

Approved: May 4, 2010
Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Brenda Landwehr at 8:30 a.m. on April 28, 2010, in Room 346 S of the Capitol.

All members were present except:

Representative Aaron Jack - excused
Representative Clark Schultz - excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Amy Warkentin, Johnson County Public Health/KPHA Member (Attachment 1)
Marvin Stottlemire, Kansas Public Health Association (Attachment 2)
Marty Keaton-Ferron, Licensed Provider, Mission, Kansas (Attachment 3)
Megan Ward, Salvation Army, Kansas and Western Missouri Division (Attachment 4)
Reva Wywadis, ERC Resource & Referral, Topeka (Attachment 5)
Don Jordan, Secretary, Kansas Department of Social & Rehabilitation Services
(Attachment 6 & 7)

Others attending:

See attached list.

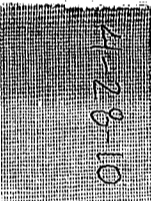
HB 2356 - S Sub for H 2356 by Committee on Public Health and Welfare – Child care; supervision of children and licensure and inspection of child care facilities

Chairperson Landwehr continued the hearing on **SB 2356**.

Amy Warkentin, Johnson County Public Health/KPHA member provided testimony in support of the bill. She stated the need to inspect all childcare facilities in Kansas is long overdue. For many years there has been the need to eliminate the category called Registered Daycare Home. The main reason this category should go away is that this category of facility does NOT receive ANY inspection by childcare licensing staff. Currently the only time childcare surveyors have right of entry to a Registered home is for a complaint visit. Most of the time these visits are long and violations are many. Many serious injuries/deaths of children occur in RDCH's that possibly could have been prevented if inspection of the home by childcare licensing staff had occurred. Extending the time frame from 12 months to 15 months for all licensing inspections to be completed is a compromise but it will allow inspections of all new registered daycare homes without financial impact. The change would allow the surveyors the flexibility to continue to do the facilities that have enforcement issues on a 12 month basis, inspect all new family childcare homes, continue to conduct complaint investigations for all categories of child care, complete KDHE request compliance checks, and complete the annual inspections of remaining licensed facilities with a good compliance records within the 15 month time frame. (Attachment 1)

Marvin Stottlemire, Kansas Public Health Association, provided testimony in support of the bill. Regulation and inspection are more than enforcement. The child care licensing professional is more than a mere inspector. He or she also is an educator and advisor to providers. Make no mistake caring for children in a child care setting is vastly more complex from caring for one's own children in one's own home. Parents who must leave their children in someone else's care need to know that standards are being met. For years, Kansas has been one of the very few States that allowed for child care without periodic inspections. It is time to bring our state and the safety of Kansas Children in care up to national standards. (Attachment 2)

Marty Keaton-Ferren, licensed provider, Mission, Kansas, provided neutral testimony on the bill. She spoke about her concerns about the risk-based inspection system, initial and continuing education requirements of providers, and defining "Competent Supervision" within legislation. (Attachment 3)



CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 8:30 a.m. on April 28, 2010, in Room 346 S of the Capitol.

Inspections:

- The quality of the system of inspections is as important as including all providers in it.
- Concern that overall compliance will deteriorate under the risk-based system.
- Concern that no study has been done by KDHE that tells us we cannot afford to continue with the system we have - or that supports the new one they want. That Representatives can't even get numbers by their counties to consider.
- Do we still know if the Fiscal Note for SB447 still applies?
- The impact the risk-based system has on increasing the number of underground providers.

Education:

- No educational requirements are included in SB 447 for the new class of licensed family child care home providers and should be addressed by amendment.
- Currently only First Aid is required in initial training for registered and licensed home day care providers. Pediatric CPR training, and a requirement to maintain certification in it, should also be a requirement.

Competent Supervision:

- Concern about once something like Competent Supervision is defined by Law, further refinement of the language can occur by rules and regulations (without public input).

In addition to her written testimony, she indicated she likes the idea of information available on the web site, however, she is concerned about the safety of the providers and the children and thinks there should be some sort of security code or other method used to allow the general public to find how where the providers and children are located.

