

PA10-090

HB5306

House	2361-2387	27
Public Health	24-25, 27-29, 30-34, 111-132, 594-605, 641	45
Senate	3546, 3550-3552	4
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H – 1080

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 8
2220 – 2570**

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If all Members have voted, the machine will be locked.
Mr. Clerk, please take the tally. The Clerk please
announce the tally.

THE CLERK:

House Bill 5090 as amended by House "A" and "B".

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	88
Those voting Nay	54
Those absent and not voting	9

DEPUTY SPEAKER O'ROURKE:

The Bill as amended is passed.

Mr. Clerk, please return to the Call of the Calendar,
Calendar 174.

THE CLERK:

On Page 8, Calendar 174, Substitute for House Bill
Number 5306 AN ACT CONCERNING THE OPERATION OF CHILD DAY
CARE CENTERS AND GROUP DAY CARE HOMES IN PUBLIC SCHOOLS.
Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER O'ROURKE:

Representative Bye.

REP. BYE: (19th)

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Good evening, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER O'ROURKE:

(Gavel)

Thank you.

REP. BYE: (19th)

Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

The motion is on acceptance and passage. Will you remark, Representative Bye.

REP. BYE: (19th)

Mr. Speaker, the Clerk has an Amendment, LCO 4510. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER O'ROURKE:

Representative, could you briefly explain the Bill before you bring out the Amendment.

REP. BYE: (19th)

Oh, this is a strike all Amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Please proceed.

REP. BYE: (19th)

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Okay. Mr. Speaker, this Bill recognizes that before and after school programs are different than day care programs for three and four-year-olds. Yes, Mr. Speaker, I did call the Amendment.

DEPUTY SPEAKER O'ROURKE:

I apologize, Representative Bye. Can you call that Amendment again?

REP. BYE: (19th)

Yes, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

We've got about four of them here.

REP... BYE: (19th)

The Clerk has an Amendment, LCO 4510. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER O'ROURKE:

Very good. Mr. Clerk, please call LCO 4510.

THE CLERK:

LCO Number 4510, House "A" offered by Representatives Ritter, Bye, Boukus and Senator Harris.

DEPUTY SPEAKER O'ROURKE:

Representative Bye.

REP. BYE: (19th)

Mr. Speaker, I move adoption.

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DEPUTY SPEAKER O'ROURKE:

The motion is on adoption. Will you remark?

REP. BYE: (19th)

Yes, Mr. Speaker. This Bill is trying to recognize that there are differences in programs for three and four-year-olds and before and after school children with relation to the physical plant requirements of the Department of Public Health regulations.

We have been through a collaborative process with the Department of Public Health and before and after school programs to review the physical plant regulations, to reflect that difference, and have developed a process by which the Department and the programs will delineate differences based on the age of the children and also based on the facility as before and after school programs are often located in public school buildings where children reside all day in those physical plants.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you very much, Representative Bye. The motion was on adoption of House Amendment "A". Will you remark on House "A"? Will you remark"

If not, I'll try your minds. All those in favor of House "A" signify by saying Aye.

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REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'ROURKE:

Those opposed, Nay. The Ayes have it. The Amendment
is adopted.

Will you remark on the Bill as amended?

Representative Bye.

REP. BYE: (19th)

Mr. Speaker, I just summarized the Bill as amended. What we're trying to do is make the regulations for child day care for school aged children reflect the differences between school aged children and three and four-year-olds. Currently the regulations are the same for both preschool children and school aged children.

DEPUTY SPEAKER O'ROURKE:

Will you remark? Representative Boukus.

REP. BOUKUS: (22nd)

Thank you, Mr. Speaker. Mr. Speaker, Representative Bye and the Department of Public Health and many, many others besides Representative Ritter have done a great job on this and it's a great bill and it ought to pass and I'm putting my support fully behind it. Thank you.

DEPUTY SPEAKER O'ROURKE:

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Thank you, Representative Boukus. Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. Some questions to the proponent, through you, please.

DEPUTY SPEAKER O'ROURKE:

Representative Bye, prepare yourself. Representative Chapin, proceed.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. In Lines 101 and on, 101 through 129, we're bracketing out language, deleting that language, and it appears that this section in statute today provides an opportunity for people who find themselves in certain positions, to apply for a variance from these regulations.

Is my reading on that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, yes. That's accurate.

DEPUTY SPEAKER O'ROURKE:

Representative Chapin.

REP. CHAPIN: (67th)

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Thank you, Mr. Speaker, and again through you. So, in the new language in Lines 66 through 86, is there any opportunity for people who are not in conformance to be able to apply for any sort of a variance in the new language? Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker. The new, the old language allowed programs to apply for a variance if they felt that they should be granted one based on their physical facility.

This language directs the Department of Public Health and school aged providers to meet and come up with very clear guidelines and regulations related to their special needs versus needing to make a variance every time a program felt it might not meet the current physical plant requirements. It makes the physical plant requirements more age specific.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Chapin.

REP. CHAPIN: (67th)

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Thank you, Mr. Speaker. So if I understood the proponent's comments, then in those instances where a variance under existing law may be required, under those circumstances there would be an opportunity for those circumstances to be identified if this law were to pass, and for those issues to be addressed?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, in a more systematic way those differences would be addressed and promulgated into regulations for all programs, taking into account the difference in school aged facilities and programs.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. And again, through you, so can you contemplate some circumstances where people may be able to operate these facilities under existing law, where if we were to pass this they would no longer be allowed to do so? Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

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Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER O'ROURKE: ---

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker, and I thank the gentle lady for her answers.

DEPUTY SPEAKER O'ROURKE:

Will you remark? Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you, Mr. Speaker. If I may, a question or two to the proponent.

Thank you. Through you, Mr. Speaker, I applaud the proponent for the work on this. It seems to me, although I'm not terribly familiar with the area, it seems to me a positive step.

My question is this. The speak childcare centers and group daycare homes are located in private or public school buildings. That's Lines 69, 70 and 71, and so my question is, does this only address activities that are in a school building, or would this also apply to centers, daycare centers that are located, for example, in churches or in other buildings? Through you, Mr. Speaker.

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DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, I thank the gentleman for his questions because it allows us to be clear on the floor about the intent here.

This applies, some of these regulations will apply to all child daycare centers for school aged children but some may apply specifically to programs that are in public school buildings as childcare programs for school aged children in public school buildings do not have total control over their physical plants, and we're giving those special considerations because the students located in those child daycare centers have been in that space all day, and the schools have prepared that space specifically for school aged children.

Whereas, a place that is located outside of a public school, perhaps a strip mall childcare center that's outside of the school, may need more stringent regulations.

So this really leaves our guidance up to the Department of Public Health, as well as some negotiations with school aged providers over the regulations with input from them. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

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Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you, Mr. Speaker. Through you, I can see, for example, in a school building, a public school building, there might be some overlap of jurisdiction here between the Commissioner that ordinarily would have jurisdiction and for example, the Department of Education.

Is there a way to resolve, I mean, am I right, first of all, am I correct in that there is a possible overlap in jurisdiction here, and would this resolve that?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, in theory there is a potential overlap of jurisdiction.

Pragmatically, the Department of Public Health is a regulatory agency and comes in and regularly inspects child daycare centers.

The Department of Education oversees schools but is not in the business of coming in, for example, and checking the temperature of the water and other items such as that, or the number of candles in the light for the students.

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So theoretically there is an overlap, but pragmatically that doesn't happen. At times there is overlap with the particular school's policies and physical plant and what their rules may be in the before and after school programs, but not with the state agencies.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Hetherington.

REP. HETHERINGTON: (125th)

I see. Thank you. Through you, Mr. Speaker, I thank the lady for her answers and thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you. Representative Klarides. Representative Klarides.

REP. KLARIDES: (114th)

Thank you, Mr. Speaker. Mr. Speaker, through you, I have a few questions for the proponent.

DEPUTY SPEAKER O'CONNOR:

Please proceed.

REP. KLARIDES: (114th)

Thank you, Mr. Speaker. In Line 11, we're specifying, on Line 11 and going forward, the types of immunization that the children would be required to have.

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Is that standard in other areas such as grade school children under statute now? Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, yes. And also through you, Mr. Speaker, this Bill is particular to the physical plant. It doesn't attempt to change any other current regulations related to child daycare.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Klarides.

REP. KLARIDES: (114th)

Thank you, Mr. Speaker. And through you, in Lines 19 and going forward we are talking about children diagnosed with diabetes. Is that similar to the previous subsection in that it's standard in how we deal with diabetic children?

Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER O'CONNOR:

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Representative Klarides.

REP. KLARIDES: (114th)

Thank you, Mr. Speaker. I see further down in those sections we're also talking about other allergies of children, and I'm just really, this line of questioning I'm going, just trying to figure out is, if in the ways that we deal in statute with children and their allergies and situations like that, have we changed anything in this Bill, or just continue with the standard going forward?

Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, no, we have not changed any of the other standards. This language is current language. The amended language begins in Line 67. It's mean to address specifically the physical plant requirements in the child daycare regulations.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Klarides.

REP. KLARIDES: (114th)

Thank you, Mr. Speaker. I thank the lady for her answers.

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DEPUTY SPEAKER O'CONNOR:

Thank you. Representative Giegler.

REP. GIEGLER: (138th)

Thank you, Mr. Speaker. I rise in support of the Bill as amended, and I want to commend the proponent of the Bill for having addressed those issues that were expressed in the Public Health Committee within this Amendment.

There was a lot of effort put into it. It addressed private schools and also the public schools and other concerns that we had, and so I urge my colleagues' support.

Thank you.

DEPUTY SPEAKER O'CONNOR:

Thank you, madam. Representative Green.

REP. GREEN: (1st)

Thank you, Mr. Speaker. Mr. Speaker, just a couple of questions for clarification, through you.

DEPUTY SPEAKER O'CONNOR:

Please proceed.

REP. GREEN: (1st)

Thank you, Mr. Speaker. Representative, could you tell me, does this impact current daycare or childcare centers if there's going to be something that could have, people who are currently operating, that they may have to make changes to their physical plant?

