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STATE OF CONNECTICUT

OFFICE OF EARLY CHILDHOOD



Connecticut Office of
 Early Childhood

Beth Bye
Commissioner

**Testimony of Beth Bye, Commissioner, Office of Early Childhood
 Before the Committee on Children
 H.B. 5160 - An Act Requiring Child Care Centers, Group Child Care Homes
 And Family Child Care Homes to Maintain Liability Insurance Coverage
 H.B. 5163 - An Act Concerning Investigations Conducted By
 The Office of Early Childhood
 Thursday, February 22, 2024**

Good afternoon, Senator Maher, Representative Linehan, Senator Seminara, Representative Dauphinais, and distinguished members of the Committee on Children. I am Beth Bye, Commissioner of the Office of Early Childhood (OEC). I am here today to testify concerning two bills before this Committee, H.B. 5160, An Act Requiring Child Care Centers, Group Child Care Homes, and Family Child Care Homes to Maintain Liability Insurance Coverage, and H.B. 5163, An Act Concerning Investigations Conducted by the Office of Early Childhood.

The Office of Early Childhood appreciates the intent of H.B. 5160, which would require the OEC to adopt regulations specifying that licensed child care programs and providers maintain liability insurance coverage of not less than \$100,000 for damages by reason of bodily injury to, or the death of, any one person. We do, however, have some concerns about this proposed legislation. It is our understanding that the genesis of this bill comes from the CT Trial Lawyers Association. As part of the Blue Ribbon Panel on Child Care process, the child care field provided input about what is needed to help the field, and this issue was never mentioned.

The statutes and regulations concerning child care centers, group child care homes, and family child care homes require that upon receipt of an application for a license, the OEC will issue a license if, upon inspection and investigation, the OEC finds that the applicant, the facilities, and the program meet the health, educational, and social needs of children. These regulations, to mention a few, assure programs provide a safely equipped physical plant and provide educational services to meet the needs of children, ensure programs employ staff who have complete background checks, are appropriately trained to administer first aid and medication to children, and receive ongoing professional development, and that children who attend such programs are protected by adequate immunization. While maintaining liability insurance may be a good business practice, the requirements to obtain a child care license focus specifically on ensuring a licensee can meet the health, educational, and social needs of children.

We also have concerns about the potential financial burden this may place on child care programs who are already struggling. While it is likely that numerous child care centers and group child care homes have liability insurance, the OEC does not have information about

whether family child care homes regularly obtain liability insurance, whether liability insurance is easy to obtain, or the annual cost to obtain this insurance. The Governor has just recommended in his budget proposal to waive the initial \$40 fee for a family child care home license to relieve the fiscal burden of obtaining a license and encourage people to establish a new family child care business. Any savings there would be wiped out many times over by this requirement. The addition of an insurance requirement may preclude some providers from being able to provide licensed family child care at all and may discourage them from starting.

Given these factors, the OEC supports further examining this issue to ensure we obtain feedback from providers and other stakeholders. Again, they just provided extensive feedback with the Blue Ribbon Panel, and this was not brought up.

I am also here today to testify concerning H.B. 5163, An Act Concerning Investigations Conducted by the Office of Early Childhood. This bill would require the OEC to review, and revise as necessary, the codes used to specify the nature or category of an investigation or disciplinary action to assist the public in understanding and interpreting such codes.

The Office of Early Childhood is required by statute to make an unannounced visit, inspection or investigation of each licensed child care center, group child care home, and family child care home at least once each year. We use forms to conduct annual inspections that are essentially “checklists” with abbreviated terms for each section of the regulations reviewed during an inspection. Each section of the regulations is separated on the form, and within each section a list of regulatory requirements is provided in an abbreviated version. For example, on the Family Child Care Home inspection form, under Physical Environment 19a-87b-9, is listed **#46 – Water Temperature**. In the example shown below, the provider was cited for failing to maintain the water temperature in the home between 60-120 degrees Fahrenheit, as it was measured at 128.1 degrees during the inspection.