Megan Word, Salvation Army, Kansas and Western Missouri Division, provided testimony in support of the bill. As a provider of child care for Kansas families, they recognize the importance of regular inspections, clear supervision guidelines and the availability of open records for families while they search for child care. Likewise, many of the families outside the metro areas rely on home day care for their children. The protections offered in this bill provide the very basic quality assurances facilities like theirs have been operating under for years. It is their belief that quality child care should be available to everyone regardless of where that care is provided - home or center. Their public policy agenda articulates as a priority to "Protect children and promote health and safe development" and it is their belief that this bill does that. (Attachment 4)

Reva Wywadis, ERC Resource & Referral, Topeka, provided testimony in support of the bill. Parents who place their children in the care of others deserve knowing that the provider has received an inspection to assure that minimum health and safety standards are met. Parents should also be able to easily access information about the child care provider's compliance history to help them make a wise child care choice. Lastly, language regarding supervision makes clear the expectation that persons performing child care as a business and for pay are expected to provide supervision that protects the health and well being of the children entrusted to their care. Although this bill won't assure quality, it does open the door to some consultation and support to providers that might otherwise not receive it, and it is a very positive step for our state. To address the fiscal impact across the state, the bill introduces a "risk based" inspection cycle, which was recommended by the Kansas Child Care BEST Team after studying other state guidelines. Although ideally all programs would receive regular inspection visits, this system directs resources to the programs that need them most. Kansas children and families deserve the benefit of knowing that their child care provider has had an inspection visit and meets basic health and safety standards. (Attachment 5)

Chairperson Landwehr expressed some concerns about scare tactics being used concerning the two tier system in Kansas (registered and licensed) and the quality of these providers in Kansas, when the facts show that many of the child deaths have been due to SIDS. There are many things that can be done from an education standpoint to provide information to providers on SIDS.

Chairperson Landwehr recessed the meeting at 10:05 a.m. and announced it would be continued at 1:00 p.m. in the afternoon at the same location.

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 8:30 a.m. on April 28, 2010, in Room 346 S of the Capitol.

Chairperson Landwehr continued the committee meeting at 1:00 p.m in room 346S of the Capitol.

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services provided testimony in which he addressed the Agreement between the American Federation of State, County and Municipal Employees (AFSCME) Child Care Providers Together-Kansas (CCPT), the Kansas Department of Social and Rehabilitation Services and the Kansas Department of Health and Environment. This agreement allows for a formalized process for CCPT and the state to discuss common goals identified throughout the agreement's development. These common goals include: child care quality standards, provider training and professional development opportunities, rates for subsidized child care benefits, payment timeliness, health and safety conditions, monitoring and evaluation of providers, and recruitment and retention of qualified providers and the overall quality of child care programs in Kansas. Recently, the SPCC has been able to successfully establish the Health and Safety Promotional Fund through the receipt of Recovery Act Child Care Development Funds. These funds are allowing for professional development and peer mentoring opportunities and the availability of facility upgrade and equipment/materials grants for child care providers. (Attachment 6) In addition, a report listing local contractor charges as of March 2008 was provided. (Attachment 7)

The Chair gave the committee members the opportunity to ask questions and when all were answered, the hearing on HB 2356 was closed.

Chairperson Landwehr then proceeded to discuss alternatives for making a list of what the committee would like to see done now on the bill and what the committee would like to see studied between now and next year. The Chair commented that one of the things she took into consideration was the report by the National Association of Child Care and Resource Agencies that ranked Kansas #47th in the country. (Attachment 8) She then reviewed and discussed with the committee the weaknesses outlined in the report.

There was much discussion by the committee members concerning the issues in the NACCRA report and other concerns of committee members. Suggestions for modifications to the current bill were made by committee members.

Following this discussion, Chairperson Landwehr directed Revisor Norm Furse to amend the current bill addressing the following issues:

- Licensing all homes.
- Seeing if we can complete the licensing in one year, possibly not inspecting current licensed homes for one year.
- Raising the cap on the license fee to \$100.
- Putting a year stamp on licenses.
- Requiring a high school diploma or equivalent and grandfathering those existing without one currently.
- Creating a fund for the licensing fee.

Chairperson Landwehr indicated the plan is to come back and review what Norm Furse provides and then with agreement of the committee, she will take it to a conference committee. At some point, items for study will be identified.

