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CAPITOL OFFICE

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STATE OF CONNECTICUT
GOVERNOR DANIEL P. MALLOY

**Family Child Care Working Group
Special Meeting**

Wednesday, December 21, 2011

Room 310, State Capitol Building – 10:30am

Members Present: (Chair) Dennis Murphy, Larry Fox, Jessica Sager, Teresa Younger, Peter Palermino, Phyllis Hyman, Jane Norgren, Dorotheia Barnett, Harriet Feldlaufer.

Members Absent: none

- 1) **Call to Order:** Dennis Murphy called the meeting to order at 10:32am.
- 2) **Approval of Minutes:** Dennis Murphy moved to approve the minutes of the 12.9 Family Child Care Working Group Meeting a 10:34am. Teresa Younger seconded.

Dennis Murphy pointed out that there had been an election among Family Child Care providers receiving Care 4 Kids funding to chose a majority representative and they voted to chose SEIU as their majority representative in the meet and confer process.

- 3) **Invitation for Public Comment:** Dennis Murphy invited members of the public who were in attendance to submit public comment.

Estelle Stevenson of We the People of Connecticut, Inc. said that the premise of the working group and the public meeting was flawed because the executive order establishing it by the Governor is unconstitutional. It is unconstitutional to set up an election process and union recognition through executive order rather than through the legislative process. Article 2 and Article 4 of the State Constitution limit this.

Christine Welton of Ellington, a licensed home day care provider said that she has taken children with Care 4 Kids funding in the past but doesn't now and may not in the future. She didn't get a ballot to vote and feels disenfranchised and doesn't believe the Governor should be allowed to make laws. She pointed out that the union can pay people to be there to support collective bargaining but she has to take a day off to oppose it.

Mary Ann Parker, the associate counsel of SEIU, testified that, as she understands it, the charge of the working group is to craft principles for future legislation. She said that an election was

held pursuant to Executive Order 9, yes was the vote and the hope is to move forward with meet and confer.

Stephen Mendelson, an adult on the autism spectrum, represents a group to stop SEIU from organizing care providers in Connecticut. He expressed serious concerns about SEIU's tactics in other states and refuted SEIU's claims that the only opposition to their efforts is from corporate interests. He feels that this isn't a traditional union because workers haven't been given a choice and that it is a slippery slope before various different professional groups like doctors and lawyers are forced into unions through the same practices.

Nichole Hawkins, an early childcare and education provider in Hartford, testified that she is in support of the union in order for providers to come together in support of their issues.

Cordelia Thorpe, a daycare provider said that she began as a family childcare provider four years ago and has found that there is not enough help for providers in dealing with the Care 4 Kids program. She believes the union would help navigate the bureaucracy.

Peter Palermino from the Department of Social Services and the Care 4 Kids program presented background information on the Care 4 Kids program. He said that it is governed by state statute and regulations and accesses state and federal funds. The current budget is \$97.6 million for this year with roughly \$40-45 million coming from the federal government. It is used primarily to pay child care providers and is paid on behalf of families to help with childcare. In total, Connecticut receives \$51 million from the federal government as a childcare block grant, most of which goes to Care 4 Kids. Currently, Care 4 Kids serves 13,400 families, 2,300 of which are served in licensed family day care homes, 3,300 served in unlicensed childcare settings and 7,700 families served in childcare centers, which means that 42% of all who are served under the Care 4 Kids program are the focus of the executive order. The executive order applies only to licensed family child care homes and unlicensed family childcare centers, not licensed family day care centers. 980 individual licensed day care providers serve those 2,300 families. The Department of Public Health issues licenses to child care providers according to regulations and statutes. Care 4 Kids money also goes to unlicensed care providers. "Unlicensed" means that the provider is not regulated by the Department of Public Health, but it is still legal under federal and state law for families to hire these providers. 3,200 individual unlicensed providers receive Care 4 Kids money to serve 3,300 families in Connecticut. The other major childcare setting is licensed child care centers that serve larger groups of children, but these centers are not covered under the executive order.

Jessica Sager pointed out that while only 980 licensed day care providers are currently on the Care 4 Kids list, it's a flexible program and there are other providers who do not currently receive Care 4 Kids but will in the future.

Peter Palermino agreed. He continued to point out that the program is meant to aid parents who are looking for work and enables them to do so while their children are taken care of. They may be in job training and Care 4 Kids works closely with the Department of Labor to help the parents get off of welfare.

Jane Norgren said that Care 4 Kids follows the parents and they can take that money from one child care provider to another and then to after school programs once the child enters school.

Peter Palermino presented a document that shows how eligibility is determined for families, how eligibility is determined for providers and an overview of the application. The United Way is the outside provider that administers the program. They determine if family is eligible and then if the provider is eligible. Eligibility requirements are set by the legislature.

Phyllis Hyman pointed out that if families are denied eligibility, the parents are entitled to a hearing and they may dispute their eligibility. She asked how often that happens.

Dennis Murphy asked how families are referred to Care 4 Kids.