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DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN: (1st)

Thank you. Could you define for me the daycare or licensed child daycare or group homes that exclusively serve school aged children, how we define the school age.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, school aged are defined as aged kindergarten and older in the Department of Public Health statutes. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN: (1st)

Okay. For some clarification, I'm not sure if kindergarteners through high school is an age. It might be grade, but what ages are those?

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

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REP. BYE: (19th)

Through you, Mr. Speaker, the vast majority of school aged programs that are child daycare operate through fifth grade, kindergarten through fifth grade.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN: (1st)

Thank you. There are some programs that sometimes have a five and six-year-olds because they have programs for three-year-olds to six. They sometimes take kids to kindergarten or first grade. They go to their programs in the day and there may be afternoon programs at a school.

Could the Representative explain to me, are these centers, and how might they be affected by this if they are affected at all?

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, the program is designed for school-aged children where children from another program may attend in a private or public school. Those programs will need to follow these regulations.

It doesn't, these regulations actually allow for more age-appropriate regulations than a program they may have

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been at earlier in the day where three and four and five and six-year-olds were together.

These are, these allow for more flexibility in the physical plant regulations but any change would be in the favor of understanding that the public school site is already serving children all day, so they may not need to meet for example, the lighting requirements.

I'm trying to think of another example. There may not be plug covers, for example in a program for children kindergarten and older where there would be where they were earlier in the day for three, four and five-year-olds.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN: (1st)

Okay, thank you for that answer. Those were good, clear answers. I understood that.

And just to follow up on the question about the items that were bracketed out, just so I understand this, there were, that allowed that those lines that were bracketed out allow for some, the Department of Public Health to possibly grant some variance and maybe some waivers.

Taking that out, what in effect are we doing?

DEPUTY SPEAKER O'CONNOR:

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Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, this is language that we worked on a couple of years ago to try to tend to some of these problems.

There's only been one program that's requested a waiver, but there continue to be concerns about the age appropriateness of the school-aged regulations. So we don't believe taking this out will impact any program, but the improved regulations done in a systematic way will improve the whole process for all programs serving school-aged children. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Green.

REP. GREEN: (1st)

Thank you, Mr. Speaker, and I want to thank the gentle woman from West Hartford for her answers. I really appreciate it. That helped to clarify some of the issues in the Bill for me. Thank you.

REP. BYE: (19th)

Thank you.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir. Representative Miner.

REP. MINER: (66th)

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Thank you, Mr. Speaker, and good evening. Mr. Speaker, I've been trying to follow this conversation as it pertains to public facilities versus private facilities, and I notice that in the Amendment as adopted, which now becomes the Bill there's an exemption for Montessori schools, which kind of leads me to believe that this does include private daycare facilities as well?

Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, I'd ask the gentleman to direct me to the section of the Bill that has an exemption for Montessori schools?

DEPUTY SPEAKER O'CONNOR:

Representative Miner, would you please direct the gentle lady to the appropriate section, please?

REP. MINER: (66th)

It actually was included in Line 95 and I think that's part of the current language right now, which does, as I read it, as part of current law, exempt those schools from this process. And if I'm correct, then that to me means that this includes, or at least it's intended to include,

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daycare facilities that are other than those housed in public schools. Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, I thank the gentleman for his clarification.

Currently, under current law, public schools that operate as schools, do not need to be regulated by the Department of Public Health, but child daycare centers that cover other portions of the day that are not part of the educational program do need to be regulated.

So that's simply stating that the Montessori schools and your public school or your private Catholic school currently, their physical plant is not regulated.

If another program comes in and runs an after school program that is not part of that school, that's what is regulated. So this is trying to clarify that the Montessori schools would not need to be regulated by child daycare because they are schools that meet those criteria.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Miner.

REP. MINER: (66th)

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Thank you, Mr. Speaker. And so, in terms of a public school allowing the facility to be used by a park and rec commission to operate a daycare facility, they then would come under this? Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, it's my understanding of the current Department of Public Health's (inaudible) regulations the park and rec departments have waivers from child daycare licensing regulations. Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. And so, if there was a private entity that was leasing space from a municipality in a public school in the afternoon, would they come under this? Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER O'CONNOR:

Representative Miner.

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REP. MINER: (66th)

So to the extent that the regulations that are contemplated in this language would force, under that circumstance, a town to make changes to its physical plant because it's leased to a private entity, would there be implications to the municipality? Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, I appreciate the question because it allows us to be very clear.

Part of the reason we introduced this Bill in the Public Health Committee was because, in fact, the private programs in public schools do not have any ability to make a change in the public school facility, or to force a change in the public school facility. So they're operating on very different grounds than as if they had their own program in a strip mall, for example. I'll use that as an example again.

So these regulations recognize that school buildings are different and in fact, have children there all day, and have a principal and teachers and custodians who are ensuring the safety of the school, but it does not force schools to make any changes to accommodate the public

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daycare program, through you, Mr. Speaker, or the private daycare program. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. And then if I could again just get a clarification. In Lines 101 to 129 of the Amendment, which now having been adopted become part of the Bill, it takes out that process by which someone could acquire a variance.

And it's my understanding that under the regulations process, there will be a variance process that may apply.

Is that correct? Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

Through you, Mr. Speaker, I do not know the answer to that question. What I do know is that this waiver process was our attempt to deal with the challenges of private programs being in public schools where they don't have control over the physical plant by allowing them to say to the Department of Public Health, we have a special circumstance. We believe it's safe for children. We

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request this waiver, and then it's done on a case by case basis.

This Bill is trying to have regulations promulgated that allow the Department of Public Health to alter their guidelines and also post them in a relatively short timeframe to allow programs in public schools to continue to operate. Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. And so, I'm thinking of the afternoon school program run by some of our regional educational groups, and as I read this, it talks about those regulations currently in place kind of controlling the day until something else happens.

But none of this, as I understand it, I guess, through you comments, would affect those after school programs negatively, so we're not going to get phone calls from Education Connection, for instance, that the after school program would have to change or end because of some new regulation. Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Bye.

REP. BYE: (19th)

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Through you, Mr. Speaker, as our recs, our LEAs, they're already exempt from child daycare regulations because they operate as a quasi public school.

So you're getting at some of the challenges with the before and after school programs with your questions, Representative Miner, and I appreciate them because it helps us to clarify. Through you.

DEPUTY SPEAKER O'CONNOR:

Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker, and I thank the gentle lady for her answers.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir. Will you remark further on the Bill as amended? Will you remark further on the Bill as amended?

If not, will staff and guests please come to the well of the House. Will the Members please your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

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DEPUTY SPEAKER O'CONNOR:

Have all the Members voted? Have all the Members voted? Will the Members please check the board to determine if your vote is properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill Number 5306 as amended by House "A".

Total Number Voting	143
Necessary for Passage	73
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER O'CONNOR:

The Bill as amended is passed.

Will the Clerk please call Calendar Number 300.

THE CLERK:

On Page 14, Calendar 300, Substitute for House Bill Number 5441 AN ACT CONCERNING CERTAIN REVISIONS TO ELECTIONS RELATED STATUTES. Favorable Report of the Committee on Government Administration and Elections. House "A" has been designated.

DEPUTY SPEAKER O'CONNOR:

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SENATE**

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Thank you, Mr. President.

Mr. President, moving to calendar page 13,
Calendar 478, House Bill 5290. Mr. President, move to
place that item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving
to calendar page 15, Calendar 504, House Bill 5306.
Mr. President, move to place that item on the consent
calendar.

THE CHAIR:

Without objection, so ordered.

THE CHAIR:

Thank you, Mr. President. Mr. President, if we
might stand at ease for just a moment.

THE CHAIR:

The Senate will stand at ease.

SENATOR LOONEY:

Thank you.

Mr. President.

THE CHAIR:

The Senate will come back to order. Yes, Senator
Looney.

Bill 121; calendar page 7, Calendar 377, Substitute for House Bill 5291; Calendar page 8, Calendar 398, Substitute for Senate Bill 231; calendar page 9, Calendar 442, Substitute for House Bill 5141; calendar page 10, Calendar 449, House Bill 5495; calendar page 11, Calendar 451, Substitute for House Bill 5535; Calendar 465, Substitute for House Bill 44 -- 5448; calendar page 12, Calendar 466, Substitute for House Bill 5289; Calendar 473, Substitute for House Bill 5059; Calendar 476, Substitute for House Bill 5117; calendar page 13. Calendar 478, House Bill 5290; Calendar 481, Substitute for House Bill 5119; Calendar 482, Substitute for House Bill 5120; calendar page 15, Calendar 492, Substitute for House Bill 5446; Calendar 494, House Bill 5315; Calendar 504, Substitute for House Bill 5306; calendar page 20, Calendar 532, Substitute for House Bill 5033; calendar page 21, Calendar 534, Substitute for House Bill 5543; Calendar 539, Substitute for House Bill 5350; calendar page 25, Calendar 561, Substitute for House Bill 5419; calendar page 36, Calendar 374, Substitute for House Bill 5225; calendar page 37, Calendar 415, House Bill 5131; calendar page 38, Calendar 454, Substitute for House Bill 5526.

Mr. President, that completes the items placed on Consent Calendar Number 2.

THE CHAIR:

Please call for a roll call vote. The machine will be open.

THE CLERK:

The Senate is now voting by roll on the consent calendar. Will all Senators please return to the chamber. Senate is voting by roll on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 2.

Total number voting

35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

Those absent and not voting 1

THE CHAIR:

Consent calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I would move that any items on the consent calendar requires additional action by the House of Representatives be immediately transmitted to that chamber.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

And also any other items acted upon today, not on the consent calendar requiring action by the House of Representatives. Also would move that those items be immediately transmitted.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield to any members seeking recognition for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any points of

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 1
1 – 325**

2010

REP. RITTER: There are quite a few other large public hearings going on in the building today and so legislators will be in and out. Please don't take offense to that. But in light of that, I would ask that everybody please do their best to keep to our three minute testimony schedule. It's -- we're going to try our best to enforce that today; that would be for everybody. And -- because many of us want to have the opportunity to hear from as many of you as possibly. So -- so please help us respect that.

