidy will not be paid to an unlicensed child care provider if the person refuses to consent to a background check, knowingly makes false statements in connection with a background check, is registered on a State sex offender registry of National Sex Offender Registry, or has been convicted of specific crimes. Amend Sec. 17b-750.

Section 5: Background Checks - Licensing – Require employees in a child care center or group child care home, family child care providers, staff and household members age 16 and older to submit to state and



federal background checks in compliance with the Child Care Development Block Grant Act. Under CCDBG Reauthorization, states must require broader background checks than are currently required. Current employees of child care centers and group child care homes, family child care providers, staff and household members age 16 and older must submit to new background checks by September 30, 2017. The background check is required every five years, unless the person who is subject to the check separates from employment for more than 180 days. Amend Sec. 19a-80 and Sec. 19a-87b.

Section 6: Background Checks - Licensing – The OEC Commissioner has the discretion to refuse to license a person to own, conduct operate, or maintain a child care center or group child care home, family child care home, a person to act as staff at such settings, or take a licensure action if the person refuses to consent to a back ground check, knowingly makes false statements in connection with a criminal background check, is registered on a State sex offender registry or National Sex Offender Registry, or has been convicted of specific crimes. Amend Sec. 19a-87e and Sec. 19a-87a.

Section 7: Background Checks - Licensing – Require background checks for OEC staff who have access to FBI information. NEW language.

Section 8: Licensing – Create a 90-day grace period for homeless children for documentation of physical examination and immunization requirements to allow for immediate enrollment in a licensed child care setting. Amend Sec. 19a-79.

Section 9: Licensing – A currently licensed person or entity who seeks to change the operator, ownership, or location of the licensed child care center or group child care home without filing a new license application must submit a request to the commissioner at least 60 days prior to the anticipated change. Amend Sec. 19a-80.

Section 10: Licensing – Remove the licensure exemption for drop-in programs administered by a nationally chartered Boys & Girls Club. Amend Sec. 19a-77 and 19a-420.

Section 11: Regional Accreditation Projects – Amend Section 17b-749e to reflect the OEC Quality Improvement System (QIS) and OEC priorities.

Section 12: ON HOLD. Coordination of OEC Early Care & Education Programs. The OEC, in consultation with stakeholders, will develop a plan by October 1, 2016 to integrate early care and education funding, including School Readiness, Child Day Care Centers, Smart Start and Care4Kids. Such plan will require statutory changes in the 2017 legislative session. NEW language.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Section 1: Care4Kids – Provide the OEC Commissioner with the authority to create Protective Services Categories, which allows the Commissioner to identify specific household populations as being



categorically eligible for the child care subsidy. RATIONALE: This language will give the OEC Commissioner the authority to create a Protective Services Category for children who are homeless. The children will then be eligible for a Care4Kids subsidy regardless of the parent's employment status. These children are some of our most vulnerable and need access to child care. NEW language.

Section 2: Care4Kids – Increase the income threshold from 75% to 85% of State Median Income. This would allow a household initially enrolled in the program with an income at 50% of SMI or below to remain eligible for Care4Kids for up to one year as long as income does not exceed 85% of SMI.

RATIONALE: This is required by the CCDBG Reauthorization, and therefore, Connecticut must amend the language to comply. Amend Sec. 17b-749(b).

Section 3: Background Checks - Care4Kids – Require any person providing child care services to a child who receives a child care subsidy and household members 16 and older to submit to state and federal background checks in compliance with the Child Care Development Block Grant Act. Under CCDBG Reauthorization, states must require broader background checks than are currently required. Current providers must submit to new background checks by September 30, 2017. The background check is required every five years unless the person subject to the check separates from employment for more than 180 days. RATIONALE: These changes are required by CCDBG Reauthorization, and therefore, Connecticut must amend language to comply. Amend Sec. 17b-749k.

Section 4: Background Checks - Care4Kids – A child care subsidy will not be paid to an unlicensed child care provider if the person refuses to consent to a background check, knowingly makes false statements in connection with a background check, is registered on a State sex offender registry of National Sex Offender Registry, or has been convicted of specific crimes. RATIONALE: This is required by CCDBG Reauthorization, and therefore, Connecticut must amend language to comply. Amend Sec. 17b-750.

