

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:35 p.m. on March 9, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Bob Bethell- excused  
Representative Brenda Landwehr- excused  
Representative Frank Miller- excused  
Representative Tom Holland- excused  
Representative Joe McLeland - excused

Committee staff present:

Dr. William Wolff, Legislative Research Department  
Renaë Jefferies, Office of Revisor of Statutes  
Gary Deeter, Secretary

Conferees appearing before the committee:

Diane Kramer, Associate Superintendent of Personnel, Emporia Public Schools  
Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards

Others attending:

See Attached List.

The minutes for the March 8 meeting were approved as printed.

Chairing the hearing on **SB 453** were Representatives Peggy Mast and Jerry Williams.

After opening the hearing, Chairperson Mast welcomed Diane Kramer, Associate Superintendent of Personnel, Emporia Public Schools, who spoke as a proponent for the bill. She said the bill, which exempts school districts from child-care licensing regulations, came about because, when the Emporia school district developed additional preschool programs to assist at-risk students, the Kansas Department of Health and Environment (KDHE) considered the programs as child care rather than public education and began applying child-care regulations to the programs. (Attachment 1) She stated that most of the rules governing teachers exceed the requirements of KDHE, noting that the bill amends **K.S.A 65-501 et seq** to exempt school districts from day-care regulations, since they are already regulated by the Kansas State Board of Education and the local school board; she said that amendments were added in the Senate to address the concerns of other entities who provide day care. (Attachment 2)

Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards, spoke as a proponent of the bill, saying that school districts are currently regulated by the state board of education and locally elected boards of education; further, he said that school districts already do Kansas Bureau of Investigation criminal background checks on teachers and screen employees through the Kansas Social and Rehabilitative Services child-abuse registry. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 1:35 p.m. on March 9, 2004, in Room 526-S of the Capitol.

During discussion a member raised the question of background checks. Chris Ross-Baze, Director, Child Care Licensing and Registration Program, KDHE, said that the agency uses both KBI background checks and the SRS child-abuse registry.

The Chair closed the hearing on **SB 453**.

Staff Bill Wolff briefed the Committee on two bills. He said that **HR 6010** urges the Health and Human Services Committee of Congress to review the data regarding cervical cancer, evaluate current methods of education and screening, and consider options to increase screening accuracy.

Regarding **SB 366**, he said the bill amends two statutes that concern reports made to the state cancer registry, expanding the definition of health care provider to include surgical centers, dentists, and oncology centers and to require health-care providers to report each cancer case diagnosed or treated within six months of the date of diagnosis unless exempted by statute or regulation.

Chairman Morrison provided a demonstration of one of the services of the Information Network of Kansas, the Lobbyist-in-a-Box, showing how a legislator can not only track specified bills, but link them to the concerns of constituents.

The meeting was adjourned at 3:45 p.m. The next meeting is scheduled for Wednesday, March 10, 2004.

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE  
GUEST LIST**

DATE: MARCH 9 2004

NAME	REPRESENTING
Susan Kott	KDHE
Chris Ross Baze	KDHE
Leonor Lowe	WV Kansas
Janet Neff	KDHE
Gwendolyn Carguel	American Cancer Society
Michelle Peterson	K. Governmental Consulting
Linda F. Law	MOT
Aurthur Grace	Dunham & Associates
Norm Hess	March of Dimes
CHARLES HUNT	KDHE
Ron Seiber	Hein Law Firm
Diane Kramer	Emporia Public Schools
Jim Edwards	KASIB

**TESTIMONY REGARDING SENATE BILL No. 453**  
**Diane Kramer, Associate Superintendent of Personnel**  
**Emporia Public Schools**

**1. What legislative action is requested?**

It is requested that public schools be exempt from day care regulations imposed by the Kansas Department of Health and Environment.

**2. What legislative changes are needed to create this change?**

The following changes have been introduced by Senator Jim Barnett as Senate Bill No. 453:

*... The provisions of K.S.A. 65-501 et seq., and amendments thereto, shall not apply to: ( c ) any facility program or service operated or authorized to be operated by the board of education of a school district.*

Since the Bill was introduced, amendments have been added.

**3. Under what authority does the Kansas Department of Health and Environment assume control of public school programs?**

LAWS REGARDING PUBLIC HEALTH

Article 5. – MATERNITY HOSPITALS OR HOMES AND HOME FOR CHILDREN

65-501 License or temporary permit required. It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity hospital or home, or a boarding, receiving or detention home for children under 16 years of age without having a license or temporary permit therefore from the secretary of health and environment. Nothing in this act shall apply to any state institution maintained and operated by the state.

**4. Why are some public school classrooms considered child care?**

According to KDHE Guidelines for Clarifying Child Care Licensure Requirements for Public School Programs which was issued in 1996, licensure is required whenever a “Board of Education establishes, operates and maintains...a child care program that is not established as a summer program or an extraordinary school program as defined by statute. This type of school age program could be held before school, after school, on no school days, during the summer or all year round.” This has further been interpreted to mean any preschool program that is offered more than 4 hours per day, including lunch.

**5. Why should public schools be exempt from KDHE day care regulations?**

(a) School districts are already governed by locally elected representatives who serve on the Board of Education. Regardless of day care licensing, the board of education is always responsible and liable for any programs provided under its jurisdiction. Sufficient operational control is also provided by the Kansas State Department of Education, Kansas Board of Education, and the Kansas legislature.

