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HB6224

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**SELECT
COMMITTEE
ON CHILDREN
PART 3
622 - 943**

2011

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State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

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Joint Committee on Children Public Hearing February 22, 2011

Testimony on House Bill 6224, An Act Exempting Certain Non-Profit Organizations That Operate Drop-In Programs for Children From The State's Child Day Care Licensure Requirements

Good afternoon Senator Musto, Senator Markley, Representative Urban, Representative Wood and Members of the Committee.

I am here to speak in favor of House Bill 6224 which amends the Day Care Licensing Statute to ensure that after school drop in programs, operated by non-profits, are treated equal to those similar organizations such as the Boys and Girls Clubs, which have an exemption in the day care licensing statute for their programs.

This is an important children's issue; it affects thousands of kids in this state who participate in after school drop in programs. If these programs are required to be licensed and are unable to meet the requirements either because of financial, staffing space or other limitations, it is the kids who lose.

The licensure requirement imposes a particularly onerous financial burden on non-profit organizations, which depend largely on fund raising and volunteerism in order to operate their programs.

Many of the children who participate in the after school drop in programs are from low income families living in inner cities. These programs provide supervised recreational and educational opportunities for such children and help to keep them off the streets.

Similar organizations-like the Boys and Girls Clubs, are already exempt by statute. Given the similarity of programming, it is puzzling why this exemption does not include after school drop in programs operated by non-profits as well.

I understand there is a great deal of confusion among non-profits concerning whether they are required to be licensed as a day care center. The intent here is to remove that confusion, with respect to non-profits, that operate after school drop in programs.

Thank you for your consideration of this bill.

Connecticut After School Network

Testimony to the Select Committee on Children In Opposition to HB 6224

Submitted by Michelle Doucette Cunningham
Executive Director

Connecticut After School Network
February 22, 2011

Good morning, Representative Urban, and members of the Select Committee on Children. 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 raise questions concerning House Bill 6224, *An Act Exempting Certain Nonprofit Organizations that Operate Drop-In Programs for Children from the State's Child Day Care Licensure Requirements* which would provide extend the exemption for drop in child care programs.

In brief, drop-in centers should be carefully defined to protect children's health and safety.

The current wording of HB 6224 would create confusion - is every nonprofit organization providing recreational, athletic and educational activities for school-age children exempt? Or only those that provide "drop-in programs"? What exactly is a "drop-in program"? How is it different than an after school child care program?

According to the National Child Care Information and Technical Assistance Center of the U.S. Department of Health and Human Services (<http://nccic.acf.hhs.gov/poptopics/dropin.html>):

Drop-in child care operates on an occasional basis for parents who may need temporary care while engaged in other activities. These programs are often found at shopping malls, resorts, health clubs, and other settings where the parents are on the premises. In many States, this type of care is exempt from licensing because it is not offered as regular ongoing care for children and may only operate for a few hours each day.

Connecticut currently does exempt programs where parents are on the premises for religious, recreational, educational and retail purposes. It also lists seven other categories of exemption, which include exemptions for:

- drop-in programs administered by a nationally chartered boys' and girls' club, which are primarily provided without parents on the premises; and
- religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution, regardless of whether the parents are on the premises at the time.

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What is the driving the growing number of requests for exemptions?

One-size regulation does not fit the large variety of programs.

Connecticut Public Health Code §19a-79-1a through 19a-79-13 oversees all Child Day Care Centers and Group Day Care Homes, in which school-age 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.

It is much more expensive to run a licensed school-age care program than to run an exempt program. Licensed programs serving school-age children have mandatory staff to student ratio of one to ten, and experience and education requirements for the teachers in these programs. The list of health and safety requirements is extensive, as are the policy and procedures each program is required to follow. (Current child care regulations are more than fifty pages long.) These regulations protect children’s health and safety, and promote high-quality care, but they come with a high price tag.

Current exemptions create an uneven playing field.

In some places, the exemption for school administered programs (and town-administered programs in school buildings) creates an uneven playing field where some licensed programs find it hard to compete for students with lower-cost exempt programs.

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 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 than licensed programs.