Still going on with the announcements, you probably know that this is a no smoking room, of course. And there are two exits at the rear of the room and I would ask that you not stand in front of those exits rather that you find a place to sit. We can't block the exits under any circumstances. There are several people standing in front of them now. I hope they're listening to me. Remember what I said about that three minutes? We can take care of that in a different way. Thank you very -- thank you very much for helping us out. It's a crowded room today and a crowded schedule.

With all of that, I think we're ready to go. As many of you know, we reserve the first hour of our testimony for elected legislators, agencies and municipalities' municipal officials.

The first person here to speak to us will be Ellen Blaschinski -- I'm -- and -- from the Department of Public Health.

Yes, there you are.

ELLEN BLASCHINSKI: Good morning, Representative Ritter, members of the committee. I'm Ellen

SB264 HB5304
HB5287 HB5306

Blaschinski. I'm the branch chief for regulatory services at the Department of Public Health. I'm going to provide oral comments on two bills but we also submitted testimony on two additional; Senate Bill 264 and House Bill 5304. And at the end of my comments, I'd be happy to answer questions about those bills, additionally.

The first bill I'm going to comment on is House Bill 5287, AN ACT ALLOWING THE PRODUCTION AND SALE OF ACIDIFIED FOOD PRODUCTS ON RESIDENTIAL FARMS. The Department of Public Health opposes House Bill 5287. DPH considers the activities outlined in this bill extremely risky. We hope the committee considers carefully not only the testimony of the Department of Public Health but also the testimony of our sister agency, the Department of Consumer Protection and the United States Food and Drug Administration. All three agencies are uniformly opposed to the activities outlined in this bill.

The canning activity addressed in the legislation involves complex food processing procedures that will allow for the growth and spread of bacteria including botulism. Botulism is a highly toxic foodborne illness. It causes paralysis of the facial muscles. It extends then into the extremities and can eventually lead to respiratory failure and death.

The proposed seeks to exempt a class of producers from the rules that establish a minimum standard of food processor safety. In the place of these food processing rules, the bill institutes a loose set of requirements that fall well short of the necessary measures to prevent the spread of foodborne illness. It also removes the normal regulatory oversight that would ensure that even these inadequate

Understanding and preventing the growth and survival of pathogens in food is complex and varies by type of food, the organism and other factors. Investigations have tied national outbreaks to both the failure of food processors to meet safety standards and the failure of regulators to enforce these standards. Exempting any producer from food safety regulations remedies neither issue and flies in the face of national campaigns to implement drastic increases in regulatory activity. Ultimately, a foodborne outbreak linked to the exemption created in this bill will result in a loss of trust among consumers in their local agricultural products, their local farmers' market and the state of Connecticut.

Next bill would be House Bill 5306, AN ACT CONCERNING THE OPERATION OF CHILD DAY CARE CENTERS AND GROUP DAY CARE HOMES IN PUBLIC SCHOOLS. The Department of Public Health opposes House Bill 5306. The Department has authority to license child day care centers and group day care homes as defined in the General Statutes. Licensing establishes the minimum health and safety requirements that all programs must meet in order to provide safe child day care services.

Public Act 07-252 introduced a provision that would allow child day care centers and group day care homes that operate in a public school building and serve exclusively school-age children to apply for a variance to any of the physical plant requirements specified in the regulations. House Bill 5306 -- 5306 seeks to eliminate this variance provision and rather extend an open-ended exemption to school-age programs operating in public schools from all of the physical plant requirements. These

requirements relate to such things as water quality, emergency exiting, toileting and washing facilities, temperature, lighting, protection from hazards, program space, outdoor play space and equipment, building safety, cleanliness and sanitation.

House Bill 5306 would require the Department to issue licenses to some programs that have provided no verification that they meet any of the physical plant requirements specified in the regulations. A system of licensing, as proposed here, could be very misleading to parents and others who believe that a license assures that all minimum requirements, including those related to physical plant, have been met by all the programs.

Should this proposal succeed and violations to physical plant requirements be identified by Department staff during inspections of these select programs, no action on the part of the Department could be taken to ensure remediation of the identified violations. The health and safety of children participating in these select programs would be placed at greater risk.

If school-age programs in public school buildings are not required to meet minimum requirements, yet, are afforded the same license and entitlements as programs that do meet all of the requirements, we may expect to see financial struggles for those programs that are forced into unfair competition with the select programs in public schools. There becomes a lack of fundamental equity and fairness when regulations that serve children of the same age and needs are not applied universally.

The Department recognizes that some programs in

schools have difficult securing permission or funds to make corrections for cited violations. However, the remedy should not be relaxing safety standards. All children, regardless of where their child care program is housed, should be afforded the same health and safety protections. Space used by after-school programs may be used in a different manner than how the space is used during regular school hours. It may be entirely appropriate the different standards applied when the space is used for child care as opposed to school instruction.

It should be noted that DPH has not denied, to date, any variance request sought for a public school building. In fairness, DPH has not received any requests for such a variance in a school building. The Department continues to be open to review specific physical plant requirements that are identified as especially problematic for school-age programs to determine if specific exemptions would be appropriate.

Thank you for your consideration of the Department's views on these bills.

REP. RITTER: Thank you.

Are there questions from the committee?

Representative Heinrich.

REP. HEINRICH: Thank you, Madam Chair.

Good morning.

ELLEN BLASCHINSKI: Good morning.

REP. HEINRICH: A couple of quick questions.

First from House Bill 5287, do you happen to know, I noticed that there is a very specific pH outlined in the bill, 4.6 maybe. Do you happen to know at what pH botulism grows?

ELLEN BLASCHINSKI: I do not know that off the top of my head but I could get you that information.

REP. HEINRICH: Okay. Thank you. That would be great.

And then on the bill you were just discussing, 5306, from your comments, is -- is -- is there are already something in place that would allow someone to apply for a variance?

ELLEN BLASCHINSKI: There is. There is a permission -- it was granted under a public act, it was a change made to allow a program to come forward basically indicating that they had a hardship meeting the physical plant requirements.

REP. HEINRICH: And what's different about this then?

ELLEN BLASCHINSKI: It says that we're not going meet any of the physical plant requirements. We don't have to ask you for permission not to meet them. They -- they would not be applicable.

REP. HEINRICH: Oh. So they wouldn't have to apply at all. They would just automatically be exempt.

ELLEN BLASCHINSKI: Correct. That's my interpretation of the bill.

REP. HEINRICH: Okay. Thank you for the clarification.

Thank you, Madam Chair.

REP. RITTER: Representative Bye.

REP. BYE: Thank you, Madam Chair.

Good morning, Ellen.

ELLEN BLASCHINSKI: Good morning.

REP. BYE: Thank for your testimony and -- and for your work. I think you guys do great work protecting the health and safety of our children.

I -- I've heard from programs who've struggled meeting the physical plant requirements in public schools and so I'm sympathetic to their point of view. Just to start out by saying that currently the idea of this bill would be that if there are children that age in that space all day in public school in that physical plant that those standards that the school are holding for health and safety would continue to be met but that the part of the regulations that pertain to like child day care facilities wouldn't have to be -- wouldn't have to meet that standard. So that's your understanding of this --

ELLEN BLASCHINSKI: Yes.

REP. BYE: Okay. Currently, do some public schools run before and after-school programs in their space?

ELLEN BLASCHINSKI: Yes.

REP. BYE: And what's the Department's oversight of public school after-school programs?

ELLEN BLASCHINSKI: Licensed programs -- they are licensed by us. We conduct inspections of them. We follow up on complaints regarding the programs.

REP. BYE: So it was my understanding -- and maybe I'm wrong -- it was my understanding that if a public school was running the after-school program that it was exempt from licensing.

ELLEN BLASCHINSKI: I'm sorry I think I did not completely understand your whole question.

If a public school takes responsibility for administration of the program, it is not licensed by DPH.

REP. BYE: Okay. So currently, -- because you were talking equitability of the playing field -- currently public schools run after-school programs in their school buildings by staff that aren't necessarily teachers and in most cases are paras, you know, that -- and they are -- there's no oversight by the Department of Public Health.

ELLEN BLASCHINSKI: Correct.

REP. BYE: Okay. The -- the other thing that you said was you have no received any variance requests since that change was made. So --

ELLEN BLASCHINSKI: No.

REP. BYE: -- that sort of surprises me that no one has requested this -- requested that. But I think -- I just want to be clear that it would still -- programs, the way this bill is written -- would still need to meet all the group size, the head teacher requirements, the teacher to child ratio. I think it's really important that all of those are met and those

are certainly more stringent than public school standards in terms of group size and ratio. Is that accurate?

ELLEN BLASCHINSKI: I believe so. I'm not familiar with any of the regulations for public schools. So I couldn't exactly compare but yes my interpretation is that it would just be the physical plant requirements that would not be addressed.

REP. BYE: So -- so the ratio, just for the public's understanding right now, is ten to one. That is you can have ten before and after-school children to one teacher.

ELLEN BLASCHINSKI: I believe that's correct.

REP. BYE: And -- and the maximum group size is 20 children.

ELLEN BLASCHINSKI: I believe that's also correct.

REP. BYE: Okay. So I just want to make the case, that I think what we're trying to do here is say, certainly in public schools the average class size is more like 18 to 24 with one teacher and so you have a bigger ratio, you have a larger class size in the exact same space. So I think that what this is trying to do is simply say that if there are -- is a public school and children are in that space all day anyway in that -- in the physical plant that exists that the programs can exempt from physical plant requirements that they may have no control over; like the school is not going to put in a sink necessarily if a program needs a sink or fix the paint or, you know, redo the lighting.

So that was the goal -- that was the goal of this bill and I appreciate -- I appreciate your

answers.

Thank you, Madam Chair.

REP. RITTER: Thank you.

Questions from anyone else on the committee on either of these bills?

I have a question on the first bill on the acidified foods and I think after the discussion last year there's not a lot of surprise about your position, but I still have questions about the foods themselves that are involved. And I know that many people, at least here, are aware that considerable effort was put in this to clearly and significantly limit the types of food and the required pH and things like that. And that indeed, Connecticut is not the first state in the country to suggest doing this.

HB 5287

And so my first question really is just wanted to make sure that that was understood on the part of the Department, if you had any comments about that.