○	46. Water Temperature- 60°-120°	Failed to maintain safe water temperature between 60-120 degrees when it was observed that the water temperature measured at 128.1 degrees.
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While an abbreviated description of the regulation is listed on the inspection form, the full text of the regulation includes the following: *The water temperature at the tap shall be within the range of sixty degrees Fahrenheit to one hundred twenty degrees Fahrenheit.* If a violation of this regulation is cited, the provider would be required to submit a written statement on a Corrective Action Plan (CAP) indicating what the provider has done to correct the violation. Once the OEC receives an acceptable CAP, the inspection is closed and is subsequently posted on the www.211Childcare.org website where it is visible for the public to view.

In addition to the full inspection report and corrective action plan, a plain language summary of each violation cited is posted on the www.211Childcare.org website. In the example previously

mentioned, the summary of the regulation is listed so parents, the public, and providers interested in this information understand the violation cited.

UNANNOUNCED INSPECTION - FULL 01/02/2024 - 2 Violations

Harmful Substances and Materials Inaccessible

[19a-87b-9(c)]

All potentially harmful substances and materials shall be inaccessible to children.

Water Temperature

[19a-87b-9(h)]

The water temperature at the tap shall be within a range of sixty degrees Fahrenheit to one hundred twenty degrees Fahrenheit.

In addition to regular annual inspections, the OEC conducts investigations of complaints received by a variety of reporters including parents, staff, neighbors, DCF, law enforcement officials, local health departments, and self-reports made to the OEC by programs/providers. The Complaint Investigation Unit responds to all complaints of both licensed and unlicensed facilities throughout the state. Complaints range from allegations pertaining to physical plant issues to allegations of abuse and neglect. In cases in which there is an allegation of abuse or neglect, the investigation is coordinated with DCF. DCF focuses on the allegations of abuse/neglect, and the OEC focuses on compliance with the child care/youth camp statutes and regulations.

When OEC staff conduct complaint investigations, a full inspection form is not used to verify compliance with all the regulations during the visit. Rather, we use a supplemental inspection form to document whether the alleged issues as stated in the complaint are substantiated as violations or not.

H.B. 5163 indicates the codes used to specify the nature or category of an investigation or disciplinary action need to be revised to assist the public in understanding and interpreting such codes, and there are a few matters to understand in consideration of this bill. First, the Code of Federal Regulations, Part 98 – Child Care and Development Fund, (45 CFR §98.33), requires that the OEC post in a timely manner the results of monitoring and inspection reports, either in plain language or with a plain language summary, reports of substantiated complaints, as well as information on corrective action taken by the State and child care provider, on a consumer-

friendly website. This information is posted on the eLicense web portal for the past three years and is also posted on the www.211Childcare.org website for the past five years. (eLicense is the Connecticut web portal that provides access to hundreds of credential types issued and regulated by the State of Connecticut).

Examples are provided below.

eLicense:

Past 3 Years Substantiated Complaint/Incident History

Includes any complaints and self-reported incidents received within the past three years that resulted in a substantiation of at least one regulatory violation, which may or may not have been related to the original complaint allegations. Also, separately included and identified as such, are any substantiated abuse and neglect findings made by the Department of Children and Families (DCF) that are on the State's DCF Registry. Click here to view [Child Day Care Centers Statute/Regulation](#) details.

Case Number	How Received	Date Opened	Violations[Regulation]	Resolution Action
2021-432	Complaints	07/15/2021	z07-Administration- Managing Child Behavior - [19a-79-3a(b)(8)(A)] [Reference regulation link above.]	Corrective Action Plan
2023-261	Self-Reported	03/31/2023	006-Policies - [19a-79-3a(d)(2) thru (8) &/or19a-79-7a(d)(11)(A)] z07-Administration- Managing Child Behavior - [19a-79-3a(b)(8)(A)] [Reference regulation link above.]	Corrective Action Plan

www.211Childcare.org



Investigation - Complaints
07/23/2021 - 2 Documents

[Inspection Report](#) 

[Corrective Action Plan](#) 

On the inspection form itself, we do not display the summary of the alleged complaint, but rather document the “Purpose of Investigation” by listing the investigation number as listed in eLicense. This is done for a variety of reasons, including the report of the complaint may list names of children and staff, the alleged issues may not be substantiated, and the issues may relate to abuse/neglect and cannot be disclosed publicly. Investigators document on the inspection form the regulations being reviewed that relate to the complaint, whether the investigator substantiates that a violation of the regulations occurred, and a description of the finding of why a violation exists or not. An example of such a report is provided below:

Purpose of visit: Complaint Investigation Case 2021-432

Observations/Corrections needed:

① 19a-79-3a(b)(8)(A) - Administration - Managing Child behaviors -
 Staff inappropriately spoke/yelled at a child as a form of discipline.