Section 5: Background Checks - Licensing – Require employees in a child care center or group child care home, family child care providers, staff and household members age 16 and older to submit to state and federal background checks in compliance with the Child Care Development Block Grant Act. Under CCDBG Reauthorization, states must require broader background checks than are currently required. Current employees of child care centers and group child care homes, family child care providers, staff and household members age 16 and older must submit to new background checks by September 30, 2017. The background check is required every five years, unless the person who is subject to the check separates from employment for more than 180 days. RATIONALE: The broader background checks and the length of time that the checks are valid are requirements of CCDBG. Currently, Connecticut does not have statutory authority to require household members age 16 and older to submit to background checks, though the practice has been to do so. The OEC has been notified that without statutory authority, state policy will not process background checks of household members age 16 and older. This situation poses a safety risk to the children in the care of the provider. Amend Sec. 19a-80 and Sec. 19a-87b.

Section 6: Background Checks - Licensing – The OEC Commissioner has the discretion to refuse to license a person to own, conduct operate, or maintain a child care center or group child care home, family child care home, a person to act as staff at such settings, or take a licensure action if the person refuses to consent to a back ground check, knowingly makes false statements in connection with a criminal



background check, is registered on a State sex offender registry or National Sex Offender Registry, or has been convicted of specific crimes. RATIONALE: This is required by CCDBG Reauthorization, and therefore, Connecticut must amend language to comply. Amend Sec. 19a-87e and Sec. 19a-87a.

Section 7: Background Checks - Licensing – Require background checks for OEC staff who have access to FBI information. NEW language. RATIONALE:

Section 8: Licensing – Create a 90-day grace period for homeless children for documentation of physical examination and immunization requirements to allow for immediate enrollment in a licensed child care setting. RATIONALE: Families who are homeless often do not have immediate access to such documents. It is imperative that children who are homeless are able to enroll in child care. Providing a 90-day grace period is in alignment with Head Start requirements. Amend Sec. 19a-79.

Section 9: Licensing – A currently licensed person or entity who seeks to change the operator, ownership, or location of the licensed child care center or group child care home without filing a new license application must submit a request to the commissioner at least 60 days prior to the anticipated change. RATIONALE: This clarifies that notice must be given 60 days prior to the change. Amend Sec. 19a-80.

Section 10: Licensing – Remove the licensure exemption for drop-in programs administered by a nationally chartered Boys & Girls Club. RATIONAL: Children served by unlicensed exempt programs do not benefit from the same level of health and safety protection offered through licensing activities to children participating in licensed child care. Licensing of these programs will ensure accountability and oversight of minimum health and safety standards in critical areas such as abuse and neglect, staff-child ratios, staff qualifications, health care, educational requirements and physical plant safety. Licensing these programs will expand the OEC's ability and authority to investigate complaints that it has been receiving from parents and other interested stakeholders regarding the health and safety of children served in these programs. These drop-in programs are currently not required to meet the basic requirements that all licensed programs are required to meet. This creates a lack of fundamental equity and fairness when regulations that serve children of the same age and needs are not applied universally. Amend Sec. 19a-77 and 19a-420.

Section 11: Regional Accreditation Projects – Amend Section 17b-749e to reflect the OEC Quality Improvement System (QIS) and OEC priorities. RATIONALE: The existing language is prescriptive and would likely contradict plans for the AFP structure under the new QIS system.

Section 12: ON HOLD. Coordination of OEC Early Care & Education Programs. The OEC, in consultation with stakeholders, will develop a plan by October 1, 2016 to integrate early care and education funding, including School Readiness, Child Day Care Centers, Smart Start and Care4Kids. Such plan will require statutory changes in the 2017 legislative session. This language would direct the OEC to make changes to the existing early care and education programs for better alignment and coordination. NEW language.