(b) Additional rules and regulations imposed by KDHE result in time and resources being taken away from the mission of schools, to educate children. For instance, day care

Attachment 1  
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regulations require an on-site, full time administrator whenever a preschool has an enrollment of more than 60 children. There are over 160 schools and 29 school districts in Kansas that operate without a full time administrator. Staffing decisions should be made by the local board of education.

(c) Professional educators know how to take good care of children.

**6. Isn't there the potential for children to be placed in risk of danger if KDHE standards for care are not met?**

(a) Depending upon the rule or regulation, most school districts already exceed the standards established by KDHE. For instance, the educational level for a child supervisor required by KDHE is lower than the educational level required for teachers. KSDE already requires a KBI criminal background check prior to issuing a Kansas teaching certificate. Our school district, like many others, conducts a KBI criminal background check on every staff member.

(b) KDHE officials have self-selected enforcement of their regulations on some of the most dangerous activities offered by school districts. KDHE child care regulations include children to the age of 16. Junior varsity football occurs outside of the school day, requires transportation outside of the school, and the activities often extend beyond 4 hours. When asked why KDHE did not enforce all the areas covered in their regulations, the response from a staff member was that it would be ridiculous to do so.

## Questions Asked Regarding Senate Bill 453

### I. Should public school programs be required to meet the KDHE standards for child care staff to child ratio?

- A. No, the Kansas State Department of Education has not established class sizes for public schools. The cost would be prohibitive to do so.
1. Local boards of education are charged with the responsibility of providing appropriate educational programs for the children they serve. Staffing decisions should rest with the local board.
  2. Current enrollment in 19 preschool programs operated in the Emporia Public Schools is 311.
    - a. Class sizes range from 13 to 20.
    - b. Pupil/staff ratio in these programs is not higher than 1:10
  3. Recent national research found that a pupil/teacher ratio of 1:17 creates an optimal learning environment.
- B. K.A.R. 28-4-428 establishes minimum staff/child ratios for child care providers.
1. Children ages 3 to school age = 1:12
  2. Kindergarten children = 1:14
  3. School age children = 1:16
- C. What body of research determined the staff/child ratios established by KDHE?

### II. Should all public school preschool teachers be required to be endorsed in early childhood?

- A. The Kansas State Department of Education has established strict standards for teacher certification or licensure of instructional support staff. The KSDE requirements should continue to be met by all public school programs.
- B. Teacher qualifications required by the Kansas State Department of Education are higher than those set by KDHE child care regulations.
1. A minimum of 124 college credit hours resulting in a four year degree in approved liberal arts, teaching content, and pedagogy from an accredited institution.
- C. KDHE education/training standards for child care are:
1. Child care provider = at least 18 years of age; high school diploma or GED for those programs enrolling fewer than 13 children.
  2. Child care provider = units enrolling up to 24 children shall have observed 5 sessions in a licensed child care center; one year of working in a licensed center; or 7-9 academic credit hours of equivalent training in child development and 3 months experience in a licensed center; or a child development associate credential.
  3. Child care provider = units enrolling more than 24 children shall have 12 credit hours or equivalent in child development and 6 months experience in a licensed center.

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**III. Should school districts be required to have an on-site program director/administrator?**

- A. The Kansas State Department of Education has not established a requirement for public schools to have an on-site administrator in each school.
1. Local boards of education should determine their staffing needs.
  2. There are over 160 public schools in Kansas that operate without a full time administrator.
  3. There are over 29 school districts in Kansas that operate without a full time superintendent, a position that is required in statute.
  4. There are many more public school administrators who are assigned to supervise more than one school.
  5. KSDE has established that school administrators must meet state standards through a graduate level program of study which results in administrative endorsement. Endorsement as a principal usually results in a Master's Degree.
- B. KDHE standards for facilities licensed for more than 100 children require a program director and an assistant program director.
1. KDHE standards may be met by an individual with an A.B. degree in a related academic discipline and 12 hours of academic study or equivalent training in early childhood and 1 year experience as a program director.

**IV. Are public schools asking for an exemption from KDHE day care regulations for children under the age of 3?**

- A. No.

Testimony on **SB 453**  
before the  
**House Health and Human Services Committee**

by

**Jim Edwards, Governmental Relations Specialist**  
Kansas Association of School Boards

**March 9, 2004**

Chairman Morrison and members of the Committee:

I appreciate the opportunity to appear in front of you today to support **SB 453**, a measure that would exempt direct programs or services of a local school district from licensure by the Kansas Department of Health and Environment (KDHE).

We have been working with KDHE on the issue of before and after school programs and feel that what was drafted for rules and regulations will help the majority of school districts in Kansas. However, the uniqueness of the issues in Emporia, and possibly other districts, shows that this legislation is needed to address current problems with KDHE rules and regulations.

School districts are already regulated by the Kansas State Department of Education as well as their respective locally elected boards. Currently, criminal background checks are required for all persons before they are granted a teaching certificate and in many cases, school districts conduct KBI background checks on all staff members prior to hiring.

I thank you for the opportunity to appear before you today and would urge your support of **SB 453**. I would be happy to answer any questions you might have.

Attachment 23  
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