

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 p.m. on February 23, 2004 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

- Ms. Emalene Correll, Legislative Research
- Mr. Norm Furse, Revisor of Statutes
- Mrs. Diana Lee, Revisor of Statutes
- Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:

- Ms. Diane Kramer, Associate Superintendent of Personnel, USD253
- Mr. Jim Edwards, Lobbyist for Kansas Association of School Boards
- Ms. Adrienne Woolley, Policy Analyst, Metropolitan Council on Early Learning
- Ms. Kathy Damron, representing YMCA's of Kansas
- Ms. Crystal Williams, representing Partnership for Children
- Ms. Jennie Rose, Kansas Association of Community College Trustees

Others attending:

Please See Attached List.

**Hearing on SB453 - regulation of child care facilities**

Upon opening the meeting, the Chair announced there would be a hearing on **SB 453**, an act concerning the regulation of child care facilities; relating to exemptions therefrom and called upon Mr. Norm Furse to explain the balloon. His highlights included:

- 1) Amends current law;
- 2) Provides that the provisions for 65-501, which relates to the regulation by the Secretary of Child care facilities, would not apply;
- 3) In addition to the current law exemptions, it exempts in lines 33 and 34, any facility, program, or service authority to be operated by the Board of Education of the school district. (This is the only change this bill makes in our current law.)

A copy of the balloon is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

As there no questions for Mr. Furse, the Chair recognized Senator Barnett, who introduced this bill and stated, he first learned last year of the concerns from his school district in Emporia, who felt like they were being doubly licensed and over regulated. As this is still not resolved and to air concerns from both sides, brings this bill to see if the Committee could find some resolve on the issue.

The Chair then called upon the first of two proponents to testify, Ms. Diane Kramer, Associate Superintendent of Personnel, USD253, who offered questions with answers including:

- 1) What legislative action is requested and what changes are needed to create this change?
- 2) Under what authority does KDHE assume control of public school programs?
- 3) Why are some public school classrooms considered child care?
- 4) Why should public schools be exempt from KDHE day care regulations?

A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at 1:30 p.m. on February 23, 2004 in Room 231-N of the Capitol.

Page 2

The second proponent was Mr. Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards, who stated that the bill would exempt all programs or services of a local school district from licensure by the Kansas Department of Health and Environment (KDHE) and that school districts are already regulated by the Kansas State Department of Education as well as their respective locally elected boards. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The chair then called upon the first opponent, Ms. Adrienne Woolley, Policy Analyst, Metropolitan Council on Early Learning from Kansas City who stated that this piece of legislation is a problem because these licensing standards provide basic health and safety regulations to keep children in Kansas safe; absent of these standards, children are more likely to be in unsafe care. She also offered a chart showing the "Kansas Child Care Center Licensed Ratio. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The next opponent called upon was Ms. Kathy Damron, representing the YMCA's of Kansas, the largest provider of childcare in the state, she stated. She added the bill is extremely broad in its application, would exempt any child care center operated by a school district or authorized to be operated by a school district, from KDHE regulations and those of us in the private sector who are providing this care should not be held to a higher regulatory standards than those in the public sector. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

The final opponent was Ms. Crystal Williams, representing Partnership for Children Lobbyist who stated this was a child advocacy organization and offered two major concerns with the bill:

1) An example of lack of regulation as there would be no requirement of criminal history or child abuse background checks for personnel working with young children and youth; and,

2) There would no longer be a requirement that there be a standard for staff to child ratio and organizations currently required to adhere to basic health and safety regulations could approach school districts asking them to authorize programs, bypassing basic health and safety regulations.

A copy of her testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The Chair then asked if anyone in the audience would like to testify. Ms. Jennie Rose from the Kansas Association of Community College Trustees asked that community colleges be amended to the bill if the Committee decided to move forward with the bill. Ms. Rose had no written testimony.

As there were no neutral or written testimony, the Chair asked for questions/comments from the Committee. Senators Wagle, Salmans, Barnett, Brownlee, and Jordan posed questions and comments ranging from: does the bill address church based schools, teachers aids, exemptions for on site school based programs, any tragic events in Kansas and the one in Missouri was this before regulation background checks, dissemination of non-factual information, when outside groups come in and lease or rent, conflict of interest (with current outside operators no licensed out-based), any school charges, to right ratio of children.

As there was no further discussion, the Chair closed the hearing.

CONTINUATION SHEET

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE at 1:30 p.m. on February 23, 2004 in Room 231-N of the Capitol.