Summary

The Connecticut After School Network supports fair and consistent health and safety regulations for after school programs. We all want our children to be in healthy, safe environments. By carefully defining drop-in programs, the State can best protect children’s health and safety while not imposing undue burden on programs that provide only occasional care.

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you'll be recognized sooner. We just had a little quirk in the process. Thanks for your patience.

Next up is Danielle Smith to be followed by Shana Kennedy.

DANIELLE SMITH: Good afternoon, Senator Stillman, Representative Fleischmann and the other members of the Education Committee. Thank you, again for this opportunity to speak. My name is Danielle Smith. I'm the Connecticut state director for the Black Alliance for Educational Options. And I am using this opportunity today to weigh in with measured support for House Bill 6224, AN ACT CONCERNING TEACHER EMPLOYMENT CRITERIA.

What's most exciting to me is what I believe to be the spirit of what this bill represents which is an opportunity to really discuss and move forward on thinking through one critical element to address in Connecticut's vast educational disparities, which also has tremendous economic significance at this time, which is the retention of the best teachers in front of -- and in classrooms where students, need them the most.

The discussion so far has looked at the idea of seniority as sort of an absolute measure of the experience and the efficacy of teachers in their practice, but what we do know about how it's currently set up in Connecticut is that it's much more about the credentials and then the time that a teacher has taught. And we don't really have a very robust system for evaluating the efficacy and the impact on student outcomes. And so this is something that we would absolutely hope that going forward becomes a much more important intrinsic opponent to how we're looking at

this issue.

Regarding the bill specifically, there were two concerns that I had. The first was that it seems to be that it applies only to districts where there's not already an existing procedure for layoffs, or a set of policies. And I think that this would probably eliminate -- and in my mind, most of the districts where we know that we really need to do something now to address the achievement gap.

It also doesn't allow for there to be a reprieve from the existing collective bargaining agreements that in many ways constrained conversations about teacher layoff and retention. And without this it would be that the existing way in which this takes place would remain intact even while it were being negotiated that we move to a different -- pardon me -- a different way of doing things.

So for these reasons, when we think about it from BAEO's prospective, we're still quite concerned even though we see this as a very tremendous first step and we thank the leadership for introducing this bill.

Because layoffs that are based solely on seniority have a particularly hurtful impact on low-income children of color, because in most of these cases the fact that it's not accounting for teacher impact on student or efficacy, the cost savings of letting go a teacher that's more senior is always going to be far more significant than that of letting go junior teachers. And so more teachers have to be laid off to have that same economic impact.

And so when we think about not disproportionately impacting students who already are behind, who absolutely need the highest quality instruction, when we are making these decisions we believe that it's imperative that we keep in mind those students and their needs.

And in conversations with other members, champions, even who are part of this committee like Representative Pat Miller, we know that this is something that you probably have had already come to your attention, but we felt -- I personally felt that I'd be remiss not to bring up some of these concerns today even as I thank you for this, this step forward.

And I'm happy to answer any questions.

REP. FLEISCHMANN: Thank you for your testimony.

As you probably heard in earlier testimony, in New Haven where they have already undertaken a step in this direction there was an understanding between management and labor about what the evaluation process would be and therefore, what the criteria would be for deciding whether or not a teacher was measuring up.

At the state level we've just begun that process. We passed a bill last year to create a performance evaluation council. It's just coming together now. It hasn't yet developed the criteria, which is not an easy thing to do if you're talking about how you evaluate a music teacher or an arts teacher.

So I'm just wondering, given that sort of lack of standard at the state level, how you would see it possible to implement a proposal of this sort at this time?

DANIELLE SMITH: I completely understand the constraints and the fact that there's not, at this time, a really robust evaluation process that would account for all of those factors, but what I am concerned about is that -- is what we're yet not talking about as a component of this.

For instance, we're not yet speaking explicitly about the need to look at student outcomes as measured by standardized tests and other forms of evaluating teachers that do tell us what the impacts to students are.

We're not talking about the growth and a teacher has been able to, you know, effect in her students over the course of one year. And we're also not specifically saying what will happen or what the time line is for implementing those measures that would be necessary to effectively look at ending policies that just are based on seniority layoffs -- that are just based on that.

