COVID-19 Waivers

The Commissioner of the Office of Early Childhood has temporarily waived the below requirements in accordance with the Executive Orders issued by the Governor during the COVID-19 Pandemic. The below waivers do not extend beyond the period of the declared state of emergency.

**LICENSING WAIVERS AND MODIFICATIONS (Executive Orders No. 7B & 7Q)**

- **Youth Camps.** Licensed youth camps may extend their operating days under the terms of their current license to operate during the period of the declared state of emergency provided such additional operating dates are reported to the OEC [Statute Section 19a-420(1)]

- **Health and Immunization Records.** Health and immunization records on file prior to the declared state of emergency for children enrolled in licensed child care centers, group child care homes, family child care homes and youth camps which expire during the declared state of emergency are acceptable. Health and immunization records for children that have been attending a legally operating child care program or school that has been temporarily closed due to COVID 19 virus are not required provided the parent attests in writing that the child is up-to-date with physical examination and immunizations and provides information regarding any disabilities and/or special health care needs [Regulation Section 19a-79-5a(a)(2), 19a-79-6a(e), 19a-87b-7a(1), 19a-87b-10(b)(2), 19a-87b-10(k), 19a-428-3(a)]

- **Staff Training.** Staff training including first aid, CPR, C4K health and safety, and administration of medication training for licensed child care centers, group child care homes, family child care homes and youth camps that expire during the declared state of emergency will fulfill the training requirements [Regulation Section 19a-79-3a(b)(7), 19a-79-4a(e)(2), 19a-79-4a(e)(1), 19a-79-4a(g), 19a-79-9a(b), 19a-79-13(b), 19a-87b-6(c), 19a-87b-17(b), 19a-87b-18(b), 19a-428-2, 19a-428-5(a), 19a-428-6(a)(2), 19a-428-7(b) and health and safety requirements for C4K providers]

- **Director Course.** The requirement for staff acting as Director who are due to complete 3 credits in the administration of early childhood education programs or educational administration during the period of the declared state of emergency has been waived [Regulation Section 19a-79-4a(d)(1)]

- **Head Teacher.** Head teacher requirements for licensed child care centers and group child care homes have been waived [Regulation Section 19a-79-4a(c)(1)]

- **Health Consultant.** Required health consultant visits for child care centers and group child care homes may be conducted over the phone [Regulation Section 19a-79-3a(b)(4) and (c)(1), 19a-79-4a(h)(2)(H), 19a-79-11(f), 19a-79-12(b)(1)]

- **Consultant Agreements.** Annual consultant reviews and agreements for child care centers and group child care homes that expire during the declared state of emergency are acceptable [Regulation Section 19a-79-4a(h)]

- **Staff Health Records for Centers/Group Homes.** Staff physicals for child care centers, group child care homes and youth camps that expire during the declared state of emergency are acceptable [Regulation Section 19a-79-4a(a), 19a-428-3(a)]

- **Health Records for Family Provider, Staff and Household Members.** Provider, staff and household member medical statements/health records for family child care homes that expire during the declared state of emergency are acceptable [Regulation Section 19a-87b-6(b), 19a-87b-7(a), 19a-87b-8(a) and (b)]

- **Water Test in Centers/Group Homes.** Water test results for child care centers and group child care homes that expire during the declared state of emergency are acceptable [Regulation Section 19a-79-7a(c)(3)]

- **Rabies Certificates.** Rabies certificates for family child care homes that expire during the declared state of emergency are acceptable [Regulation Section 19a-87b-9(n)]
Prospective Staff in Centers, Group Homes, Family Child Care Providers and their Household Members. New prospective employees in child care centers and group child care homes, family child care providers and their household members are not required to submit fingerprint cards for the purposes of criminal history records checks, which are performed in accordance with General Statutes § 29-17a. When individuals are unable to access fingerprint collections services, the comprehensive background checks performed by the OEC are modified to remove fingerprint-supported state and national criminal history records checks for the duration of the declared state of emergency. The OEC will continue to conduct searches of state and national sex offender registry records, Connecticut Child Abuse and Neglect Registry records, and criminal records available through the Connecticut Judicial Branch based on an individual’s name and date of birth. Any new hiring of child care staff members or child care licensure that occurs during the declared state of emergency without a criminal history records check will require the submission of fingerprints so that a full comprehensive background check may be completed when the declared state of emergency ends. [Statute Sections 19a-80 (c), 19a-87b (c), and 17b-749k, and Regulation Sections 19a-79-4a (b) (1) and 19a-87b-6 (f)]