Written testimony only in support of the bill was provided by:

Kim and Bryan Engelman, parents, Overland Park (Attachment 9)
Steve and Alicia Patrick, parents, Overland Park (Attachment 10)
Suzanne Wilke, Kansas Action for Children (Attachment 11)
Representative of the Family Conservancy, Kansas City, Kansas (Attachment 12)
Shannon Zaring, provider, Bonner Springs (Attachment 13)
Julia Alfors, Child Care Surveyor, Marshal and Nemaha Counties (Attachment 14)
Kathy Deming, licensed provider, Johnson County (Attachment 15)
Kathy Griffin, Child Care Facilities Surveyor, Johnson County (Attachment 16)
Emily M. Lies Ed. D., Greater Wichita, YMCA (Attachment 17)
Jeff Wagaman, Boys and Girls Club of Topeka (Attachment 18)

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 8:30 a.m. on April 28, 2010, in Room 346 S of the Capitol.

Janis McMillen, United Community Services of Johnson County ([Attachment 19](#))
Kristen Fine, parent and provider, Prairie Village, Kansas ([Attachment 20](#))

Written testimony providing answers to questions from Chairperson Landwehr:
Nancy Jensen, RN BSN, Division Supervisor, Child Care Licensing, City of Wichita Office of Health & Environment ([Attachment 21](#))

Written testimony in opposition to the bill was provided by:
Roland Morreaise, grandparents, Overland Park ([Attachment 22](#))
Kristin Malara, parent, Lenexa ([Attachment 23](#))
Katie Twenter, parent, Overland Park ([Attachment 24](#))
Karen Laughton, Mission ([Attachment 25](#))
Virginia M. Kellogg, Lenexa ([Attachment 26](#))
Mark Werner, Overland Park ([Attachment 27](#))
Gina B. Kellogg, Lenexa ([Attachment 28](#))
Brenda Schoen, Child Care Provider, Olathe ([Attachment 29](#))
Laura and Jeff Jaworski, Leawood ([Attachment 30](#))
Ray and Melissa Stolhand, Overland Park ([Attachment 31](#))
Leslie Foliles, Overland Park ([Attachment 32](#))
Brenda Johnson, Olathe ([Attachment 33](#))
Ken Ogle, Lenexa ([Attachment 34](#))
April Hunt, parent, Lenexa ([Attachment 35](#))
Bill Anderson, insurance agent, Anderson Peck Agency, Topeka ([Attachment 36](#))

The next meeting will be announced by the Chairperson.

The meeting was adjourned at 3:43 p.m.

HOUSE HEALTH & HUMAN SERVICES COMMITTEE

DATE: 4-28-10

NAME	REPRESENTING
Megan Ward	THE SALVATION ARMY
Reva Wywadis	ERC Resource & Referral
Marky Keaton-Serren	Licensed Provider NAFCC and Progress
Amy Warkentin	Johnson County HD / KPAA
Patrick Vogelshury	Kearney and Assoc
Steve Kearney	" "
Suzanne Wikle	KS Action for Children
Liah Keck	Main Law firm
Steve Mad	SRS
Bobbi Mariani	SRS
Barack Madito	Rep. Wynn
Kim Engelman	Parent
Alexia Patrick	Parent
Kelly Griffin	KPAA / Local Health Dept.
Nancy Johnson	" " "

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Testimony Regarding Substitute Senate Bill 447 and Substitute House Bill 2356

Presented to Committee on Health and Human Services

Prepared by

Eldonna Chesnut, RN, BSN, MSN

Kansas Public Health Association President

Johnson County Health Department Division Director of Adult and Childcare Facilities

And

Amy Warkentin, BA, MPA (candidate)

KPHA Member

Johnson County Health Department Child Care Facility Surveyor

The need to inspect all childcare facilities in Kansas is long overdue. For many years there has been the need to eliminate the category called Registered Daycare Home. The main reason this category should go away is that this category of facility does NOT receive ANY inspection by childcare licensing staff. Currently the only time childcare surveyors have right of entry to a Registered home is for a compliant visit. Most of the time these visits are long and violations are many. Many serious injuries/deaths of children occur in RDCH's that possibly could have been prevented if inspection of the home by childcare licensing staff had occurred.