Page 3

**Action on SB425 - concerning dentistry; relating to administration of sedation & anesthetics**

The Chair then referred the Committee to a proposed amendment for SB425 and stated, "when we had a hearing on the bill there were no opponents. The Board requested the bill and the Kansas Association of Dentists also supported the bill". But one thing that she brought up and it was also brought up in the House, was whether or not dentists had liability insurance and currently they are not required to have it. She then asked Mr. Furse to explain the amendment they had been working on.

Mr. Furse stated the amend would be a part of the dental practices act requiring a policy of professional liability insurance issued by an insurer who is authorized to transact business in the state and maintained by each licensed dentist actively practicing, except if the dental practice is limited under subsection (f). A copy of the amendment is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

The Chair recognized Senator Brungardt who stated that Senator Barnett, at the hearing, suggested inserting "cardio" in front of "pulmonary" on page 1, line 38. Mr. Furse also offered a technical change on page 1, line 35, inserting "rules" before the word "regulations" to read "rules and regulations."

As there was no further discussion of the bill, Senator Barnett made the motion on line 38, page 1, change "pulmonary" to "cardiopulmonary" and on line 35, page 1, add "rules and" before "regulations." This was seconded by Senator Brownlee and the motion passed.

Senator Haley made a motion to accept the language in the proposed amendment, a requirement for liability insurance except for charitable care. Senator Steineger seconded and the motion passed.

Senator Salmans made a motion to move the bill as amended. It was seconded by Senator Steineger and the motion passed.

**Adjournment**

As there was no further business, the meeting was adjourned. The time was 2:30 p.m.

The next scheduled meeting is Tuesday, February 24, 2004.

# SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

## GUEST LIST

DATE: Monday, February 23, 2004

NAME	REPRESENTING
Alvonne Woodley	Nebraska Council on Early Learning - UNL/RC
Kathy Danner	YMEAs Kansas
Crystal Williams	Partnership for Children
Kimbra Caywood	Kearney 4 Assoc.
Jennie Rose	KACET
Doug Bowman	Coordinating Council on Early Childhood
Deb Crowl	Emporia Community Day Care Center, Inc.
Jim Edwards	KASB
Jim Menze	USA
Diane Kramer	USD 253
Greg Hill	KS Dental Assoc.
Sandy Brader	Partnership for Children
Hally Finney	Ko. Public Health Assoc.
Laura Kery	KRPA
Pat Lehman	KRPA
Angela Harness	intern-Sen. Brungardt
Larry Williamson	Kansas Dental Board
<del>Kevin Robertson</del>	<del>KANSAS DENTAL ASSN</del>
Stuart Little	Shawnee Mission USD 512

23 in  
att.

Rob May  
 Cindy D'Avole  
 LARRY BUENING  
 Diane Gjerstad  
 HEIN Law Firm  
 Kansas Action for Children  
 Bd OF HEALING ARTS  
 Wichita Public Schools

# SENATE BILL No. 453

By Committee on Public Health and Welfare

AN ACT concerning the regulation of child care facilities; relating to exemptions therefrom; amending K.S.A. 65-501 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-501 is hereby amended to read as follows: 65-501. It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity center or a child care facility for children under 16 years of age without having a license or temporary permit therefor from the secretary of health and environment. ~~Nothing in this act shall~~ *The provisions of K.S.A. 65-501 et seq., and amendments thereto, shall not apply to:*

(a) A residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701, and amendments thereto; or

(b) a summer instructional camp that:

(1) Is operated by a Kansas educational institution as defined in K.S.A. 74-32,120, and amendments thereto, or a postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto;

(2) is operated for not more than five weeks;

(3) provides instruction to children, all of whom are 10 years of age and older; and

(4) is accredited by an agency or organization acceptable to the secretary of health and environment; or

(c) ~~any facility, program or service operated, or authorized to be operated, by the board of education of a school district.~~

Sec. 2. K.S.A. 65-501 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

if the board finds that such facility, program or service:

(1) Is supervised by a teacher who holds a certificate to teach and an administrator who holds a school administrator's certificate;

(2) conducts, through the Kansas bureau of investigation, criminal background checks on all staff members upon hiring;

(3) provides classroom space comparable to that afforded other district programs;

(4) is offered at a site which complies with required building and fire codes;

(5) maintains staff and student records and emergency contact information; and

(6) assists students to achieve academic performance at or above state standards.