Child Care Licensing Requirement for Hospitals and Convalescent Homes. A child care license is not required for programs providing child care services, as defined by General Statutes § 19a-77, which are administered by a hospital licensed in accordance with General Statutes § 19a-491 and pursuant to §19-13-D4 of the Regulations of Connecticut State Agencies, or a chronic and convalescent nursing home or rest home with nursing supervision licensed in accordance with General Statutes § 19a-491 and pursuant to § 19-13-D8 of the regulations, provided the program providing child care services is operated on the grounds of such hospital or home, is offered exclusively for children whose parents or legal guardians are working at such hospital or home, the parents or legal guardians remain on the premises of such hospital or home during the hours the children are receiving child care services, and the parents and legal guardians receive notification from such hospital or home that the child care is not licensed by the OEC to provide such child care services. [Statute Section 19a-80.]

Inspections. Annual health and safety inspections for Care 4 Kids providers and annual licensing inspections for child care centers, group child care homes, family child care homes and youth camps which are due to be performed during the declared state of emergency may be conducted and will be prioritized after the declared state of emergency has ended. [Statute Section 19a-80 (b) (3), 19a-87b (a) and 19a-426]

Limited Group Sizes in Childcare. To limit the spread of COVID-19 and protect the health and safety of children and staff in all child care facilities that are continuing to operate during this civil preparedness and public health emergency, Section 19a-79 and any related regulations, rules, or policies, are modified to require that all child care facilities shall limit group sizes to no more than ten children in one space, and to authorize the Commissioner of Early Childhood to issue any implementing orders she deems necessary. Any childcare operation seeking to caring for more than thirty children in one facility shall seek approval to do so from the Commissioner and demonstrate sufficient separation of groups within the facility. This order applies to all childcare operations, including but not limited to childcare centers, group childcare homes, family childcare homes, youth camps, and childcare facilities that are exempt from licensing requirements pursuant to Section 19a-77 of the Connecticut General Statues. [Regulation Sections 19a-79-4a (c) (5) and 19a-79-10 (c) (3)]

Enhanced Health Procedures for All Operating Child Care Programs. All children and childcare workers shall be screened before entrance to any childcare operation, as described herein, for any observable illness, including cough or respiratory distress, and to confirm body temperature below one hundred degrees Fahrenheit. All staff shall practice enhanced handwashing and health
practices, including covering coughs and sneezes with a tissue or the corner of the elbow and assisting children with such increased handwashing and health practices. Enhanced cleaning and disinfection practices shall be implemented in all facilities to prevent the spread of COVID-19. This order applies to all childcare operations including but not limited to childcare centers, group childcare homes, family childcare homes, youth camps, and childcare facilities that are exempt from licensing requirements pursuant to Section 19a-77 of the Connecticut General Statutes.

- **Modification of “Child Care Services” Definition.** These modifications apply only during the three or six-week period a family receives the benefit provided by the CTCARES for Frontline Workers program. This modification provides an exemption from the requirement to obtain a license to child care providers selected by frontline workers to care for their children as part of the CTCARES for Frontline Workers program.
  - “Child care services” as defined in Section 19a-77 (b) (4) of the Connecticut General Statutes is modified, for licensing requirement purposes, to allow informal or formal arrangements among friends, neighbors, and kin who are providing child care for frontline workers as part of the CTCARES for Frontline Workers program;
  - Where child care is being provided for frontline workers as part of the CTCARES for Frontline Workers program, “kin” is not limited by degree of kinship;
  - Where child care is being provided for frontline workers as part of the CTCARES for Frontline Workers program, care may be provided in the home of the child or the home of the friend, neighbor, or kin.