Currently all the registered daycare home provider has to do is complete an application, **self** complete the KBI form, **self** complete the fire life safety form, **self** complete a safety checklist, and mail the forms in along with the five dollar application fee. As long as the KBI/SRS background check clears this person can start doing care in their home with no one making sure their home environment is safe for children. In Johnson County, we have been very lucky that most of our local fire departments inspected all daycare homes annually. Due to our division's good working relationships with our fire departments – the fire inspector would usually let us know when they saw areas of concern in registered homes. However, as the budget crunch becomes worse and cities look for ways to trim their shrinking budgets, inspections of daycare homes has been one of the first services cut. Johnson County - like many other counties across Kansas, will have no one helping then identifying problems should the Registered category remain.

As in any county Johnson County has both good and bad Registered as well as good and bad licensed homes. Also like other counties, we often see licensed providers who have been in frequent enforcement action switch to the registered category to eliminate the surveyors coming into their home on at least an annual basis. Currently there is no legal way to stop this from happening. It is not in the best interest of children to be in this type of out of home care.

Under the proposed legislation, the category formally known as Registered Day Care Home would become Family Child Care home. This would then allow for at least an annual inspection

Health & Human Services Committee

Date: 4-28-10

Attachment: 1 - 1

of all applicants for home day care and for follow up visits for those with identified environmental or other serious regulatory violations. In our county we believe that the initial visits are a benefit to the home daycare provider. The surveyor comes to the provider's home by appointment and spends one-on-one time with them. The surveyor walks through the home with the provider and helps him/her identify the good things the provider has done to prepare his/her home for childcare as well as areas of non-compliance that exist in the home. The home provider has the chance to ask the surveyor questions re regulations, paperwork, and her/his home environment as it relates to childcare regulations. We believe this is an important first step for someone starting a home daycare. This visit helps to ensure that a safe/healthy environment is available for the children. This is also a benefit for parents placing their child in care. Many parents do not know that Registered Providers receive no inspection prior to starting to provide daycare services. Often parents don't realize that their child care provider is registered and does not get a yearly visit until it is too late and their child is injured in care and the parent is calling in a complaint.

Without a doubt all facilities should be inspected – the problem is where the money comes from. A possible solution was proposed to decrease the need for more surveyors and money but should allow for the inspections on all daycare homes - if you will please pass this legislation. Please note this is a COMPROMISE that childcare surveyors and other licensing staff are willing to make just to get all facilities inspected. Theoretically, extending the time frame from 12 months to 15 months for all licensing inspections to be completed, will allow inspections of all new registered daycare homes without financial impact. The change in K.S.A. 65-512 would allow the surveyors the flexibility to continue to do the facilities that have enforcement issues on a 12 month basis, inspect all new family childcare homes, continue to conduct complaint investigations for all categories of child care, complete KDHE request compliance checks, and complete the annual inspection of remaining licensed facilities with a good compliance record within the 15 month timeframe. In Johnson County this would mean an additional 400+ inspections/year. Our county estimates that it will take approximately 6 months to complete these 400+ inspections. It is our understanding that licensed surveys will pick back up once the Family Day Care Homes are completed. We believe the time frame between inspections can be extended to 15 months to prevent the need for additional surveyors. Not picking back up the licensed visits for greater than that time frame would be self defeating in nature. Research and experience in other states has shown that as inspection frequency decreases so does regulatory compliance. Therefore, the compromise would be to inspect all Family childcare homes for the first time, a great improvement from where we are at present, and extend the time period for renewal visits for all other categories of childcare.

While we understand that some providers do not want us in their home, and that some legislators are hesitant to tack on more regulation, the standard should be the same across the state. Providers must realize that they are running a business. All businesses are regulated to some extent. You wouldn't knowingly eat in a restaurant that had not ever been inspected would you? Nor should parents have to leave their children with a provider that has never had an inspection. Even if one child's serious injury or death is prevented by this bill, it will have been worth it.

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**KANSAS
PUBLIC
HEALTH
ASSOCIATION, INC.**

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Testimony before the House Committee on Health and Human Services

April 27, 2010

Thank you for the opportunity to testify in support of SB 447 and HB 2356. My name is Marvin Stottlemire, and I am the Chairman of the Legislation and Issues Committee of the Kansas Public Health Association. The Kansas Public Health Association is the oldest and *largest organization of public health professionals* and health advocates in the state. Today we represent more than **600 members** from over 50 occupations and 145 organizations all across the state. In addition to my position on the KPHA board, I am a certified trainer for the National Association of Regulatory Administration, and a former attorney with the Kansas Department of Health and Environment. I have met with child care licensing professionals in many states and Canadian Provinces, and I am convinced that frequent visits by licensing professionals increases regulatory compliance and regulatory compliance increases child welfare and safety while in care.