(7) *Carefully*

*Senate Public Health & Welfare Committee  
Attachment 1  
Date: February 23, 2004*

FEB-20-04 FRI 12:10 PM REVISOR OF STATUTES FAX NO. 91323000008 P. 02703

Adult Basic Education  
315 S. Market  
620-341-2450

Alternative School  
1001 Commercial  
620-341-2251

Butcher Children's School  
1200 Commercial  
620-341-5301

Emporia High School  
3302 W. 18th  
620-341-2365

Emporia Middle School  
2300 Graphic Arts  
620-341-2335

Flint Hills Special  
Education Cooperative  
216 W. 6th  
620-341-2325

Flint Hills Technical College  
3301 W. 18th  
620-341-2300

Head Start Center  
1211 Stanton  
620-341-2260

Logan Avenue Elementary  
521 S. East  
620-341-2264

Lowther North  
Intermediate School  
216 W. 6th  
620-341-2350

Lowther South  
Intermediate School  
215 W. 6th  
620-341-2400

Mary Herbert Elementary  
1700 W. 7th  
620-341-2270

Maynard Elementary  
19 Constitution  
620-341-2276

Village Elementary  
2302 W. 15th  
620-341-2282

Walnut Elementary  
801 Grove  
620-341-2288

William Allen  
White Elementary  
902 Exchange  
620-341-2294

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

**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.*

**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.

Senate Public Health & Welfare Committee  
Attachment 2-1  
Date: February 23, 2004

**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 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.



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

OCTOBER 30, 2003

HEAD START CHILD CARE CENTER  
TEMPORARY PERMIT 52864-1  
EFFECTIVE: ~~10/30/2003~~  
EXPIRATION: 01/26/2004

MAYNARD EARLY CHILDHOOD CENTER  
19 CONSTITUTION  
EMPORIA KS 66801

DEAR APPLICANT:

THIS TEMPORARY PERMIT, ISSUED PURSUANT TO KSA 65-504, AUTHORIZES USD #253 EMPORIA TO OPERATE MAYNARD EARLY CHILDHOOD CENTER LOCATED AT 19 CONSTITUTION, EMPORIA, KS 66801

MAYNARD EARLY CHILDHOOD CENTER IS AUTHORIZED TO CARE FOR 121 CHILDREN GROUPED AS FOLLOWS:  
ROOM 8, 1 UNIT, 20 CHILDREN, 3 TO SCHOOL AGE; ROOM 9, 1 UNIT, 20 CHILDREN, 3 TO SCHOOL AGE;  
ROOM 11, 1 UNIT, 21 CHILDREN, 3 TO SCHOOL AGE; ROOM 12, 1 UNIT, 20 CHILDREN, 3 TO SCHOOL  
AGE; ROOM 6, 1 UNIT, 20 CHILDREN, 3 TO SCHOOL AGE; ROOM 5, 1 UNIT, 20 CHILDREN, 3 TO SCHOOL  
AGE;

THIS PERMIT IS VALID FOR A PERIOD NOT EXCEED 90 DAYS FROM THE RECEIPT OF YOUR APPLICATION IN ORDER FOR INSPECTIONS TO BE COMPLETED AND COMPLIANCE DETERMINED. YOU ARE NOT AUTHORIZED TO CARE FOR CHILDREN AFTER THE TEMPORARY PERMIT EXPIRES UNLESS THE LICENSE IS ISSUED.

PLEASE POST THIS TEMPORARY PERMIT IN A CONSPICUOUS PLACE.

SINCERELY,

PATRICIA SUDBECK  
CHILD CARE UNIT  
(785) 296-1270

CC: LYON COUNTY-EMPORIA HEALTH DEPARTMENT

1-3



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
785-273-3600

Testimony on **SB 453**  
before the  
**Senate Public Health and Welfare Committee**

by

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

**February 23, 2004**

Madam Chair 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 all programs or services of a local school district from licensure by the Kansas Department of Health and Environment (KDHE).

We have been working with the 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 interpretations of KDHE rules and regulations.

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

I thank you for the opportunity to appear before you today and would be happy to answer any questions you might have.