ELLEN BLASCHINSKI: Yes, we are aware that modifications have been made from -- from last years bill. I think, in general, the Department, the risk of botulism in these kinds of situations is high and botulism is an extremely serious toxin. I think one of the staff persons said to me something like 15,000 times more toxic then sarin gas, an nerve agent. It's extremely toxic, a very small amount.

So the risk to the public health in our opinion would not outweigh the benefit.

REP. RITTER: And this is somewhat then of a

linger for a period of time. And of course one of our concerns is that someone smoking, you know, minutes before children appear in the center, would clearly result in children being exposed to carcinogens and other toxins.

SENATOR HARRIS: Well, that's what I'm getting at. Whether if we're going to do this appropriately, whether we need to extend the -- say an hour before the customary hours so -- as I would imagine in an enclosed area, no windows opening, the carcinogens would linger for awhile.

ANDREW SALNER: Right. I think an hour would be a minimum, Senator, in terms of the amount of carcinogens that could still be in the air depending upon the air exchange that's occurring.

SENATOR HARRIS: Okay. Thank you very much.

REP. RITTER: Further questions from the committee?

Thank you very much for your testimony.

ANDREW SALNER: Thank you very much.

REP. RITTER: We will be hearing next from Denise Duclos.

Is Denise here? No. Maybe not.

Okay. We finished on Senate Bill 264. We'll be next -- House Bill 5304, I don't believe we have anyone signed up. Our next bill will be House Bill 5306. First person to testify will be Frank Sumpter followed by Michelle Doucette Cunningham.

FRANK SUMPTER: Good afternoon, Representative Ritter and Senator Harris and members of the

committee. My name is Frank Sumpter. I'm the president and CEO of the YMCA of Northern Middlesex County based Middletown and I'm also representative for the Connecticut Alliance of YMCAs speaking to you today.

YMCAs across Connecticut are the largest provided of before and after-school child care programs, primarily sited in public elementary schools. YMCAs operate all of these programs under the licensure of the Department of Public Health and we strongly support uniform, consistent and understandable regulation as a method to ensure quality programs and safe conditions for children. We have worked the Department of Public Health leadership to improve our personnel's understanding of the regulations and to reduce incidents of noncompliance.

The collaboration between YMCAs and public schools derives multiple benefits including providing child care to families in their local neighborhoods in facilities constructed for school-age children. The current regulations, as they relate to facility requirements, create conflict with our schools and additional costs for our programs. Schools, which provide safe environments for students during the school day are deemed unsafe by Department of Public Health regulations for the same students in the before-school and after-school hours.

Some examples include lighting that is not bright enough for studying; fencing that is not high enough for enclosing playgrounds; water that is not hot enough for washing hands; uncovered garbage receptacles in bathrooms; and separate and additional testing for environmental hazards.

Remedying these conditions results in several

undesirable consequences including a diversion of resources away from program components salaries, supplies and curriculum to facility renovations; limiting or withdrawing services to communities served by older school buildings, often in urban and low-income neighborhoods; transporting children away from their local neighborhood to other locations increasing both safety risks and costs; and conversion of existing sites from licensed programs to school or municipal-sponsored programs exempt from all of the regulations.

For these reasons, Connecticut Ys support Raised Bill 5306. We are not asking to be relieved from regulation but rather to address a specific inconsistency in the manner in which children attend activities in public elementary schools.

REP. RITTER: Thank you for your testimony.

Are there questions from the committee?

No? Seeing none, we appreciate your testimony.

Our next speaker will be Michelle Doucette Cunningham and she will be followed by Melissa Bergeron.

MICHELLE DOUCETTE CUNNINGHAM: -- Doucette Cunningham and I am the executive director of the Connecticut After School Network. We're a statewide alliance representing parents and providers across the state. I'm here today to urge you to pass Raised House Bill 5306, which would provide a needed exemption from the Department of Public Health physical plant regulatory requirements to after-school programs that operate in public school buildings.

In brief, if a school is safe enough during the day for children and teachers, then it is safe enough before and after school. And if a school isn't safe, then it's school board's responsibility to fix, not an after-school program that is only serving some of the students.

One set of regulations covers all types of child care in centers, from infant and toddler care to after-school programs serving children though age 12. And I understand the difficulties the Department of Public Health must face implementing a single set of standards one-size-fit-all set of regulations fairly for all programs that apply. And yet, after-school programs run by public schools or town departments like parks and recreation in public school buildings are already exempt from all licensing regulations.

So in some examples, in a couple of settings we know of, there are both types of after-school programs in a single building. An after-school program that is licensed and, therefore, regulated by the Department of Public Health and held to one set of standards and across the hallway a program run by the parks and rec department that is entirely unlicensed and has no requirements whatsoever, not only to public facilities but also as it relates to staffing and other pieces.

I'd like to state upfront that we are very supportive of licensing. We have an excellent working relationship with the Department of Public Health and we've been meeting over the past year to go through some of the public -- some of the regulations and work through some of the smaller issues that uniquely affect after-school programs. But this legislation is necessary on these broader issues if we're

unable to reach accommodation.

Especially because this particular part of the regulation, the physical plant regulations, is really unnecessary because the Department of Public Health already has the oversight of that. Statute Section 10-203 states that local and regional boards of educations maintains the facilities under its jurisdiction in accordance with applicable public health statutes. So we know that the programs are already fairly safe.

In conclusion, I'd like to say that we all want our children to be in healthy and safe environments but that the current regulation is unnecessary, expensive and provides very serious unintended consequences of increasing the number of unlicensed programs and exempted programs and overall reducing the quality of programs that exist for our children.

Thank you.

REP. RITTER: Thank you for your testimony.

Are there questions from the committee?

Representative Bye.

REP. BYE: Thank you, Madam Chair.

Good morning, Michelle.

MICHELLE DOUCETTE CUNNINGHAM: Good morning.

REP. BYE: Did you the -- were you here for the Department of Public Health's testimony?

MICHELLE DOUCETTE CUNNINGHAM: Yes. Yes, I was.

REP. BYE: Okay. Now, they reported that a couple of years ago they opened up a waiver process

and no one has applied for a waiver. Why do you think that is?

MICHELLE DOUCETTE CUNNINGHAM: In part because the variance would require a program to prove that another accommodation was being made, not just that a hardship exists, but some other method was available and taken to make that issue no longer affecting children. So say, for example, it might be if there's not running water because of a certain issue that they could use hand sanitizer or bottled water. In the case of many of these larger physical plant issues, it really isn't relevant. In terms of the lead paint, if you can't abate the lead paint, there are no other ways of proving that that is a safe environment.

REP. BYE: Okay. Thank you very much.

Just a couple of follow-ups.

REP. RITTER: Certainly.

REP. BYE: You -- I just want to be clear. So you said both public schools and town's recreations programs can currently operate child care programs that have no regulations at all. They are not supervised by the Department of Public Health at all.

MICHELLE DOUCETTE CUNNINGHAM: That is correct. They are exempt from all the different aspects of these regulations in addition to the physical plant.

REP. BYE: Now, do you have some sense of the proportion of all after-school programs? What proportion fall outside of any licensing oversight by Public Health?

MICHELLE DOUCETTE CUNNINGHAM: I would say that a

majority of programs fall into that category but not a vast majority. Most programs are in public schools but there's a fair amount that are run by nonprofit organizations that would be the intent of this particular bill.

REP. BYE: But it's your estimate that more than half of the programs currently have no oversight by the Department of Public Health.

MICHELLE DOUCETTE CUNNINGHAM: That's correct. That number has actually gone up significantly over the past two decades. There used to be a lot more licensed facilities. But the intent and difficulty of getting regulation -- getting licensed facilities in addition to the other aspects of licensing besides physical plant has driven people away from licensed programs -- from the provision of programs and that number has decreased dramatically over the past 20 years.

REP. BYE: Okay. And with regard to things like teacher -- requirements for teachers and group size and ratio then the nonprofits that are currently operating in schools are being held to a much higher standard in terms of meeting a one to ten ratio, meeting a maximum group size of 20. But you're saying that your organization is supportive of those kind of quality controls because you're concerned about the quality of care for the children in the before and after-school program.

MICHELLE DOUCETTE CUNNINGHAM: That is correct. The other aspect -- the other sections of the regulations we think are important safety and health considerations and should remain. This bill only applies to a smaller section of the regulations for physical plant but would not affect teacher requirements, reporting requirements, medication administration, staff

ratios, et cetera.

REP. BYE: Okay. So -- so even though it's less than half, we would be assured even if we passed this bill that almost half of the programs would have to meet much more stringent requirements in terms of child supervision and group size, teacher ratio, medication administration. You're just asking for specifically with the physical plant in a facility where children that age have been all day anyway. Is that accurate?

MICHELLE DOUCETTE CUNNINGHAM: That is correct.

REP. BYE: Now, let's say a preschool wanted to come into the space and it's an elementary school. Would this bill allow them to operate a preschool in there?

MICHELLE DOUCETTE CUNNINGHAM: This bill applies only to the before and after-school programs that serve school-age children. It would not apply to school readiness programs or other programs serving preschool-age children.

REP. BYE: Okay. So thank you. That's takes care of the concern that they're different age children in there so maybe they do need those more stringent physical plants facilities. You're only asking for kids that age in public schools who are in that school all day anyway.

MICHELLE DOUCETTE CUNNINGHAM: Correct.

REP. BYE: Okay. Thank you very much for your testimony.

Thank you, Madam Chair.

REP. RITTER: Any other questions from the committee?

I have maybe one or two. And the first one concerns a distinction that was brought to my attention a couple of days ago and that would be between -- the difference between the traditional public school and, say, a parochial school. Would you like to speak to that in view of this bill?

MICHELLE DOUCETTE CUNNINGHAM: I believe that a school that is already required under statute to be up to a certain level and there's certainly the responsibility of local boards to maintain their schools. I would feel very comfortable allowing children to maintain -- to remain in that setting. If there is not the same standards for parochial schools, then I would hope that they would still remain under the Department of Public Health as an outside facility. If they have adequate protections built in to the law, then that would be fine.