☐ Origin of Proposal

☒ New Proposal

☐ Resubmission



PROPOSAL IMPACT

◇ AGENCIES AFFECTED *(please list for each affected agency)*

Agency Name: State Department of Emergency Services and Public Protection (DESPP) Agency Contact (<i>name, title, phone</i>): Scott Devico, Legislative Liaison, 860-685-8246 Date Contacted: Cynthia Isales, OEC Chief Legal Counsel, contacted Scott Devico regarding the background check legislation. .
Approve of Proposal ☐ YES ☐ NO ☒ Talks Ongoing
Summary of Affected Agency's Comments Cynthia, Scott and Maggie Adair had a conversation and we all agreed that these changes are required by CCDBG Reauthorization. There will be ongoing dialogue about implementation of the legislation
Will there need to be further negotiation? ☒ YES ☐ NO

◇ FISCAL IMPACT *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> None.
State Sections 1, 2 and 8 may result in more children being eligible for Care4Kids; however, this does not require that more funding be allocated to the Care4Kids line item. It is possible that Care4Kids funding for subsidies may be expended before the end of the fiscal year. Sections 3, 5, and 7 will result in more individuals being required to submit to background checks and background checks will be more extensive. It is anticipated that the increase in licensing staff approved in the 2014 legislative session will be able to accommodate the increased caseload.
Federal None.
Additional notes on fiscal impact None.

Insert fully drafted bill here

Section 1: Care4Kids - Protective Services Category –

(NEW) The Commissioner of the Office of Early Childhood shall have the authority to establish Protective Services Categories, as defined by the Child Care Development Block Grant Act, which allows the Commissioner to identify specific household populations as being categorically eligible for the child care subsidy.



Section 2: Care4Kids Income Threshold –

Sec. 17b-749(a)

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 to up to [seventy] eighty-five per cent of the state-wide median income, (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.

Section 3: Background Checks – Care4Kids –

Sec. 17b-749k

(a) The Commissioner of Early Childhood shall, within available appropriations, require any person providing child care services to a child who receives a child care subsidy from the Office of Early Childhood, and if such care is rendered in the provider's home, any household member age 16 or older, to submit to a state and national background check. The background check required pursuant to this subsection shall include (1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years; (2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years; (3) a search of the National Crime Information Center; (4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and (5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.). Any criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a and shall be conducted within 45 days of application.

(New) (b) Current providers shall have until September 30, 2017 to submit to a background check that complies with the requirements of subsection (a) of section 17b-749k.

(New) (c) The background check required pursuant to subsection (a) shall be required not less often than once during each 5-year period. A staff member applying to work at a new child care facility shall not be required to submit a new background check if the staff member successfully completed a background check pursuant to section 19a-80 (c), 19a-87b (c), or 17b-749k (a) and the staff member is currently employed by a child care provider within the State or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days. Nothing in this subsection prohibits the Commissioner from requiring that someone in a position connected with the provision of care to a child receiving child care services submit to a background check more often than once in a 5-year period. The term "child care facility" as used in this subsection shall include a "child care center," "group child care home," or "family child care home" as defined in section 19a-77, and the home of a provider under the child care subsidy program pursuant to section 17b-749.



Section 4: Background Checks – Care4Kids –

Sec. 17b-750

(a) No child care subsidy shall be paid to an unlicensed child care provider if such provider (A) refuses to consent to the background check described in subsection (a) of section 17b-749k; (B) knowingly makes a false statement in connection with such background check; (C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or (D) has been convicted of a felony consisting of—(i) murder, as described in section 1111 of title 18, United States Code; (ii) child abuse or neglect; (iii) a crime against children, including child pornography; (iv) spousal abuse; (v) a crime involving rape or sexual assault; (vi) kidnapping; (vii) arson; (viii) physical assault or battery; (ix) a drug-related offense committed during the preceding 5 years; (x) has been convicted of a violent misdemeanor committed as an adult against a child, including, but not limited to, child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography; or (xi) has a criminal or protective service record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to provide child care.

Section 5: Background Checks – Licensing –

Sec. 19a-80

(c) The operator of a child care center or group child care home, prior to extending an offer of employment, shall require each prospective employee involved in the care or supervision of children in a child care center or group child care home to submit to a state and national background check. The background check required pursuant to this subsection shall include (1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years; (2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years; (3) a search of the National Crime Information Center; (4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and (5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.). Any criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a and shall be conducted within 45 days of application.

(New) (e) Current staff members of child care centers or group child care homes shall have until September 30, 2017 to submit to a background check that complies with the requirements of subsection (c) of section 19a-80.