**STATE-FUNDED PROGRAMS WAIVERS AND MODIFICATIONS (Executive Order No. 7T)**

- **Payments.** The OEC will continue funding all state-funded programs and settings (Child Day Care, Early Head Start-Child Care Partnerships, Even Start, School Readiness, Smart Start, State Head Start Supplement) at the full monthly allocation regardless of child attendance or program closure for the March 2020 reporting period.

- **Payments.** The OEC will waive all requirements related to the annual minimum operating schedules, due to COVID-19, thereby exceeding the maximum day of closure. [Statute Section 10-16n to 10-16u]

- **Reporting.** The OEC expects programs to continue to keep accurate records of the children in their care, their attendance, family fees collected, and staffing. However, the OEC will waive the requirement to enter information into OEC Registry or ECIS, and will not penalize programs for late submissions of monthly reports due to COVID-19. [Statute Sections 10-16n to 10-16u]

- **Quality Assurance Requirements.** The OEC will recognize any extensions communicated to the specific program by NAEYC or the Office of Head Start. The OEC is delaying the assignment and deployment of ERS raters for assessments due to COVID-19. [Statute Sections 10-16n to 10-16u, 10-265n, 10-506]

- **Quality Assurance Requirements.** The OEC will consider a certification that expires during the COVID-19 crisis as valid (until the declared state of emergency ends). Programs may wish to contact their training agency to ask about emergency extensions. [Statute Sections 10-16n to 10-16u, 10-265n, 10-506]

- **Qualified Staff Member (QSM).** The OEC expects programs to take all measures to ensure that children are receiving the best care possible, but recognizes that staffing will become impacted during this crisis. The OEC will temporarily waive QSM requirements due to COVID-19. [Statute Sections 10-16n to 10-16u, 10-265n, 10-506]
**BIRTH TO THREE WAIVERS AND MODIFICATIONS**

- **Waiving Family Cost Participation Fees.** Family Cost Participation fees starting with those due for March services that have not yet been billed are waived as are new suspensions of services related to the nonpayment of fees. (Executive Order No. 7O)

- **General Administrative Payments.** Birth to Three programs will be paid the General Administrative Payment (GAP) for each child with an IFSP on the 1st of the month regardless of:
  a. whether an Early Intervention Service is provided in the month; and
  b. the number of hours planned on the Individual Family Service Plan (IFSP).

- **Expanded Definition of Children Eligible for Birth to Three Services.** “Eligible children” as defined in Section 17a-248 of the Connecticut General Statutes, is temporarily expanded to include children who turn older than thirty-six months of age on or after March 16, 2020, who are presently engaged in early intervention services and not already determined to be eligible for services under the Individuals with Disabilities Education Act (IDEA) Part B, to further supplement access to services during the period of school cancellations due to the COVID-19 pandemic. (Executive Order No. 7DD)

**ADMINISTRATIVE HEARING WAIVERS AND MODIFICATIONS (Executive Order No. 7M)**

**Related to Care 4 Kids Hearings:**
- The 60-day period within which a request for an administrative hearing must be made is extended to 90 days. [Regulation Section 17b-749-21 (b) (2)]
- The 30-day period within which the OEC must schedule administrative hearings is extended to 90 days. [Regulation Section 17b-749-21 (f) (1)]
- The 60-day period within which the Commissioner or her designee has to render a decision is extended to 90 days. [Regulation Section 17b-749-21 (k) (1)]
- The 45-day period within which an appellant must file an appeal with the Superior Court is extended to 90 days. [Statute Sections 17b-61 and 4-183; and Regulation Section 17b-749-21 (n)]