REP. RITTER: Thank you. And I'll admit that was a question I had intended to ask the Department when they testified as well. So I'll have an opportunity -- I'll put them on notice now that I'll be taking an opportunity to discuss that with them as well.

In their testimony, the Department had a concern that should the proposal succeed and then violations then be identified by Department staff during inspections of the programs for some of the other purposes for which they would continue to inspect, no action on their part could be taken to remediate these violations. And I -- that raised two questions in my mind actually, and one is, exactly why that would not be the case. Would be the first one because I think -- and you might speak to the inspections and the items that are covered then.

And the second one concerned the timing of those inspections and what might happen. And I'll give the following case for example, if a facility -- if this bill did pass and a facility indeed was used, what the inspection routine would be to ensure that over time it was maintained and how that differ from what happens now.

MICHELLE DOUCETTE CUNNINGHAM: I'll address the first part of the question about I think that there would be nothing prohibiting someone who sees a problem in the physical plant from calling the attention to that problem to both the people running the before and after-school program and to the school board or school leadership in general. No one wants our children to be an in environment where it's unsafe. So I think that any person with a conscious would have the responsibility to report that there was a problem.

I think that there may not be adequate responsibilities between the Department of Public Health and the State Department of Education and local school boards about who monitors and maintains the quality of our schools. If that's the case that are schools are not at high enough quality then there should absolutely be a way to remediate those programs. But right now, under the current law, it's the responsibility of the after-school program to remediate that problem, to replace the playscape, put in a new sink, paint the ceiling, et cetera.

And it's really misplaced. It shouldn't be the after-school or the before-school program that's helping out the community by providing these services that has to fix the school. It should be the school board's responsibility to

fix the school.

REP. RITTER: Thank you.

As a further question, this -- I guess what I'm trying to seek is the extent of this problem. If this is an issue at facilities all over the state or in a particular type of facility or circumstance, easier or harder for our cities versus our more rural communities. If you have any comments on that would be first question and the second would be, is if you are aware -- in your experience, if this is handled differently, perhaps, in other states.

MICHELLE DOUCETTE CUNNINGHAM: Certainly, other -- many other states have separate school-age regulations applied to after school care so it's not a one-size-fits-all piece of regulation. And they take into account that many programs are in school buildings. For example, there is a requirement in licensing regulations that every electrical outlet have a plug cover. When I was a mother of a young toddler, I had plug covers in every outlet, too. We don't our toddlers electrocuted themselves.

There's not an epidemic of school-age children sticking knives into outlets and electrocuting themselves. And if they're going to do it, they're probably going to do sometime during the six hours during the day, as opposed to the hour and a half or the two hours that they are there after school. So there are -- every school, every program that is affected by this regulation is affected by, for example, the plugs covers because every school building is not child proof for infants and toddlers in that way. So every school is affected by some of them.

For some of the older school buildings that have not been maintained, they are more likely to have physical plant issues than the newer buildings are. But certainly some of the other people who are testifying today can also speak to the problems with new school buildings as well. It's not only old school buildings or located in any one part of the state.

REP. RITTER: Thank you very much for that information.

Are there any further questions?

Seeing none, our next speaker will be Melissa Bergeron and she will be followed by Sharon Tripp.

MICHELLE DOUCETTE CUNNINGHAM: Thank you.

MELISSA BERGERON: Good afternoon. Thank you for allowing me to speak today. My name is Melissa Bergeron and I'm here representing Carelot Children's Center and Carelot Clubhouse in favor of this bill.

HB 5306

We are a forprofit child care company that runs independent centers, as well as before and after-school programs, with seven schools in Connecticut. To reiterate what Michelle said, if a school facility is acceptable from eight to three, it should still be acceptable from three to six. If you pass this bill, there will no reason to run an unlicensed program in the state of Connecticut, which will increase the safety and quality of before and after-school programs.

Unlicensed programs can operate with only one staff in the building. They can hire staff without background checks. They can run with any ratio they like. In short, they are not as

safe as a licensed program for our children.

Three out of seven of our -- Carelot after-school programs are currently under the offices of the board of education due to being unable to get licensed because of facility deficiencies. These are same spaces that its children inhabit all day long. If this bill was passed, you would be able license these facilities and would want to.

In New London, we were told by the board of the health that the playground was unacceptable and had to be corrected. The school is either unable or unwilling to correct the issue so we run unlicensed under the board of ed. This is the same playground the children use every day at every recess and gym period. In one of our Waterford elementary schools, we cannot get licensed because the school does have a certificate of occupancy and that's unacceptable according to the board of health.

Those are the major issues holding us back, but there are other concerns in our licensed programs. There's a large amount of our budget spent on maintaining facilities -- facilities licensed for items like trash cans with covers, hand washing signs, required postings boards. These items regularly disappear and have to be replaced by us. These items do not exist in the rest of the school that the children use every day. Why is it necessary after school? The money is wasted when it could be spent on programming, extra staffing and supplies to enrich the children's after-school experience.

Finally, I want to make it clear that Carelot Children's Center does not lowering health standards when it comes to our children. We strongly support making the public schools having to meet the same health standards as the

rest of the educational and early-childhood facilities in the state. In lieu of that, in our programs and after-school programs, we'd at least like to be treated fairly and equally with the public schools in regard to the facility in which we serve the same group of children.

Thank you.

REP. RITTER: Thank you very much.

And it's always a wonderful opportunity for me to acknowledge a homegrown business in my district. I appreciate you being here.

Are there questions from the committee?

Nope. Seeing none, thank you very much.

Okay. Our next speaker will be Sharon Tripp and she will be followed by Lisa Albrecht -- no, Larisa Albrecht. Thank you.

SHARON TRIPP: Members of the committee, my name is Sharon Tripp and I am from East Windsor. I support Bill Number 5306.

My nonprofit organization Organized Parents Make A Difference offers after-school enrichment programs in four of the Hartford public schools. We serve 400 students each day. The students come to us at 2:30 and most go home at six o'clock. While they are in our program, they are involved in literacy-based enrichment programs -- activities.

I am -- I was a camp director for many years before coming to Hartford to run this agency. I stood here in front of this committee many times in support of camp licensing. I know the importance of oversight in this manner. My

concern is the regulations -- is the regulations as they are presently written make little sense. Currently, the regulations are written to include strict language concerning the facility in which the program the held.

If we were to apply for a license, we would surely be denied due to the fact that we run our programs in Hartford public school buildings. The requirements are not appropriate for programs that take place at school sites. I see little logic in that fact that the school is deemed to be safe until 2:30 and then something metaphysical happens to the building and it is no longer safe for the rest of the afternoon. Currently, my organization is being supported by my school system allowing it to be exempt from the licensing because of the school buildings, although this may be temporary.

Keeping the regulations the way they are presently written will also negatively effect all other community-based organizations, leaving many more inner-city children without services. If we are forced to comply with the present regulations, we may need to close our doors leaving 30 employees our of work, hundreds of parents scrambling to find after-school support and many employers forced to address absenteeism in their workforce.

Please consider the changes that are being suggested by a very dedicated group of after-school providers exempting the physical plan licensing requirements for after-school and child care programs in public schools.

REP. RITTER: Thank you for your testimony.

Are there questions from the committee?

Seeing none, thank you.

Our next speaker will be Larisa Albrecht followed by Tracey Lay.

LARISA ALBRECHT: Hi, my name is Larisa Albrecht. I'm the school-age director for the Manchester Early Learning Center and we're here in support of Bill 5306.

Our program runs before and after-school programs in four of Manchester's schools. Over the years, we've had numerous licensing problems with physical plant issues that have been as small as outlet covers to as large as lead paint testing and monitoring. Each of these concerns requires both time and money on the part of our program, and our positive relationship with the schools has at times become strained as a result.

One of the more recent programs that has arisen from the physical plant requirements relates to a program that we just opened in the fall. Last May, our program was approached by a principal who noticed a need for a morning in his school. We began the licensing process, which took months due to lead paint testing and required repainting as well as other physical plant issues. We were finally able to submit the license in mid-September. Our initial inspection was set for October 22nd and our license was not approved until early-November.

We are a nonprofit organization whose mission is to provide care that is both of high quality and also affordable for our families. We try to keep our tuition as low as possible so that working families can continue to make ends meet while knowing that their children are in a positive environment. Unfortunately, the time and money spent on these issues is a big

expense, which only makes our goals more difficult.

Lead paint testing costs hundreds of dollars and while other items are less costly, small charges for necessary materials such as radon tests, outlet covers and lidded trash cans certainly add up quickly. These are not one time expenses as these materials require frequent replacement in shared schools where they can be an inconvenience to others using the space.

We certainly do not want to down play the safety of the children in our programs. Their well-being is our top priority, but the exact spaces where our programs run are deemed safe during the school day, so why should that be called into question when the bell rings? If it is determined that these physical plant regulations are necessary for the safety of school-age children, then they should also be enforced during the school day. Thank you.

REP. RITTER: Thank you very much for your testimony.

Are there questions from the committee?

Seeing none, thank you very much.

Our next speaker will be Tracey Lay and she will be followed by Pat Checko.

TRACEY LAY: Good afternoon, Senator Harris and -- oh, he stepped out -- good afternoon, Representative Ritter and members of the Public Health Committee. My name is Tracey Lay and I'm from EDUCATION CONNECTICUT, which is one of the six of the regional education service centers in Connecticut. We service the western part of the state. I am here in support of

Raised House Bill 5306, AN ACT CONCERNING THE
OPERATION OF CHILD DAY CARE CENTERS/GROUP DAY
CARE HOMES IN PUBLIC SCHOOLS.

As the director of school age programs and development services for EDUCATION CONNECTION, I am responsible for running licensed programs -- before and after-school programs in six school districts in western Connecticut. We have ten different sites in the public schools. Our program has been in operation for 20 years and licensed by the Department of Public Health day care licensing. In the 16 years I've been with the agency, we have basically dealt with DPH on a lot of levels and mostly positive, of course.

EDUCATION CONNECTION is considered a school district and while programs can apply for overall legal exemption as a school district, we choose to be licensed. We feel licensing is important as a baseline for quality standards and a step toward accreditation.