(New) (f) The background check required pursuant to subsection (c) of section 19a-80 shall be required not less often than once during each 5-year period. A staff member applying to work at a new child care facility shall not be required to submit a new background check if the staff member successfully completed a background check pursuant to section 19a-80 (c), 19a-87b (c), or 17b-749k (a) and the staff member is currently employed by a child care provider within the State or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days. Nothing in this subsection prohibits the Commissioner from requiring that someone in a position connected with the provision of care to a child receiving child care services submit to a background check more often than once in a 5-year period. The term



"child care facility" as used in this subsection shall include a "child care center," "group child care home," or "family child care home" as defined in section 19a-77, and the home of a provider under the child care subsidy program pursuant to section 17b-749.

Sec. 19a-87b

(c) The commissioner, within available appropriations, shall require each initial applicant, prospective employee, including an assistant or substitute staff member involved in the care or supervision of children, or household member age 16 or older of a family child care home, to submit to a state and national background check. The background check required pursuant to this subsection shall include (1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years; (2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years; (3) a search of the National Crime Information Center; (4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and (5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.). Any criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a and shall be conducted within 45 days of application.

(New) (g) Current staff members, providers, and household members of family child care homes shall have until September 30, 2017 to submit to a background check that complies with the requirements of subsection (c) of section 19a-87b.

(New) (h) The background check required pursuant to subsection (c) of section 19a-87b shall be required not less often than once during each 5-year period. A staff member applying to work at a new child care facility shall not be required to submit a new background check if the staff member successfully completed a background check pursuant to section 19a-80 (c), 19a-87b (c), or 17b-749k (a) and the staff member is currently employed by a child care provider within the State or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days. Nothing in this subsection prohibits the Commissioner from requiring that someone in a position connected with the provision of care to a child receiving child care services submit to a background check more often than once in a 5-year period. The term "child care facility" as used in this subsection shall include a "child care center," "group child care home," or "family child care home" as defined in section 19a-77, and the home of a provider under the child care subsidy program pursuant to section 17b-749.

Section 6: Background Checks - Licensing

Sec. 19a-87e

(a) The Commissioner of Early Childhood may (1) refuse to license under section 19a-87b, a person to own, conduct, operate, maintain a family child care home, as defined in section 19a-77, (2) refuse to approve under section 19a-87b, a person to act as an assistant or substitute staff member in a family child care home, as defined in section 19a-77, or (3) suspend or revoke the license or approval or take any other action that may be set forth in regulation that may be adopted pursuant to section 19a-79 if the person who owns, conducts, maintains or operates the family child care home, the person who acts as an assistant or substitute staff member in a family child care home or a person employed in such family child care home including an assistant



or substitute staff member involved in the care or supervision of children, or household member age 16 or older of a family child care home, (A) refuses to consent to the background check described in subsection (c) of section 19a-87b; (B) knowingly makes a false statement in connection with such background check; (C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or (D) has been convicted of a felony consisting of—(i) murder, as described in section 1111 of title 18, United States Code; (ii) child abuse or neglect; (iii) a crime against children, including child pornography; (iv) spousal abuse; (v) a crime involving rape or sexual assault; (vi) kidnapping; (vii) arson; (viii) physical assault or battery; (ix) a drug-related offense committed during the preceding 5 years; (x) has been convicted of a violent misdemeanor committed as an adult against a child, including, but not limited to, child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography, or (xi) has a criminal or protective service record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to own, conduct, operate, maintain or be employed by a family child care home. However, no refusal of a license shall be rendered except in accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

Sec. 19a-87a

(a) The Commissioner of Early Childhood shall have the discretion to refuse to license under sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, a person to conduct, operate, or maintain a child care center or a group child care home, as defined in section 19a-77, or to suspend or revoke the license or take any other action set forth in regulation that may be adopted pursuant to section 19a-79 if, the person who owns, conducts, maintains or operates such center or home or a person employed therein involved in the care or supervision of children receiving child care services, (A) refuses to consent to the background check described in subsection (c) of section 19a-80; (B) knowingly makes a false statement in connection with such criminal history records check; (C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or (D) has been convicted of a felony consisting of—(i) murder, as described in section 1111 of title 18, United States Code; (ii) child abuse or neglect; (iii) a crime against children, including child pornography; (iv) spousal abuse; (v) a crime involving rape or sexual assault; (vi) kidnapping; (vii) arson; (viii) physical assault or battery; (ix) a drug-related offense committed during the preceding 5 years; (x) has been convicted of a violent misdemeanor committed as an adult against a child, including, but not limited to, child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography; or (xi) or has a criminal or protective service record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to own, conduct, operate, maintain or be employed by a child care center or group child care home. However, no refusal of a license shall be rendered except in accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