S = Substantiated NS = Not Substantiated P = Pending (if applicable)

What we see in the above inspection report is that the regulation reviewed, Sec. 19a-79-3a(b)(8)(A), “Administration,” in reference to the alleged incident was listed as “S” for Substantiated. Since the investigator substantiated a violation of this regulation, the violation is displayed on the www.211Childcare.org website along with a plain language summary of the violation.

Investigation - Complaints 07/23/2021 - 1 Violation

Administration- Managing Child Behavior [19a-79-3a(b)(8)(A)]

The operator and staff shall manage child behavior using techniques based on developmentally appropriate practice, including positive guidance, redirection and setting clear limits that encourage children to develop self-control, self-discipline and positive self-esteem.

In addition, because this complaint investigation did not involve allegations of abuse or neglect, the actual inspection form as displayed above along with the programs Corrective Action Plan is available on the 211Childcare website.

Initial Unannounced Full/Partial Follow-up Location Change Investigation Other _____

SUPPLEMENTAL REPORT OF INSPECTION

Name of Program/Provider: Over the Rainbow Date: 7/23/21 Time: 11:00

Location Address: 1481 Highland Ave. Cheshire Telephone #: 203 699 9900

e-mail address: info@overtherainbowkids.com License #: 10547 Expiration Date: 7/31/22

Capacity: 88/148 # of Children Present: 43 # of Staff Present: 11+

Consent to Inspect Family Child Care Home	I agree to allow the Office of Early Childhood to have access to and inspect this facility and all child care records as required by Family Child Care Home Regulations. Provider/Applicant/Substitute's Signature <u>N/A</u>
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Purpose of visit: Complaint Investigation Case 2021-432

Observations/Corrections needed:

⑤ 19a-79-3a(b)(8)(A) - Administration - Managing Child behaviors -
Staff inappropriately spoke/yelled at a child as a form of
discipline.

S = Substantiated NS = Not Substantiated P = Pending (if applicable)

Operators/providers are required by regulations and statutes to be in compliance at all times.

CORRECTIVE PLAN SHALL BE RETURNED TO OEC BY: 8/10/21

Signature: [Signature]
(OEC Representative)

Print Name: Lauren Hall

Signature: [Signature]
(Person in Charge)

Print Name: Larry Brickhouse

LICENSING CORRECTIVE ACTION PLAN (CAP)

NAME OF PROVIDER/OPERATOR: Over the Rainbow LICENSE #: 16547
 LOCATION ADDRESS: 1481 Highland Ave TOWN: Cheshire INSPECTION REPORT DATE: 7/23/2021

CAPs submitted that do not conform to the instructions provided on the back will not be accepted. Read the instructions carefully before completing this form. In accordance with this agency's policy, **your CAP will be posted online** and made accessible to parents and others seeking information pertaining to your child care program.

Inspection Report Item # or Regulation	Corrective Action Taken	Exact Date Corrected	Check if Accepted (OEC Use Only)
#19a-79-3a (b) (8) (A)	NOTE: Your response should include a clear concise explanation of the changes the program has made to correct the violation to ensure compliance. #19a-79-3a (b) (8) (A): Administration-Managing Child Behaviors-staff inappropriately spoke/yelled at a child as a form of discipline: Staff member in question is no longer employed at Over the Rainbow as of 7/12/2021 and a reminder will go out to staff regarding appropriate discipline by 7/30/2021.	7/30/2021	✓

Based on the inspection report, the licensee was cited for failure to comply with the regulations listed above. I hereby declare that the licensee has complied with the regulation(s) in the above manner. I understand the Agency reserves the right to re-inspect the above program to verify compliance with the regulations and to request a meeting with the licensee when necessary to review patterns of non-compliance. Understanding the penalties for false statements, I attest that the information I submit on this form is true.

Providers/Operators are required by regulations and statutes to be in compliance at all times.

By checking this box, and typing my name below, I am electronically signing my CAP.