So I understand there's more work to be done, but I think it's a matter of doing so with, you know, with all necessary speed and also clearly identifying what will be sort of the premise. Are we thinking about this just in ways that work for adults? Or are we really going to zero in on the impact to children and how we close the achievement gap in so doing?

REP. FLEISCHMANN: Thank you. Very well put, well argued.

Other comments or questions from members of the committee? If not, thank you very much for your time and your advocacy.

Shana Kennedy to be followed by Millie

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Will the Clerk please call Calendar 232. I'm sorry.
I misspoke. My apologies, 334.

THE CLERK:

On Page 14, Calendar 334, Substitute for House Bill
Number 6224 AN ACT EXEMPTING CERTAIN NONPROFIT ORGANIZATINS
THAT OPERATE DROP-IN PROGRAMS FOR CHILDREN FROM THE STATE'S
CHILD DAY CARE LICENSURE REQUIREMENTS. Favorable Report of
the Committee on Public Health.

DEPUTY SPEAKER GODFREY:

Getting just a little noisy again. Keep it down a
bit. Appreciate it. Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. I move the Joint Committee's
Favorable Report and passage of the Bill.

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Will you
explain the Bill please, madam.

REP. URBAN (43rd):

Mr. Speaker, the Clerk has in his possession an
Amendment, LCO Number 7427. I ask that he call it and I be
allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 7427, which will be designated House Amendment Schedule "A". Will the Clerk please call the Amendment.

THE CLERK:

LCO Number 7427, offered by Representative Urban, Senator Gerratana, et al.

DEPUTY SPEAKER GODFREY:

The gentlewoman has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. Mr. Speaker, this is a strike-all Amendment, which becomes the Bill.

It adds to current exemptions from the daycare licensing requirements the Cardinal Sheehan Center, which is a Bridgeport based nonprofit that is exclusively for school age children. It's been serving Bridgeport for 50 years in providing recreational, athletic and educational activities to over 4,000 students.

Mr. Speaker, I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption.

(Gavel.)

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Could we keep the noise level down to a minimum, please. If you have a conversation, if you'd kindly take it outside the Chamber I'd appreciate it. Thank you.

Representative Wood.

REP. WOOD (141st):

Thank you, Mr. Speaker. In the spirit of being brief, I stand in very strong support of this Bill. It's common sense. It's self-explanatory. It serves the communities that need these programs without the onus of having a lot of the licensure requirements, and I urge you all to support this Bill. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Representative. Representative Rowe.

REP. ROWE (123rd):

Thank you. Good afternoon again, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon, sir.

REP. ROWE (123rd):

I would join my colleagues, Representative Urban, Representative Wood in supporting this. The Sheehan Center does marvelous things for moderate and low-income families and youth, and without them the City of Bridgeport would be struggling in these areas.

The Director, Terry O'Connor does amazing things with limited resources. This Bill will allow him to continue to do that and continue to serve the needy youth of Bridgeport and I urge passage. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Representative Larry Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I also rise in support of the Cardinal Sheehan Center. They've been associated with Bridgeport for many, many years. They do outstanding work and there's parents out there today who were once children and who participated in many activities of the Sheehan Center.

So I advise the Chamber to pass this legislation.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir. The gentleman from Bridgeport, Representative Ayala.

REP. AYALA (128th):

Thank you, Mr. Speaker. On behalf of the Bridgeport delegation I want to thank all the individuals that worked to bring this Bill to light.

This is an important Bill to us. Actually being one of the youngsters that participated in the activities of

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the Cardinal Sheehan Center growing up, I understand the value of the Cardinal Sheehan Center and because of the great work that they've done there, I'd like to believe that it really shaped the way I've grown up.

So please support this Bill. I urge everyone to support it as well. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Will you remark further on House Amendment Schedule "A"? Will you remark further on the Amendment?

If not, let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted.

Will you remark further on the Bill as amended? Will you remark further on the Bill as amended?

If not, staff and guests please come to the Well of the House. Members take 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.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk will take a tally and the Clerk will announce the tally.

THE CLERK:

House Bill 6224 as amended by House "A".