*Senate Public Health & Welfare Committee  
Attachment 2  
Date: February 23, 2004*

611

**Testimony**

**Testimony of Adrienne Woolley  
Mid-America Regional Council's  
Metropolitan Council on Early Learning**

**Regarding Child Care Exemption**

**Submitted to the Senate Committee on Public Health and Welfare  
February 23, 2004**

Senate Public Health & Welfare Committee  
Attachment 4  
Date: February 23, 2004

Thank you Chairwoman Wagle and members of the committee for the opportunity to provide my testimony in opposition to exempting certain child care facilities from meeting the state's child care licensing requirements. My name is Adrienne Woolley and I am with the Metropolitan Council on Early Learning in Kansas City. Part of our mission is to improve the quality and safety of care for children ages birth to five in Leavenworth, Johnson and Wyandotte Counties.

The proposal before you would allow early childhood and school age programs associated with an educational institution to be exempt from basic licensing standards. This is a problem because these licensing standards provide basic health and safety regulations to keep children in Kansas safe; absent of these standards, children are more likely to be in unsafe care. There is no clear reason to reduce these proven standards, and they should not be changed. Five months ago I testified against a similar proposal that would exempt school-age programs from licensing. Parents and advocates around the state were deeply concerned about the school-age proposal, but I never imagined I would be here again defending infants', toddlers', preschoolers' and young children's basic health and safety rights. Rights that include:

- Being cared for in a building that does not have lead paint chipping off the walls at arms reach of a toddler;
- Receiving care from someone that has had a background check, CPR and first aid training, and a skin test for tuberculosis; and
- Appropriate child/staff ratios. If a facility is trying to save money, the first thing most likely to be cut is staff. If centers are not regulated they can continue to cut staff and/or accept children beyond safe child/staff ratios. Below you will see a chart of approved ratios in Kansas. It would be very difficult to argue that anything less than this standard would be safe for children in care in Kansas. Yet if the requirements to meet these standards were absent, few providers will voluntarily meet them.

#### KANSAS CHILD CARE CENTER LICENSED RATIO

<i>Age of Children</i>	<i>Child: Staff Ratio</i>	<i>Maximum Group Size</i>
6 weeks	3:1	9
9 months	3:1	9
18 months	5:1	10
27 months	7:1	14
3 years	12:1	24
4 years	12:1	24
5 years	14:1	28
6 years	16:1	32
7 years	16:1	32
8-9 years	16:1	32
10 years and older	16:1	32

Over the past several years tragic stories of children in licensed exempt centers have emerged in the media. These stories highlight the dangers including abuse, injury and even death, when child care facilities are given exemption from state licensing. Our neighbor to the east, Missouri, exempts providers associated with an educational facility and/or church from state licensing. Often, providers will make far-fetched connections with either an educational or religious institution, therefore exempting them from licensing.

Missouri has shown that exempting programs from care is not smart policy. In St. Louis, due to poor child/adult ratios at a license-exempt facility associated with a school, a three-year-old boy was left inside a locked, hot school van. Three hours later his father found him dead in the driver's seat. In Blue Springs, MO a four-month old boy was killed after a provider slammed his head against a hard surface—this child was one of 19 children being supervised under this woman's care. She was later charged with second-degree murder and 19 counts of child endangerment—one for each child in her care. Another four-month-old died after suffocating while sleeping facedown on a blanket on a hardwood floor of another license-exempt provider. Licensing would never have permitted this type of sleeping arrangement. In Tuscumbia, MO a woman previously charged with sexual assault and prostitution in Iowa was charged again in Missouri for sexually molesting three children in her licensed exempt care. This woman would never have been able to operate had she undergone a background check in the process of licensing. These are just a few of many stories in Missouri – stories that are repeated in states with weak licensing laws and exemptions for certain types of child care.

The most tragic thing is that these situations are avoidable. Kansas has avoided tragedies like these by developing rigorous licensing standards and sticking to them – by maintaining that the health and well-being of Kansas children cannot have a price put on it, and Kansas parents can be assured that their children are safe.

Research has repeatedly shown that licensed child care programs keep children more safe and healthy than child care programs that are exempt from licensing standards. Just as restaurants, cars, and water must meet basic standards, care for children must as well. Testimony supporting this bill will likely outline the high costs of meeting licensing standards, particularly for very young children, as a justification for why some programs should be exempt. These programs have met licensing requirements for years; there is no good reason to exempt them now. The parents who lost children in care they believed met basic standards would tell you that the lives of their children were invaluable; the licensing standards are in place to ensure children are kept safe, something no price tag can be placed upon.

You now have the opportunity to make a choice: to maintain the basic health and safety standards that families in Kansas count on for their young children, or to loosen these proven standards for convenience. I urge you to not support Senate bill 453.