It has caused, however, some hardship at times in our program. They have varied in nature from very minor fixable items to more impactful ones. Some of the other providers have already given some of the examples so I won't go into a lot of those again. But the lighting is an example where we have bring out little table lamps every day into the after-school program space because the lighting is not at the 50 square footcandles required by licensing. To me that is not only a nuisance, but it's also an issue for safety with cords and everything else that they have tape down each afternoon so that children and staff aren't tripping over them.

We also have to bring in our own garbage cans into the restrooms in the school so that they

are covered because during the day the ones they use are not. So there are little things like that. We've talked about outlet covers and it really goes to age appropriate I think and being, you know, appropriate for younger infant, toddler and some maybe preschool students isn't the same thing as what we're serving in the after-school program.

Another role I serve, besides at EDUCATION CONNECTION, is at the -- on the board of the Connecticut After School Network and also I facilitate the Regional After School Network for Western Connecticut. So dealing with a lot of other providers, we hear a lot of stories from them on what places an undue burden onto their programs and I've heard numerous programs that either are forced to go their to their superintendents or towns and asked to be signed off so that they do not have to be licensed any longer so that they can continue to run their program. As well as the worst case scenario is closing all together because they cant' meet the physical plant requirements.

So in closing, as a parent of school-age children, reiterating the same thing, it's important to have safe places for our children after school. I really do want to support that. We need these programs to run and be able to continue to focus on quality, which is really what's more important.

REP. RITTER: Thank you for your testimony.

Are there questions from the committee?

Representative Bye.

REP. BYE: Thank you, Madam Chair.

Good afternoon. You're the second person who's

mentioned this getting the schools to sign off. Can you explain to me what -- I think it was Carelot, maybe, that said they operate at some schools -- in some schools under the school system and in others as a forprofit. Can you explain what's going on there?

TRACEY LAY: Basically, what's happening is if you get a letter from your superintendent signing that they will take responsibility for your program whether it's a nonprofit that's in there running it or whether its school that would allow them to be exempt from DPH licensing requirements altogether.

REP. BYE: So they're -- so they're sort of going around the system.

TRACEY LAY: Absolutely.

REP. BYE: Is this something that's new or common?

TRACEY LAY: I would say this has been going on for awhile but it's getting more difficult as the years go on in trying to meet the requirements. It's take a toll financially, especially, on programs.

REP. BYE: So -- so when they do that, they actually -- once the superintendent signs off they don't have to meet any of DPH's requirements.

TRACEY LAY: That's correct.

REP. BYE: So not group size, not ratio, nothing.

TRACEY LAY: Right. Correct.

REP. BYE: So you can see why they're doing that. So this year actually sort of an intermediary step was -- we can't control the physical plant

but we're willing to meet the other standards and be licensed.

TRACEY LAY: That's how -- that's how we feel strongly (inaudible.)

REP. BYE: Okay. Thank you so much.

Thank you, Madam Chair.

REP. RITTER: Thank you, Representative Bye.

Are there other questions?

I have one that your testimony brought to my mind. I'm wondering if you can enlighten me, to the best of your knowledge, why lighting that is considered to be adequate for children during a six hour school day would be inadequate for an after-school or before-school program?

TRACEY LAY: That's a good question. It's a DPH requirement for licensed programs to meet a minimum of square footcandles of lighting and I'm assuming that's so that they can see to do their school work properly. And I know in cases where we've struggled in our school buildings we work with the licensing agents to try to come up with solutions and the best we've been able to do in some of the cases is bring our portable lamps and put them on our tabletops or desks and try that.

REP. RITTER: And I -- well, thank you for your efforts on that behalf. That just raised a whole host of questions in my mind. One other question I might have, it's referring to Representative Bye's line of questioning, about instances where essentially school districts are signing off, so to speak, on the use of the facility. Obviously, that could result in

great inconsistencies across the state.

So I guess my first question is if you have a sort of a general description for us of how some of those inconsistencies might go but the second one is if there are instances where perhaps a school district has changed its -- changed its mind for one reason or another and if you could perhaps enlighten us to some of that.

TRACEY LAY: I -- I would agree it probably does lead to a lot of inconsistencies across the state and I think in some districts they're more willing to sign off. A lot of districts they are not willing to sign off and then the program then closes or doesn't open in the first place. So then there's no program for children to go after school.

So our -- our hope is that by eliminating this one piece of the licensing requirement that more programs will choose to be licensed and go through the proper process and it would allow for more safety oversight and whatever is necessary to run these programs so that there's more of them out there for families.

REP. RITTER: Thank you. And I will tell you that I very much appreciate that concern. Those years are most immediately behind me but I remember them. Thank you very much.

Are there further questions from the committee?

No? Thank you.

TRACEY LAY: Thank you.

REP. RITTER: Seeing none, we're going to move to our next, which is Senate Bill 245, AN ACT PROHIBITING SMOKING IN PUBLIC PLACES.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 2
326 – 648**

2010

March 1, 2010

To: Members of the CT. Public Health Committee:

From: Mary Jane Pych, Director of East Windsor Family Resource Center

RE: RAISED BILL NO. 5306 – An Act Concerning the Operation of Child Day Care Centers and Group Day Care Home in Public Schools

I am writing this letter in support of an exemption from the Department of Public Health's physical plant regulatory requirements to child day care centers and group day care homes that operate in public school buildings and exclusively serve school-age children.

As the Director of the East Windsor Family Resource Center (FRC) which runs both the Before School and After School Programs at Broad Brook Elementary School, one of my highest priorities is to make sure the children are in a safe and healthy environment. Our program is exempt from licensing because the East Windsor Board of Education actually oversees the program for the FRC, and we are in operation from 7 AM to 6 PM each day as we also provide an Extended Day Program for the kindergarteners and PreK students that attend this public elementary school. Even though we do not have to follow the required DPH regulations since we are exempt, we still try to as much as possible. The regulations concerning the school's physical environment (both inside and outside) are the ones that I feel are the most difficult to meet in order to be licensed by the DPH. School buildings are often old (Broad Brook Elementary School was built in 1950) and may not be able to meet all the DPH's physical plant requirements. Our FRC and BOE do not have the extra monies that would be needed to make the necessary changes to get licensed. This would definitely put an interruption in our school-age childcare services that we presently provide to our families in the East Windsor community. One of the advantages of our program to the parents is the fact that their children can remain in the school building for their after school childcare. Our parents like the fact that they know where their children are from the time they drop them off in the morning until it is time to pick them up. It would be quite wonderful if the BOE and town had the funds to build a new elementary school, but right now the children remain in this older building. The school system and custodians keep the school environment safe and clean during the school hours, and consequently, this same building remains as safe and clean during before and after school hours. We are able to utilize several rooms, cafeteria and gym during after school hours.

If I did not feel our school building was safe, I would not be the Director of this program that provides the important and needed school-age childcare beyond the normal school hours so that parents know their children are in a safe and nurturing environment. **If a school is safe for the youth from 9 AM to 3:30 PM each school day, then it is safe enough from 7 AM to 9 AM and from 3:30 PM to 6 PM.** Thank you for taking the time to read my testimony.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE
March 1, 2010

Ellen Blaschinski, Regulatory Services Branch 860-509-8171

House Bill 5306 - An Act Concerning the Operation of Child Day Care Centers and Group Day Care Homes in Public Schools

The Department of Public Health opposes House Bill 5306

The Department has the authority to license child day care centers and group day care homes as defined in Connecticut General Statutes, Section 19a-77. Licensing establishes the minimum health and safety requirements that programs must meet in order to provide child day care services.

Public Act 07-252 introduced a provision that allows child day care centers and group day care homes that operate in a public school building and serve exclusively school-age children to apply for a variance to any of the physical plant requirements specified in regulations. This proposal seeks to eliminate this variance provision and rather extend an open-ended exemption to school age programs operating in public schools from all of the physical plant requirements specified in the regulations. These requirements relate to such things as water quality, emergency exiting, toileting and washing facilities, temperature, lighting, protection from hazards, program space, outdoor play space and equipment, building safety, cleanliness and sanitation. This proposal would require the Department to issue licenses to select programs that have not verified that they meet any of the physical plant requirements specified in the regulations. This system of licensing could be very misleading to parents and others who believe that a license assures that all minimum requirements, including those related to the physical plant, have been met.

Should this proposal succeed and violations to the physical plant requirements are identified by Department staff during inspections of these select programs, no action on the part of the Department could be taken to ensure remediation of the identified violations. The health and safety of children participating in these programs would be placed at greater risk.

If school-age programs in public school buildings that are not required to meet minimum requirements are afforded the same license and entitlements as programs that meet all requirements, we may expect to see financial struggles of those programs that are forced into unfair competition with these select programs. There becomes a lack of fundamental equity and fairness when regulations that serve children of the same age and needs are not applied universally.

The Department recognizes that some programs in schools have difficulty securing permission or funds to make corrections for cited violations. However, the remedy should not be relaxing safety standards. All children, regardless of where their childcare program is housed, should be afforded the same health and safety protections. Space used by after school programs may be used in a different manner than how the space is used during the school hours. It may be entirely appropriate that different standards apply when the space is used for childcare rather than for school.

The Department has met with the industry regarding this issue and continues to be open to review specific physical plant requirements that are identified as especially problematic for school age programs to determine if specific exemptions would be appropriate.

Thank you for your consideration of the Department's views on this bill



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YMCA

We build strong kids,
strong families, strong communities.

Testimony of Frank Sumpter, President & CEO, YMCA of Northern Middlesex County
Representative for the Connecticut Alliance of YMCAs
Before the Legislature's Committee on Public Health
Monday, March 1, 2010
Legislative Office Building
Hartford, Connecticut

YMCAs across Connecticut are the largest provider of Before and After School Childcare programs, primarily sited in public elementary schools. YMCAs operate all of these programs under the licensure of the Department of Public Health. We strongly support uniform, consistent and understandable regulation as a method to insure quality programs and safe conditions for children. We have worked with the Department of Public Health leadership to improve our personnel's understanding of the regulations and to reduce incidents of non compliance.