Signed: Jaime Moran 8/6/2021
 (Provider/Operator) (Date)

RETURN TO: Lauren Hill
 Connecticut Office of Early Childhood
 450 Columbus Blvd, Suite 302
 Hartford, CT 06103 Fax: 860-326-0552

Finally, while the OEC includes as public information monitoring and inspection reports as well as reports of substantiated complaints, we also include legal resolutions between child care programs and the OEC that are the result of the enforcement process and are deemed discipline. A legal resolution is agreed upon following a compliance meeting which is a discussion of the violations of regulations between the provider and the OEC.

A Consent Order is a negotiated settlement between the provider and the OEC in which the provider agrees to take certain steps above and beyond the regulations to retain the license. This may include developing new policies, requiring additional training, or a financial penalty. Unlike most inspections where violations are cited and the program submits a Corrective Action Plan, in the case of a Consent Order the inspection document is displayed on the 211Childcare website, however, the resolution is the Consent Order. An example for how this is displayed on the www.211Childcare.org website is shown below:

BACK TO PROFILE		The Learning Experience 421 Atlantic St, Stamford, CT 06901 Inspection and Complaint History				
Visit Date	Visit Type ^①	Violations	Inspection Reason	Resolution	Status	Documents
02/01/2024	CO/NCAP MONITORING	0 Violations	Inspection & Findings	Closed No Violations 02/07/2024	CLOSED	1 Document
11/06/2023	CO/NCAP MONITORING	1 Violation	Inspection & Findings	Corrective Action Plan 02/07/2024	CLOSED	2 Documents
05/18/2023	Investigation - Complaints	5 Violations	Follow-Up Visit for 05/15/2023	Consent Order 08/24/2023	CLOSED	1 Document
05/17/2023	Investigation - Complaints	1 Violation	Follow-Up Visit for 05/15/2023	Consent Order 08/24/2023	CLOSED	3 Documents
05/15/2023	Investigation - Complaints	3 Violations	Inspection & Findings	Consent Order 08/24/2023	CLOSED	2 Documents
05/15/2023	Investigation - Complaints	2 Violations	Inspection & Findings	Consent Order 08/24/2023	CLOSED	2 Documents
04/06/2023	Investigation - Complaints	1 Violation	Inspection & Findings	Consent Order 08/24/2023	CLOSED	2 Documents
03/24/2023	Follow-Up Inspection	0 Violations	Follow-Up Visit for 03/06/2023	Consent Order 08/24/2023	CLOSED	2 Documents
03/24/2023	CO/NCAP MONITORING	1 Violation	Inspection & Findings	Consent Order 08/24/2023	CLOSED	2 Documents
03/06/2023	UNANNOUNCED INSPECTION - FULL	29 Violations	Inspection & Findings	Consent Order 08/24/2023	CLOSED	2 Documents

Here we can see that the 3/6/23 Unannounced Full Inspection resulted in 29 violations having been cited, and the Resolution to the inspection is a Consent Order. There are 2 documents displayed, one of which is the Inspection Report, and the other being the Legal Resolution, which is the Consent Order. The Consent Order is a public document.



UNANNOUNCED INSPECTION - FULL 03/06/2023 - 2 Documents

[Inspection Report](#) 

[Legal Resolution](#) 

The Legal Resolution does take some time to develop as licensed programs are entitled to due process, so the final inspection/complaint documentation will not be available publicly until a resolution is determined.

While this testimony is technical in nature, we do hope it helps to clarify the reasoning behind the codes we use on reports for inspections or investigations. We also want to inform the Committee that the OEC is subject to periodic monitoring by the federal Administration for Children and Families, a division of the federal Department of Health and Human Services and are we are complying with the federal reporting requirements regarding the consumer-friendly

website. As the state agency responsible for monitoring and enforcing child care regulations for nearly 4,000 child care centers, group child care homes, family child care homes, and youth camps, we are committed to promoting the health, safety, and welfare of Connecticut’s children and in doing so ensuring parents have access to information about the programs they are considering for their own child care options.

Thank you for your time and attention. The OEC is committed to working together—with legislators, the executive branch, providers, advocates, and parents—to better serve our families with young children.

The Connecticut Office of Early Childhood advances a two-generation family-centered approach in our pursuit of optimal health, safety, and learning outcomes for young children. Through our core programs, we support infant and toddler care, preschool, after-school care, child care and youth camp licensing, home visiting, and early intervention to address developmental delays. OEC is working toward better-coordinated, cost-effective services that support Connecticut’s youngest children and families.