**Related to Child Care Licensing:**
- The 30-day period within which a licensee must request a hearing is extended to 90 days. [Statutes Section 19a-84]
- The 60-day period within which a hearing must be held is extended to 90 days. [Statutes Section 19a-84]
- The 45-day period within which a licensee must appeal to the Superior Court is extended to 90 days. [Statutes Sections 19a-85 and 4-183]
- The 30-day period within which a hearing must be requested regarding operation without a license is extended to 90 days. [Statutes Section 19a-87 (b)]

**Format for Hearings and Correspondence:**
- Hearings held during the declared state of emergency will be conducted telephonically or through a web-based platform.
- In all matters in which an appellant or licensee has provided an e-mail address, notices and correspondence will be delivered electronically.
CARE 4 KIDS TEMPORARY PROGRAM CHANGES (Executive Order No. 7T)

Redetermination
- When redetermination forms are submitted and the family is determined to be eligible, the redetermination will be processed to grant 12 months of eligibility. Regs., Conn. State Agencies § 17b-749-18 (b).
- Redeterminations submitted for eligibility effective March 1, 2020, April 1, 2020, and May 1, 2020, payment certificates will be extended for three months, except for redeterminations that are processed pursuant to the subsection above. Regs. Conn. State Agencies §§ 17b-749-09 (g)(4), 17b-749-14 (c)(4)(C), 17b-749-18 (b)(1).
- Redeterminations received in April or May that result in a determination of ineligible, will still receive an additional three months of payment eligibility, unless household income exceeds 85% of the SMI level or there is no child in the household. Regs., Conn. State Agencies § 17b-749-18 (b).

Job Loss
- If a parent reports losing their job due to COVID-19, they will remain eligible for Care 4 Kids through the end of their eligibility. Regs. Conn. State Agencies § 17b-749-04 (e).
- Family fee will be reduced based on household income and a new certificate will be issued for the remainder of the eligibility period. Regs., Conn. State Agencies § 17b-749-13 (f).

Provider
- The parent will not be responsible for the first 20 hours of care if they are using a new provider because their previous provider is closed due to COVID-19. Regs. Conn. State Agencies § 17b-749-16 (a) (5).
- Invoices will be processed and paid based on enrollment as submitted by providers and each month a reconciliation activity will be performed by issuing a manual payment to ensure providers are paid no less than the amount paid for March enrollments. Regs. Conn. State Agencies § 17b-749-15 (b) (1).
- Parents that are reporting a new provider, will have their previous certificate cancelled and a new one issued listing the new provider to ensure that no two providers are receiving payment for same child.
- If children are not in care with their provider, or an alternate temporary provider, and plan to resume care with the provider indicated on the Child Care Certificate, the following shall occur:
  a. The certificate shall remain intact through the end of their eligibility period, or the end of the civil preparedness and public health emergencies in Connecticut, whichever is sooner; and
  b. Providers shall submit the actual charge (any amount, including $0) for those children on their invoice.
  c. For redeterminations due in March, April or May, the changes outlined above shall be followed.
- There will not be a limit on the number of hours that may be approved for the same provider and/or an alternate temporary provider. Regs. Conn State Agencies § 17b-749-14 (a) (2), 17b-749-16 (a) (1), (2), (3), (5), (6), (8).

Home-based (licensed family child care and unlicensed relative) Health and Safety Orientation requirement:
- The health and safety in-person pre-service Provider Orientation Program (POP), and the completion of First Aid, CPR and Medication Administration certifications for all home-based providers will be waived until the end of declared emergency. C4K-POL-14-06 & C4K-POL-18-01.
Home-base providers will be required to complete these orientation and training requirements after the declared state of emergency has ended.

Fingerprint-based background checks:
- Care 4 Kids child care providers who are unable to access fingerprinting services for the purpose of any OEC background check shall not be required to submit fingerprints. Any such background check shall be processed without a fingerprint based criminal history records check. The submission of fingerprints will be required when the civil preparedness and public health emergencies in Connecticut are no longer in effect. Regs., Conn. State Agencies § 17b-749-12 (e).

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