Peter Palermino said that hearings happen every month but not too often. He went on to say that workforce investment boards and other DOL programs work with families and notify them of their eligibility for Care 4 Kids and that it will help them become better job seekers. Information is also provided through the Care 4 Kids call centers, operated by the United Way. He stressed that the parents are the true beneficiaries of Care 4 Kids and that the Department of Education is involved as well.

Jane Norgren pointed out that the legislature has established standards for caregivers and it is important to understand what is meant when using the term unlicensed provider. A better word may be kith and kin, meaning the friends and relatives of a family that are chosen to be the unlicensed care providers that receive compensation through Care 4 Kids.

Peter Palermino said that another term is FFN – family, friends and neighbors – those terms along with kith and kin can all refer to unlicensed providers and it is important for the group to know these terms.

Dorothea Barnett, a licensed care provider and owner of a family child care center, wants to clarify that Care 4 Kids allows parents who cannot afford child care to do so. Her center helps children prepare for kindergarten and her curriculum is broadly preparatory for kindergarten. Care 4 Kids is very beneficial for the parents but does not do a lot for the providers. She pointed out the long wait for payment that is common with Care 4 Kids. Care 4 Kids pays monthly but expenses come on a daily basis.

Dennis Murphy asked for a clarification. You receive payment at the end of December for work in November?

Dorothea Barnett said yes. She had a parent who was paying her through the Care 4 Kids program. She went back to school and stopped working but continued to bring her child to the child care center. She went through a redetermination because her situation changed and she no longer received Care 4 Kid because of it so I never was paid for those weeks during which she continued to bring her child in. She feels that Care 4 Kids needs to do more to immediately verify the eligibility of parents for Care 4 Kids. She believes that child care providers would benefit from being under one umbrella of representation such as teachers and that it could help in receiving conveniences such as direct deposit of payments and the savings achieved through changes like that could go back to the providers. She pointed out the necessity of recognizing day care as a profession.

Larry Fox asked Dorotheia Barnett if she was covered under the recent majority representative election.

Dorotheia Barnett said that she is covered because of the number of children that she cares for.

Dennis Murphy asked what the significance is of the six child number in differentiating between a licensed family child care provider and a licensed family child care center.

Jane Norgren said that there is also a regulation of only two children present can be under the age of two.

Dennis Murphy read the statute defining the different care settings. He asked if there are disputes over definitions and classification.

Peter Palermino said no, that DPH licenses and enforces the classifications and the regulations on those centers through surprise visits.

Dennis Murphy said that the way in which the centers are classified is important because it speaks to the stability of the profession as a whole and the ability to unionize it based upon who falls under certain definitions laid out in the executive order.

Peter Palermino said that another way in which there is collaboration with Care 4 Kids providers is administering nutrition assistance through the unlicensed providers.

Dennis Murphy asked Peter to talk about reimbursement rates for providers.

Peter Palermino explained that the federal government and the general assembly set the reimbursement rates and that if the general assembly chooses to add more funds to the program or change the rates, they can. The current reimbursement rates have been in place since 2002 and Care 4 Kids has not received funds for a rate increase. Their budget is based on those rates and if the rates were increased, they could pay more to providers but fewer children would receive care as long as they were not receiving any more money from the federal government or the state.

Larry Fox asked if there is a waiting list for Care 4 Kids.

Peter Palermino said there is not because it established false expectations. When the program is full, they turn people away and must give 30 days of notice before closing the application process. He explained that when the program is full, there is priority given to families receiving cash assistance. Otherwise, those not receiving cash assistance must prove employment to receive Care 4 Kids or they will not be eligible.

Dorotheia Barnett sees a lot of parents turned away from Care 4 Kids because they want to go back to school, making them ineligible and then she must turn them away because they can't pay otherwise.

Dennis Murphy asked how many providers receive Care 4 Kids funding from parents and charge additionally on top of that amount.

Dorotheia Barnett said that most providers will charge on top of the money they receive through Care 4 Kids.

Peter Palermino said that it is common and is a business decision made at the discretion of the provider. Right now, priority groups five and six are not receiving funding through Care 4 Kids because there aren't enough funds but 1-4 are not turned away as long as they qualify.

Dennis Murphy discussed how the group should proceed moving forward and that the group should get into input from out of state people with experience in this issue.

Jessica Sager suggested that Helen Blank should be invited to the next meeting and her contact information is provided in a letter from Cathy Sarri to Dennis Murphy.

Dennis Murphy said that the working group has no money to pay for travel expenses but Teresa Younger's group, the Permanent Commission on the Status of Women, may have funding for travel. He presented a list of issues to be considered by the group moving forward and then asked if there is any other business to be considered.

Dorotheia Barnett asked if all of the other meetings could be held at night so that she and other child care providers could attend and not have to miss work or bring their kids.

Peter Palermino suggested the possibility of Saturday meetings.

Dennis Murphy suggested alternating one evening meeting and then one day time meeting to balance.

Jessica Sager said that there were several members of the group that had to leave early and the issue shouldn't be decided until all were present.

Dennis Murphy said that he would consult with the group members over the telephone.

4) Adjourn: Dennis Murphy adjourned the meeting at 12:15pm.