You are hearing this bill at an important time in our history. Nationally, the coal mine disasters in West Virginia are once again reminding us of the critical role government regulation plays in safety. At the same time economic factors – more people looking for outside income, and the possibility of many school districts cutting back to half time kindergarten – make child care safety regulation more important than ever.

Regulation and inspection are more than enforcement. The child care licensing professional is more than a mere inspector. He or she also is an educator and advisor to providers. Make no mistake caring for children in a child care setting is vastly more complex from caring for one's own children in one's own home. Parents who must leave their children in someone else's care need to know that standards are being met. For years, Kansas has been one of the very few States that allowed for child care without periodic inspections. It is time to bring our state and the safety of Kansas Children in care up to national standards.

On behalf of the Kansas Public Health Association and Kansas children in child care, I urge you to report this bill out favorably.

I will be happy to answer any questions.

Health & Human Services Committee

Date: 4-28-10

Attachment: 2-1

Kathie Sparks

From: Marty Keaton-Ferren [keatonferren@att.net]
Sent: Monday, April 26, 2010 3:02 PM
To: Brenda Landwehr; Kathie Sparks
Subject: SB447 (and/or HB2356) / Tomorrow's Testimony

Dear House Representative Landwehr,

Please share my email with the House Health & Human Services Committee, that is considering SB447 (and/or HB2356) this Tuesday, 04/27/2010 and add my name to the list for neutral testimony on SB447 (and/or HB2356).

I would like to speak to the Committee about my concerns about the risk-based inspection system, initial and continuing education requirements of providers, and defining "Competent Supervision" within legislation.

Inspections:

- The quality of the system of inspections is as important as including all providers in it.
- Concern that overall compliance will deteriorate under the risk-based system
- Concern that no study has been done by KDHE that tells us we cannot afford to continue with the system we have – or that supports the new one they want. That Representatives can't even get numbers by their counties to consider.
- Do we still know if the Fiscal Note for SB447 still applies?
- The impact the risk-based on increasing the number of underground providers.

Education:

- No educational requirements are included in SB447 for the new class of licensed family child care home providers and should be addressed by amendment.
- Currently only 1st Aid is required in initial training for registered and licensed home day care providers. Pediatric CPR training, and a requirement to maintain certification in it, should also be a requirement.

Competent Supervision:

Since attending the last Committee Meeting for SB447, and hearing multiple testimonies that proponents of this bill support "more specificity to supervision through regulation" I have found out that that once something like Competent Supervision is defined by Law – further refinement of the language can occur in by rules and regulations (without public input). How can we ensure that does not occur? I know what the original language of SB447 with regards to supervision. It was my primary concern in getting involved in this matter.

Sincerely,

Marty Keaton-Ferren
5748 Walmer
Mission, KS 66202
(913) 789-9595

Health & Human Services Committee

Date: 4-28-10

Attachment: 3-1

On behalf of The Salvation Army, Kansas and Western Missouri Division, I am here to offer our **support for Senate Substitute for House Bill 2356**; a bill that will provide safer and more transparent child care for all families throughout the state.

The Salvation Army is a provider of child care in three Kansas cities:

1. The Salvation Army Child Care Center in Topeka – This center operates 5 days a week from 6:30 am to 5:30 pm and is licensed for up to 100 children, ages 2 weeks to 12 years. A sliding scale is utilized for families who are unable to pay. In 2008 the center served 97 children, currently there is a waiting list for services.
2. The Salvation Army Early Learning Center in Kansas City, Kansas – This center operates 5 days a week from 6:00 am to 5:30 pm and is licensed for up to 91 children, ages 3 months to 2 ½ years. A sliding scale is utilized for families who are unable to pay. In 2008, the center served 154 children.
3. Small Wonders Preschool in Olathe – This center serves as a traditional preschool, offering four classes, 2 ½ hours long, mid August through mid May. There is a summer school program offered in June and July, three mornings a week. The center is licensed for 36 children and served 40 children in 2008. The center offers scholarships for eligible families.

All of our centers are licensed by the Kansas Department of Health and Environment and thus, are subject to the regulatory oversight that comes with such a relationship – annual license renewals, inspections, site visits, etc. Apart from the supervision we receive from the state, The Salvation Army employs our own set of evaluation tools.