The collaboration between the YMCAs and the schools derives multiple benefits including providing child care to families in their local neighborhoods in facilities constructed for school age children. The current regulations, as they relate to facility requirements, create conflict with our schools and additional costs for our programs. Schools which provide safe environments for students during the school day are deemed unsafe by DPH regulations for the same students in the before school and after school hours. Examples include:

- Lighting that is not bright enough for studying;
- Fencing that is not high enough for enclosing playgrounds;
- Water that is not hot enough to wash hands;
- Uncovered garbage receptacles in bathrooms;
- Separate and additional testing for environmental hazards

Remedying these conditions results in several undesirable consequences including:

- Diversion of resources away from program components (salaries, supplies, etc) to facility renovations;
- Limiting or withdrawing service to communities served by older school buildings, often in urban and low income neighborhoods;
- Transporting children away from their local neighborhood to other locations increasing both safety risks and costs;
- Conversion of existing sites from licensed programs to school or municipal sponsored programs exempt from all regulations.

For these reasons Connecticut YMCAs support Raised Bill 5306. We are not asking to be relieved from regulation but rather to address a specific inconsistency in the manner in which children attend activities in public elementary schools.

YMCA of Northern Middlesex County – 99 Union Street – Middletown, Connecticut 06457-3430

Connecticut After School Network

Testimony to the Public Health Committee In Support of RHB 5306

Submitted by Michelle Doucette Cunningham
Executive Director
Connecticut After School Network
March 1, 2010

Good afternoon, Senator Harris, Representative Ritter, and members of the Public Health Committee. My name is Michelle Doucette Cunningham, and I am the Executive Director of the Connecticut After School Network, a statewide alliance representing parents and providers across the state. The Network's goal is to have high quality, affordable after school programs available to every Connecticut child and youth so that they grow up safe, healthy, educated, connected and employable.

I am here today, on behalf of the After School Network, to urge you to pass Raised House Bill 5306, An Act Concerning The Operation Of Child Day Care Centers And Group Day Care Homes In Public Schools which would provide an exemption from the Department of Public Health's physical plant regulatory requirements to after school programs that operate in public school buildings.

In brief, if a school is safe enough for children and teachers during the day, then it is safe enough after school. And if a school isn't safe, it should be the school board's responsibility to fix it, not a community-based organization using the building for after school programs.

This written testimony will address what exists under current law, why change is needed, and how RHB 5306 would help.

What is the current law?

One set of regulations cover all types of child care, from infant and toddler care to after school programs serving children through age 12.

Connecticut Public Health Code §19a-79-1a through 19a-79-13 oversees all Child Day Care Centers and Group Day Care Homes, in which after school programs are included. Yet, it is difficult to make a "one-size-fits-all" set of regulations apply fairly to all types of programs that serve very different ages in very different facilities. Hence, many of the regulations should not apply to school age children, who have very different needs and capacities.

The majority of after school programs are located in school buildings.

Some of these programs are run by the schools themselves, and some of the programs are run by outside community agencies. Because of transportation issues, the majority of after school programs are located in the school building where the children spend the first six or so hours of their day.

After school programs run by public schools or town departments like parks and recreation in public school buildings are already exempt from ALL licensing regulation.

C. G. S. § 19a-77 subsection (b) identifies which types of programs are exempt from licensing. Under current law, DPH licensing is only required of non-profit or for-profit organizations such as YMCAs, or YWCAs that provide after school programs, even if they are located in school buildings. Often, community organizations are asked by school superintendents and principals to come into the school to offer these services, which serve the needs of their students and their families, while also helping children with academic and social/emotional development. Currently, there are a few cases we know of where both types of afterschool programs are operating in the same school building at the same time, one licensed by DPH and one exempt from all regulation.

What's the problem?

Unnecessary regulation

- Public school buildings are already the responsibility of local school boards, and requiring that an after school program prove that the school is safe is redundant. For example, water testing, radon testing, lead paint testing, carbon monoxide testing are all issues that are clearly within the purview of the local elected officials.
- Also, many of the physical plant regulations were created with young children in mind and are not needed for older children. For example, requiring electrical outlet covers in all electrical outlets, requiring any glass doors, windows or mirrors to be protected to a height of 36 inches from the floor, requiring bars on windows to prevent children from falling out are important for programs serving very young children, but somewhat absurd for programs located in the same building where the children have been in school all day.

Expensive compliance

- Thousands of dollars are wasted each year in this duplication of effort that could otherwise allow programs to serve more children, lower their parent fees, or increase the number of people they employ. Other testimony provided today will detail some of these expenses.

Unintended consequences

- **Double-bind**
In some cases, such as replacing stained ceiling tile, the type of changes required by DPH conflict with schools' union contracts, and after school programs are not allowed to fix these problems themselves, yet they are held accountable if the change is not made, putting them in a double-bind.
- **Decreased relationship with the schools**
Any program operating in a public school already needs school leaders' permission to operate. Yet, few schools are able to pay the increased costs associated with licensing, such as purchasing new lights in a cafeteria.
- **Severe consequences**
Any after school program operating without a license is subject to a fine of up to \$100 per day and can be forced to shut down.
- **Increased number of unlicensed and exempted programs**
The past two decades have seen a large decrease in the number of licensed after school "slots" while the number of children served in unlicensed and exempt programs has greatly

increased. These programs, whether exempt because a town or school administers them, or because they are operating illegally without a license, have no requirements for child staff ratio or other health and safety regulation. While many of these programs are run responsibly and provide excellent care, as a whole they much more likely to have inadequate supervision and dangerous situations.

How would this bill fix the problem?

- R. H. B. 5306 would exempt only programs serving school-age children in located in public school buildings. It would not apply to school readiness programs located in schools. Nor would it apply to stand-alone child care centers, community centers, or other locations that are not public schools.
- Because programs run by public schools are already exempted from all child care licensing regulation, this bill would only apply to nonprofits and other outside organizations that operate within school buildings.
- R.H. B. 5306 explicitly states that all other portions of the health and safety regulations would still apply to these programs, including staff to student ratios, staff qualifications, administration, record keeping, and policy requirements, health and safety, food service, medication administration, and educational requirements.

Summary

The maintenance of public school buildings is the responsibility of the local school board, and is already covered under Connecticut state law.

C. G. S. § 10-203 states that "Each local and regional board of education shall maintain the facilities under its jurisdiction in accordance with the applicable public health statutes and regulations adopted by the Commissioner of Public Health."

Costly, unnecessary regulation is resulting in more unlicensed programs and decreasing the quality of afterschool programs as a whole.

R. H. B. 5306 would eliminate this unnecessary complexity, save money, and eliminate some of the obstacles to licensing.

We all want our children to be in healthy, safe environments.

The Connecticut After School Network supports safety and health regulation for programs serving children, and we have a very good working relationship with the Department of Public Health. We have been meeting over the past year to resolve smaller issues in the regulations that uniquely affect after school programs, but legislation is necessary on these broader issues if we are unable to reach an accommodation.

In Support of Raised House Bill 5306

Larisa Albrecht, School-Age Director

Manchester Early Learning Center, 80 Waddell Rd., Manchester, CT 06040

Programs located at Highland Park, Nathan Hale, Robertson and Verplanck Schools in Manchester

The Manchester Early Learning Center runs before and after school programs in 4 of Manchester's schools. Over the years we have had numerous licensing problems with physical plant issues that have been as small as outlet covers to as large as lead paint testing and monitoring. Each of these concerns requires both time and money on the part of our program, and our positive relationship with the schools has at times become strained as a result.

One of the more recent problems that has arisen from the physical plant requirements relates to a program that we just opened in the fall. Last May, our program was approached by a principal who noticed a need for a morning program in his school. We began the licensing process, which took months due to lead paint testing and required repainting as well as other physical plant issues. We were finally able to submit the license in mid September. Our initial inspection was set for October 22nd and our license was approved in early November.

We are a non-profit organization whose mission is to provide care that is both of high quality and also affordable for our families. We try to keep our tuition as low as possible so that working families can continue to make ends meet while knowing that their children are in a positive environment. Unfortunately, the time and money spent on these issues is a big expense, which only makes our goals more difficult. Lead paint testing costs hundreds of dollars and while other items are less costly, small charges for necessary materials such as radon tests, outlet covers and lidded trash cans certainly add up quickly. These are not one time expenses either as these materials require frequent replacement in shared schools where they can be an inconvenience to others using the space.

We certainly do not want to downplay the safety of the children in our programs. Their well being is our top priority, but the exact spaces where our programs run are deemed safe during the school day, so why should that be called into question when the bell rings? If it is determined that these physical plant regulations are necessary for the safety of school-age children, then they should also be enforced during the school day.



**Testimony to the Committee on Public Health
In Support of Raised House Bill 5306: An Act Concerning the Operation of Child Day Care Centers
and Group Day Care Homes in Public Schools
Submitted by Tracey Lay, Director, School Age Programs & Development Services
EDUCATION CONNECTION**

February 25, 2010

Members of the Committee on Public Health:

My name is Tracey Lay. On behalf of EDUCATION CONNECTION, one of the 6 RESC's (Regional Educational Service Centers), I am here to testify in support of (RHB 5306) An Act Concerning the Operation of Child Day Care Centers/Group Day Care Homes in Public Schools.

I am the Director of School Age Programs and Development Services for EDUCATION CONNECTION. I am responsible for state licensed before & after school programs in 6 school districts that operate throughout western Connecticut in the elementary and middle schools. Our program staff also provides enrichment services, professional development opportunities and consulting services to other agencies/school districts. Our program has been in operation for 20 years and licensed by the Department of Public Health (DPH) Day Care Licensing for that time.

EDUCATION CONNECTION is considered a school district and while our programs can apply for overall legal exemption from DPH licensing because of this status, we choose to be licensed. We feel licensing is important as a base-line for quality standards and vital for the after school field. It has, however, caused our programs much hardship at times.