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

The House will come back to order. Mr. Clerk, kindly call Calendar 71.

THE CLERK:

On Page 2, Calendar 71, House Bill Number 5048, AN ACT
REQUIRING CERTIFICATE OF NEED APPROVAL FOR THE TERMINATION

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Continuing Calendar page 16, Calendar 609, House Bill 6501; Madam President, move to place this item also on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving now to Calendar page 17, where we have two items. The first is Calendar 610, House Bill 6224; Madam President, move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

And also Calendar page 17, Calendar 613, House Bill 6453; move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving now to Calendar page 18, where we have three items at this time; the first is Calendar 614,

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the items placed on the first Consent Calendar begin on Calendar page 10, Calendar Number 478, House Bill 6488; Calendar 480, House Bill 5256.

Calendar page 11, Calendar 513, substitute for House Bill 6557.

Calendar page 12, Calendar Number 535, substitute for House Bill 6226; Calendar 555, House Bill 6259.

Calendar page 13, Calendar 560, substitute for House Bill 5368; Calendar 567, substitute for House Bill 6157.

Calendar page 14, Calendar 574, substitute for House Bill 6410; Calendar 578, House Bill 6156.

Calendar page 15, Calendar 591, House Bill 6263; Calendar 594, substitute for House Bill 5508; Calendar 595, substitute for House Bill 62 -- 5263.

Calendar page 16, Calendar Number 606, substitute for House Bill 6581; Calendar 609, substitute for House Bill 6501.

Calendar page 17, Calendar 610, substitute for House Bill 6224; Calendar 613, substitute for House Bill 6453.

Calendar page 18, Calendar 614, substitute for House Bill 5068; Calendar 628, substitute for House Bill 5008; Calendars 633, House Bill 6489.

Calendar page 19, Calendar 635, substitute for House Bill 6351; Calendar 640, House Bills, 6559.

Calendar page 20, Calendar 642; House Bill 6595.

Calendar page 21, Calendar 645, substitute for House Bill 6267; Calendar 648, substitute for House Bill 5326; Calendar 650, substitute for House Bill 6344.

Calendar page 22, Calendar 651, substitute for House Bill 6540.

Calendar page 23, Calendar Number 655, substitute for House Bill 6497; Calendar 657, substitute for House Bill 6262; Calendar 658, House Bill 6364; Calendar 659, House Bill 5489.

Calendar page 24, Calendar 660, substitute for House Bill 6449.

Calendar page 36 -- correction -- Calendar page 33, Calendar Number 390, substitute for Senate Bill 1181.

Calendar page 36, Calendar Number 481, House Bill 5472.

Calendar page 37, Calendar Number 584, substitute for House Joint Resolution Number 34; Calendar 585, substitute for House Joint Resolution Number 54; Calendar 586, House Joint Resolution Number 65, Calendar 587, House Joint Resolution Number 66.

Calendar page 38, Calendar 588, House Joint Resolution Number 80; Calendar 589, House Joint Resolution Number 63; Calendar 590, House Joint Resolution Number 35; Calendar 620, substitute for House Joint Resolution Number 45.

Calendar page 39, Calendar Number 621, substitute for House Joint Resolution Number 47; Calendar 622, House Joint Resolution Number 68; Calendar 623, substitute for House Joint Resolution Number 69; Calendar 624, substitute for House Joint Resolution Number 73.

Calendar page 40, Calendar 625, substitute for House Joint Resolution Number 81; Calendar 626, House Joint Resolution Number 84.

Madam President, I believe that completes the items placed on Consent Calendar Number 1.

THE CHAIR:

cd/lg/sg/mhr/gbr
SENATE

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Thank you.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk, please call for a roll call vote, and the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Gomes?

If all members have voted; all members have voted? The machine shall be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

Total number voting	36
Those voting Yea	36
Those voting Nay	0

Those absent and not voting 0

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease for a moment.

(Chamber at ease.)

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, Senator.

The Senate will come to order.

SENATOR LOONEY:

Yes. Madam President, the Clerk is in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda Number 5, dated Wednesday, June 8, 2011.

Copies have been made available.

THE CHAIR:

Senator Looney.