The Salvation Army practices regular comprehensive program evaluation and certification of all its social services programs using standardized National Social Services Standards. Initial program evaluations are conducted by Territorial Social Services. Renewal evaluation and certification reviews are conducted every third year by Divisional Social Services. The National Social Services Standards include critical program benchmarks in several key areas:

- ◀ Organization, Governance, & Administration
- ◀ Community
- ◀ Personnel Management
- ◀ Services
- ◀ Finance & Contract Management
- ◀ Facility & Equipment
- ◀ Planning & Evaluation
- ◀ Safety & Risk Management

Specific program reviews are conducted periodically, annually, or as needed by funders and service contractors, The United Way, other community providers, and The Salvation Army's Divisional or Territorial Headquarters:

- ◀ Annual Territorial command review of budgets, contracts, outcomes, & services

- < Annual reports on United Way outcomes
- < Ongoing review of budget & incident reports
- < As needed social services program review and audit

The Safe From Harm Program is The Army's child safety program aimed at educating staff, volunteers and Corps Officers on recognizing and preventing child maltreatment within their facilities and programs. Components of that program include:

- < Mandatory training for new employees and volunteers
- < Annual child safety audits submitted by each Corps community center
- < Annual Divisional and Territorial evaluations on Safe From Harm policies and procedures

As a provider of child care for Kansas families, we recognize the importance of regular inspections, clear supervision guidelines and the availability of open records for families while they search for child care. Likewise, many of our families outside the metro areas rely on home day care for their children. The protections offered in this bill provide the very basic quality assurances facilities like ours have been operating under for years. It is our belief that quality child care should be available to everyone regardless of where that care is provided - home or center.

Our public policy agenda articulates as one of our priorities, "*Protect children and promote healthy and safe development*", it is our opinion that Senate Substitute for House Bill 2356 does that. We hope you will support this legislation and we stand ready to help you in any way we can. Thank you for your time and your consideration.

Megan Word
Divisional Director of Government Relations
The Salvation Army, Kansas and Western Missouri Division
p. 816-285-2795
megan_word@usc.salvationarmy.org



ERC Resource & Referral
1710 SW 10th, Suite 215
Topeka, KS 66604
785/357-5171
www.ercrefer.org

My name is Reva Wywadis and I am the executive director of ERC Resource & Referral. ERC is a licensed child care resource and referral agency serving child care programs in nine counties in northeast Kansas: Shawnee, Douglas, Jackson, Jefferson, Brown, Doniphan, Nemaha, Osage and Franklin. We provide consultation; training and resources to child care providers, helping them improve their skills and practices. ERC also serves as the call center for the "785" area code region of Kansas--- 46 counties. Parents searching for child care in this area are routed to ERC for assistance with their child care search, and we give parents information about choosing child care that will meet their family's needs and information about quality indicators in child care.

We all may wish that bills like this one, HB 2356, weren't necessary. However, the reality is that they are. Parents who place their children in the care of others deserve knowing that the provider has received an inspection to assure that minimum health and safety standards are met. Parents should also be able to easily access information about the child care provider's compliance history to help them make a wise child care choice. Lastly, language regarding supervision makes clear the expectation that persons performing child care as a business and for pay are expected to provide supervision that protects the health and well being of the children entrusted to their care.

There many people who believe we have too many rules and laws, and if everyone used common sense and good judgment perhaps we wouldn't need so many. We all know buckling a seat belt can save a life in a car wreck, but it took legislation to stress the importance of buckling up. We all walk into restaurants on a regular basis and trust that someone has inspected the kitchen and that good food handling and foodservice practices are followed. I believe we owe it to Kansas children and families to put legislation into place that helps insure basic health and safety standards in child care settings.

ERC's nine county district office area serves nearly 1100 regulated child care programs, many of which are wonderful high-quality programs. However, some programs are not. Although this bill won't assure quality, it does open the door to some consultation and support to providers that might otherwise not receive it, and is a very positive step for our state.

To address the fiscal impact across the state the bill introduces a "risk based" inspection cycle, which was recommended by the Kansas Child Care BEST Team after studying other state guidelines. Although ideally all programs would receive regular inspection visits, this system directs resources to the programs that need them most.