Section 7: Background Checks – OEC Staff

NEW. Criminal history records checks required for Office of Early Childhood employees who have access to FBI records. The Commissioner of Early Childhood shall require each employee who has access to FBI records to (1) state whether such employee has ever been convicted of a crime or whether criminal charges are pending against such employee, and (2) submit to state and national criminal history records checks. The criminal history records checks required pursuant to this section shall be conducted in accordance with section 29-17a.



Section 8: Licensing – Grace Period

Sec. 19a-79. (Formerly Sec. 19-43d). Regulations. Exemptions. (a) The Commissioner of Early Childhood shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, and to assure that child day care centers and group day care homes shall meet the health, educational and social needs of children utilizing such child day care centers and group day care homes. Such regulations shall (1) specify that before being permitted to attend any child day care center or group day care home, each child shall 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, including appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parents object to such immunization on religious grounds, (2) specify conditions under which child day care center directors and teachers and group day 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 day care services at such child day care center or group day care home pursuant to the written order of a physician licensed to practice medicine or a dentist licensed to practice dental medicine in this or another state, or 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, (3) specify that an operator of a child day care center or group day care home, licensed before January 1, 1986, or an operator who receives a license after January 1, 1986, for a facility licensed prior to January 1, 1986, shall provide a minimum of thirty square feet per child of total indoor usable space, free of furniture except that needed for the children's purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens, halls, isolation room or other rooms used for purposes other than the activities of the children, (4) specify that a child day care center or group day care home licensed after January 1, 1986, shall provide thirty-five square feet per child of total indoor usable space, (5) establish appropriate child day care center staffing requirements for employees certified in cardiopulmonary resuscitation by the American Red Cross, the American Heart Association, the National Safety Council, American Safety and Health Institute or Medic First Aid International, Inc., (6) specify that on and after January 1, 2003, a child day care center or group day care home (A) shall not deny services to a child on the basis of a child's known or suspected allergy or because a child has a prescription for an automatic prefilled cartridge injector or similar automatic injectable equipment used to treat an allergic reaction, or for injectable equipment used to administer glucagon, (B) shall, not later than three weeks after such child's enrollment in such a center or home, have staff trained in the use of such equipment on-site during all hours when such a child is on-site, (C) shall require such child's parent or guardian to provide the injector or injectable equipment and a copy of the prescription for such medication and injector or injectable equipment upon enrollment of such child, and (D) shall require a parent or guardian enrolling such a child to replace such medication and equipment prior to its expiration date, (7) specify that on and after January 1, 2005, a child day care center or group day care home (A) shall not deny services to a child on the basis of a child's diagnosis of asthma or because a child has a prescription for an inhalant medication to treat asthma, and (B) shall, not later than three weeks after such child's enrollment in such a center or home, have staff trained in the administration of such medication on-site during all hours when such a child is on-site, and (8) establish physical plant requirements for licensed child day care centers and licensed group day care homes that exclusively serve school-age children. [A child that has been determined to be homeless as defined in section 725\(2\) of the McKinney-Vento Homeless Assistance Act of 42 U.S.C. 11434a\(2\), may be allowed to attend the child care center or group child care home for up to ninety \(90\)](#)



days without meeting the physical examination requirements of section 19a-79-5a(a)(2)(B) or immunization requirements of section 19a-79-6a(e). Record of temporary waiver eligibility determinations must be maintained on file at the child care center or group child care home for a period of two (2) years after the child is no longer enrolled. When establishing such requirements, the Office of Early Childhood shall give consideration to child day care centers and group day care homes that are located in private or public school buildings. With respect to this subdivision only, the commissioner shall implement policies and procedures necessary to implement the physical plant requirements established pursuant to this subdivision while in the process of adopting such policies and procedures in regulation form. Until replaced by policies and procedures implemented pursuant to this subdivision, any physical plant requirement specified in the office's regulations that is generally applicable to child day care centers and group day care homes shall continue to be applicable to such centers and group day care homes that exclusively serve school-age children. The commissioner shall print notice of the intent to adopt regulations pursuant to this subdivision in the Connecticut Law Journal not later than twenty days after the date of implementation of such policies and procedures. Policies and procedures implemented pursuant to this subdivision shall be valid until the time final regulations are adopted.