Thank you, I am happy to take any of your questions.

Adrienne Woolley  
Mid-America's Regional Council, Metropolitan Council on Early Learning  
816.474.4240, awoolley@marc.org

**Kathy  
Damron**

(785) 235-2525  
(785) 354-8092 FAX  
E-MAIL: MKDTopeka@aol.com

800 SW JACKSON STREET, SUITE 1100

Topeka, Kansas 66612-2205

Testimony in Opposition to  
Senate Bill 453  
on behalf of  
YMCAs of Kansas  
Monday, February 23, 2004

Madame Chairman and Members of the Committee:

I appreciate having the opportunity to visit with you this afternoon regarding child care regulations in Kansas. My name is Kathy Damron and I am appearing this afternoon on behalf of the YMCAs of Kansas. The YMCAs of Kansas are the largest provider of childcare in the state. We serve children in early childhood education settings as well as school-age childcare.

As drafted, Senate Bill 453 is extremely broad in its application. While the supporters of the measure, we are told, are concerned about one particular program, the bill goes far beyond that single situation. Therefore, we cannot support the measure and would respectfully ask the committee to reject this bill.

Senate bill 453 would exempt any child care center operated by a school district or authorized to be operated by a school district, from KDHE regulations. This has broad implications that do not serve the interests of Kansas children. Rather, these regulations governing childcare in our state should be preserved. Children, regardless of where they're being cared for, deserve the same basic level of protections that are contained in these regulations.

Additionally, those of us in the private sector who are providing this care should not be held to higher regulatory standards than those in the public sector. There is simply no justification for it and I fear the outcome for children would be negative, both in terms of health and safety standards and in terms of availability of childcare. Disruption in the childcare marketplace will cost all of us.

Public schools are in the business of educating the K through 12 population of our state. And, later this week you are each being asked to vote for legislation to substantially increase

*Senate Public Health & Welfare Committee  
Attachment 5-1  
Date: February 23, 2004*

funding for public education. It seems ironic that at the same time our state is looking at huge funding increases for schools because current resources can't meet the needs of K through 12, that we're considering legislation to get public schools in the business of operating unlicensed childcare. Increasing the school district focus into additional programs in a time of limited financial resources doesn't appear to serve the public interest.

## **Partnership for Children**

### **Testimony presented by Crystal Williams Committee on Public Health and Welfare, regarding Senate bill 453**

Partnership for Children, a Metropolitan Kansas City child advocacy organization, must oppose Senate Bill 453. Partnership for Children adhere to a mission of working collaboratively to build a community where all children and youth in Greater Kansas City can thrive, by using education, advocacy and monitoring to create broad-based awareness, secure demonstrable commitment, and achieve measurable actions.

Senate Bill 453 does not reflect either best practice for educating very young children, nor does it protect young children or youth while they pursue knowledge and social learning. I am echoing others who have spoken today when I assert that this bill, due to the way it is drafted, would apparently exempt all early education and school age programs from child care regulation if they were authorized by school districts. This is unacceptable.

One of the most distressing examples of lack of regulation is there would be no requirement of criminal history or child abuse background checks for personnel working with young children and youth.

There would no longer be a requirement that there be a standard for staff to child ratio—a situation that is considered unacceptable in most K-12 programs; and programs could be provided in buildings that are not even fire safe. And organizations currently required to adhere to basic health and safety regulation could approach school districts asking them to authorize programs—bypassing basic health and safety regulation.

It seems that this legislation could lead to very serious problems in the future. Escaping regulation in some instances may seem to be good business, or less aggravating for the moment, but in the case of caring and educating our most precious resource, we must ask ourselves, is it good for the children?

*Senate Public Health & Welfare Committee  
Attachment 6  
Date: February 23, 2004*

orig

kllpa425

PROPOSED AMENDMENT TO SB 425

On page 2, following line 6, by inserting the following:

"New Sec. 2. (a) A policy of professional liability insurance issued by an insurer duly authorized to transact business in this state shall be maintained in effect by each licensed dentist actively practicing in this state as a condition to rendering professional services as a dentist in this state, except that a dentist shall not be required to maintain professional liability insurance if such person's dental practice is limited to providing dental services under subsection (f) of K.S.A. 75-6102 and amendments thereto.

(b) This section shall be part of and supplemental to the dental practices act.";

Senate Public Health & Welfare Committee  
Attachment to  
Date: February 23, 2004