Over the 16 years I have been with the agency, we have experienced issues with physical plant licensing requirements being unfairly put upon our program. Issues that have arose due to the licensing regulations have been varied in nature and have included minor fixable items and more impactful ones on the program; such as unexpectedly being required to test for lead in any school room the after school program uses. This cost thousands of dollars that was not in the program budget. While it would make sense if there was a hazard to our students and staff, experts have stated that the only danger would be if a young student were to ingest the lead directly. This may be an issue for programs serving younger children who developmentally may be more oral in putting objects in their mouths, which is not the case developmentally with school age students. I have not heard of any case where a school age student bit a wall in a school building. This would be even more unlikely if the students are supervised properly. Another issue was having to transport lamps to and from storage and the program space every afternoon to meet the 50 sq.ft. candles of lighting as required by the licensing regulations. This was not only a nuisance but also seemed more of a hazard by having the extra worry of electrical cords being out of the way of children and adults to prevent tripping, etc. Some of the requirements have also seemed frivolous like placing and removing our own program trash containers in and out of the school restrooms each afternoon because licensing requires "covered" trash containers.

We realize some of the regulations are appropriate for younger children, such as programs serving infants & toddlers; however, some of them are not realistic for school age students. For example: placing outlet covers in every electrical outlet in each program room every afternoon is tedious and doesn't seem necessary or age appropriate for programs serving school age students.

I feel that if schools are safe during the school day for the same students that attend the after school program, then a burden should not be placed on our programs to make changes that licensing requires with out-dated regulations, that were originally designed for preschools before after school programs became more of a fixture in our state. These are the same school rooms and same students. What changes at 3:00 p.m.?

Another role I serve is as a long time board member on the Connecticut After School Network Board of Governors. The network is a statewide alliance representing parents and providers across the state. The Network's goal is to have high quality, affordable after school programs available to every Connecticut child and youth so that they grow up safe, healthy, educated, connected and employable. The Connecticut After School Network provides educational opportunities and support to over 1200 members, who are after school providers throughout Connecticut. I am also the facilitator of the Northwest CT Regional After School Network. Through these roles I have encountered many program providers that have had concerns with the licensing regulations as they pertain to the physical plant in school buildings. Many good programs have not been able to work out reasonable solutions to meet the regulations. It places undue burden on programs that barely make it financially to begin with. Programs have been forced to have towns or school districts sign off on their paperwork so they can become exempt or even worse close all together, leaving students and families stranded with no other safe options after school.

In my various professional roles and as a parent of school age children, I have personally experienced the positive outcomes after school programs can have on children and youth. I have seen firsthand, what the research shows; how after school programs can enhance the overall well-being of our children (emotionally, socially, physically, and academically). Quality after school programs support working families, keep kids safe, and provide extra time for learning. They provide support to schools, communities and especially to our families in Connecticut. I'd hate to see program resources spent on unnecessary licensing requirements instead of focusing on what is really important: program QUALITY.

On behalf of EDUCATION CONNECTION and the Northwest CT Regional After School Network I wholeheartedly support these efforts to exempt school age programs located in public schools from the physical plant requirements of DPH licensing. Thank you for the opportunity to testify in support of this much needed and very overdue change.

Respectfully submitted by,

Tracey Lay

Tracey Lay
 Director,
 School Age Programs & Development Services
 EDUCATION CONNECTION
 &
 Facilitator,
 Northwest CT Regional After School Network

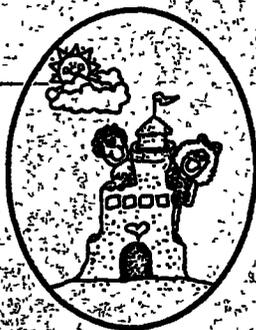
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Carelot Children's Center

"Building Strong Foundations for a Lifetime of Learning"

Public Health Committee:

Re: (RHB)5306

Center Locations

203 Boston Post Rd
Waterford, CT
860-447-1163

315 Flanders Rd
East Lyme, CT
860-691-1527

155 North St
Danielson, CT
860-779-0611

86 S. Main St
Brooklyn, CT
860-779-0400

6 Old Willimantic Rd
Chaplin, CT
860-455-0112

School Age Locations

Waterford
Elementary

Waterford @
The Friendship School

New London @
Harbor School

Voluntown Elementary

Griswold Elementary

Carelot Children's Center and Carelot Clubhouse strongly supports this legislation. We feel that if the State Department of Education deems a facility appropriate for students all day long that same facility is appropriate for after school hours.

Carelot Children's Center and Carelot Clubhouses have been in operation for 12 years in the State of CT. It has always been our policy to exceed State standards. All of our centers (with the exception of one pending) are NAEYC accredited and have a good record with the State Department of Health.

In August of 2004 Carelot began the process of opening an after school program in The Friendship School, a multi cultural magnet preschool serving Waterford and New London. We were unable to attain a license at first and had to run as an exception under the guidance of the Board of Education due to the school not receiving a certificate of occupancy by the opening of school. A certificate of occupancy is required to obtain a daycare license from the State of Connecticut but as we found out public schools can operate without one. We choose to maintain state ratios and standards even without a license but we were not mandated to do so and other organizations can make the other choice to operate outside of safe ratios and standards.

In September of 2007 Carelot opened more Clubhouses in Waterford's Clark Lane Elementary School and Griswold Elementary School. Both of these program received licenses. Some of the items we were sited on include plug covers, blind cords hanging too low, dirty vents in bathroom, hand washing signs, and peeling paint. Most of these items are out of our control to fix and we had to wait upon the schools to complete the maintenance before we would be licensed. We were lucky in these two instances where the schools were very receptive to the changes and therefore we received our license and continue to enjoy a license in Griswold. There are hardships however, it is nearly impossible to keep the plug covers from disappearing as children during the day and teacher remove them, covered trash cans disappear weekly as the teachers think they belong to the school and move them around, hand washing signs get ripped down regularly and have to be replaced. We are a for profit company so all of these expenses add up and result in less money being spent on important items like programming, art supplies, more staffing, more sliding fee scales and more corporate

scholarships. It is absurd to hold one organization (a public school) to one standard in a facility and another organization (the after school program) to another in the exact same facility.

We remain operating under the New London Board of Education because we are unable to receive a license in these facilities based on environmental concerns. The main problems in New London is the playground does not meet state standards and there is peeling paint on the ceiling in the cafeteria where we hold the program. This is the very same playground these children play on every day during recess and the same cafeteria they eat lunch in every day.

We are also currently operating under the auspices of the Waterford Board of Education as Oswegotchie Elementary still does not have a certificate of occupancy for us to present to the State.

The two main positive items that will come out of this bill will be more licensed programs which will result in our children being safeguarded and more programs being available to towns that would not normally receive a program. Carelot chooses which towns to operate in based on how many children will need care. The amount of children needed if these unnecessary costs were eliminated would decrease and therefore allow more towns to be served by quality programs. As a parent and an educator maintaining ratios and having properly trained and qualified staff is far more important to me than exceeding the standards already set forth in a public school.

Finally I would like to note that I do not believe it is right to lower our standards when it comes to the health and safety of our children. I think you should also consider some legislation which will force the Department of Education to meet the State of CT Health Department standards in all of their facilities. If these standards are what we believe will keep our children safe why are they not enforced in all educational facilities? I appreciate your consideration on this matter.

Sincerely,

Melissa Bergeron
Vice President
Carelot Children's Center

Testimony in support of bill RBH 5306

**AN ACT CONCERNING THE OPERATION OF CHILD DAY CARE
CENTERS AND GROUP DAY CARE HOMES IN PUBLIC SCHOOLS.**

*Sharon Tripp, Executive Director, Organized Parents Make A Difference,
Inc., 350 Farmington Avenue, Hartford (860) 548-0301*

Members of the committee, my name is Sharon Tripp and I am from East Windsor. I support bill #5306.

My non-profit organization Organized Parents Make A Difference offers after school enrichment programs in 4 of the Hartford public schools. We serve 400 students each day. The students come to us at 2:30 and most go home at 6:00. While they are in our program they are involved in literacy based enrichment activities.

I was a camp director for many years before coming to Hartford to run this agency. I stood here in front of this committee many times in support of camp licensing. I know the importance of oversight in this manner. My concern is the regulations as they are presently written make little sense. Currently the regulations are written to include strict language concerning the facility in which the program is held. If we were to apply for a license we would surely be denied due to the fact that we run our programs in a public school building. The requirements are not appropriate for programs that take place at school sites. I see little logic in the fact that the school is deemed to be safe until 2:30 then something metaphysical happens to the building and it is no longer safe for the rest of the afternoon! Currently my organization is being supported by my school system allowing it to be exempt from the licensing because of the school buildings, although this may be temporary.

Keeping the regulations the way they are presently written will also negatively effect all other community based organizations, leaving many more inner-city children without services. If we are forced to comply with the present regulations we may need to close our doors leaving 30 employees out of work, hundreds of parents scrambling to find after school support and many employers forced to address absenteeism in their workforce.

Please consider the changes that are being suggested by a very dedicated group of afterschool providers exempting the physical plant licensing requirements for afterschool and childcare programs in public schools.

**Connecticut
After School
Network**

**Written Testimony
to the Public Health Committee
Commenting on RHB 5306
Submitted by Michelle Doucette Cunningham
Executive Director
Connecticut After School Network
March 1, 2010**

In addition to my testimony in support of HRB 5306, there are two other bills being considered by the Public Health Committee that deserve comment.

S.B. No. 264 (RAISED) AN ACT PROHIBITING SMOKING IN LICENSED CHILD CARE FACILITIES.

For licensed after school programs operating in public school facilities, the inclusion of the grounds in this smoking ban would be too extensive to enforce. Licensed child care centers can be a portion of a much larger facility, such as a school or a business, with extensive grounds and we urge you to eliminate the reference to "the grounds" although we support the bill overall.

H.B. No. 5304 (RAISED) AN ACT CONCERNING THE ESTABLISHMENT OF DROP-IN CHILD-CARE OPERATIONS AT HEALTH CLUBS.

Drop-in Child care operations are exempt from child day care licensing by the Department of Public Health. There is one element of these regulations that I would like to propose adding to this bill to strengthen the quality safeguards it already includes, and that is the requirement that **any such operation include two staff eighteen years of age or older at all times**. In the case of emergency or illness, this allows one person to stay with the other children while the other helps the child in need. This is generally considered a standard practice by child care centers for liability purposes, and inclusion in this bill would provide a necessary safety precaution.

Thank you for your consideration.