Sec. 19a-87b. (Formerly Sec. 17-585(b)–(d)). License required for family day care homes. Approval required to act as assistant or substitute staff member. Criminal history records checks. Fees. Regulations. (a) No person, group of persons, association, organization, corporation, institution or agency, public or private, shall maintain a family day care home, as defined 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 day 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 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 day care home at least once every year. A licensed family day 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) No person shall act as an assistant or substitute staff member to a person or entity maintaining a family day 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 day care home shall submit an application for such approval to the office. Applications for approval shall: (1) Be made to the commissioner on forms provided by the office, (2) contain the information required by regulations adopted under this section, and (3) 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.

(c) The commissioner, within available appropriations, shall require each initial applicant or prospective employee of a family day care home in a position requiring the provision of care to a child, including an assistant or substitute staff member, to submit to 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.

(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 day 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.

(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 that family day care homes, as defined in section 19a-77, shall meet the health, educational and social needs of children utilizing such homes. Such regulations shall ensure that the family day 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 object to such immunization on religious grounds. [A child that has been determined to be homeless as defined in section 725\(2\) of the McKinney-Vento Homeless Assistance Act of 42 U.S.C. 11434a\(2\), may be allowed to attend the family child care home for up to ninety \(90\) days without meeting the physical examination requirements of section 19a-87b-10\(b\)\(2\) or immunization requirements of section 19a-87b-10\(k\). Record of temporary waiver eligibility determinations must be maintained on file at the family child care home for a period of two \(2\) years after the child is no longer enrolled.](#) Such regulations shall also specify conditions under which family day 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 day care services at a family day 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.

Section 9: Licensing – Change in Ownership

Sec. 19a-80. (Formerly Sec. 19-43e). License required for child day care centers and group day care homes.

Fees. Criminal history records checks. Notification of changes in regulations. (a) No person, group of persons, association, organization, corporation, institution or agency, public or private, shall maintain a child day care center or group day care home without a license issued in accordance with sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87a, inclusive. Applications for such license shall be made to the Commissioner of Early Childhood on forms provided by the commissioner and shall contain the information required by



regulations adopted under said sections. The forms shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b.

(b) (1) Upon receipt of an application for a license, the commissioner shall issue such license if, upon inspection and investigation, said commissioner finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to attend the child day care center or group day care home and comply with requirements established by regulations adopted under sections 19a-77 to 19a-80, inclusive, and sections 19a-82 to 19a-87a, inclusive. The commissioner shall offer an expedited application review process for an application submitted by a municipal agency or department. [A currently licensed person or entity who desires to change the operator, ownership or location of the licensed child care center or group child care home without the filing of a new license application shall submit such request to the commissioner at least sixty \(60\) days prior to the anticipated change.](#)

Section 10: Licensing – Remove exemption –

Sec. 19a-77. (Formerly Sec. 19-43b). “Child day care services” defined. Exclusions. Additional license. (a) As used in sections 19a-77 to 19a-80, inclusive, and sections 19a-82 to 19a-87, inclusive, “child day care services” shall include:...

...[(7) Drop-in programs administered by a nationally chartered boys’ and girls’ club;]

Section 11: Regional Accreditation Projects –

Sec. 17b-749e. [Regional] Accreditation projects. [The Office of Early Childhood shall support programs to achieve accreditation, within available appropriations. The Office shall set priorities for receipt of support as deemed by the Commissioner.](#) [establish and fund five regional accreditation projects, within available appropriations. The office shall select qualified applicants for each region through a request for proposal process. The office shall give priority to child day care facilities where at least twenty per cent of the children live with families earning less than seventy-five per cent of the state median income level.]

Section 12: Coordination of Early Care and Education Program Funding – This proposal is on hold.

[NEW. The Office of Early Childhood, in consultation with stakeholders, shall develop a plan by October 1, 2016 to align and integrate early care and education funding and services, including School Readiness, Child Day Care Centers, Smart Start and Care4Kids](#)