Prior to joining the staff at ERC, I operated a licensed family child care program in Shawnee County for twelve years. As a provider, the annual survey visits always helped me have a better understanding of the regulations in place to protect the children in my care, and the consultation I received when the surveyor visited was beneficial. Every provider in Kansas should benefit from this type of consultation service.

The research is clear. What happens in a child's early years lays the foundation for later learning and success in school and in life. Kansas children and families deserve the benefit of knowing that their child care provider has had an inspection visit and meets basic health and safety standards. I urge you to support HB 2356.

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 5-1



DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

Don Jordan, Secretary

House Health and Human Services Committee

April 27, 2010

Child Care Providers Together Agreement

Secretary Don Jordan

For Additional Information Contact:
Katy Belot, Director of Public Policy
Docking State Office Building, 6th Floor North
(785) 296-3271

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 6-1



House Health and Human Services Committee

Child Care Providers Together Agreement

April 27, 2010

Chairwoman Landwehr and members of the committee, thank you for the opportunity to appear before you today to address the Agreement between the American Federation of State, County and Municipal Employees (AFSCME) Child Care Providers Together-Kansas (CCPT), the Kansas Department of Social and Rehabilitation Services and the Kansas Department of Health and Environment.

On July 18, 2007, Executive Order No. 07-21 recognized CCPT as the representative of persons who are registrants and licensees of family day care homes, licensed day care homes, and group day care homes. Following this executive order, CCPT, SRS and KDHE entered into an agreement to work together to build a child care system that promotes the safe, healthy development of the children of Kansas; respects and recognizes child care providers; and complies with applicable state and federal regulations.

This agreement allows for a formalized process for CCPT and the state to discuss common goals identified throughout the agreement's development. These common goals include: child care quality standards; provider training and professional development opportunities; rates for subsidized child care benefits; payment timeliness; health and safety conditions, monitoring, and evaluation of providers; and recruitment and retention of qualified provider and the overall quality of child care programs in Kansas. Continued collaboration has occurred through CCPT participation in the Child Care Licensing Systems Improvement Best Team with KDHE and the development of the State-Provider Cooperation Committee (SPCC). Providers emphasized certain issues during the development of the agreement, such as the receipt of a child care notice for children receiving SRS child care benefits and the availability of the EBT web portal to access payment detail.

Recently, the SPCC has been able to successfully establish the Health and Safety Promotional Fund through the receipt of Recovery Act Child Care Development Funds. These funds are allowing for professional development and peer mentoring opportunities and the availability of facility upgrade and equipment/materials grants for child care home providers.

Thank you. I will stand for questions.

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Child Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Barber	Initial and annual fee	\$10	\$10	\$10		
Barton including Ness, Lane, Rush	Initial & annual Fee State requested compliance check	\$50	\$50	\$100 except School Age Programs, SAP \$50		
Butler	Initial and annual fee	\$25	\$25	\$25		
Cheyenne		0	0	0		
Clark		0	0	0		
Clay	Initial and annual fee	\$20	\$20	\$20		
Cloud (Mitchell, Jewell, Lincoln, Osborn, Republic and Smith)	Initial and annual fee	\$25 Initial and \$20 Renewal	\$25 Initial and \$20 Renewal	\$50 Initial and \$25 Renewal for CC, PS, SAP;		\$100 Initial and \$50 Renewal Fee
Coffey	Initial and annual fee	\$15 Initial Only	\$25 Initial Only	\$25 Initial Only		
Comanche		0	0	0		
Cowley including Chautauqua and Elk	Initial and annual fee and compliance checks	\$64	\$70 LDCH and \$73 for GDCH	\$115 plus \$2 per child maximum capacity except preschool and school age; Preschool and before OR after school age \$65 plus \$1.75 per child maximum capacity; Before AND after school age \$85 plus \$1.75 per child maximum capacity		\$75
	Late payment fee	\$10	\$10		\$10	\$10
	Compliance check	\$20 plus \$10 per hour for each consecutive visit made until compliance is achieved	\$20 plus \$10 per hour for each consecutive visit made until compliance is achieved	\$20 plus \$10 per hour for each consecutive visit made until compliance is achieved		\$20 plus \$10 per hour for each consecutive visit made until compliance is achieved
Crawford including Bourbon and Cherokee	Initial & Annual Fee	\$25	\$20 LDCH and \$25 for GDCH	\$30 plus \$5 for each additional day to complete the survey	\$30	\$30
	Annual Survey			\$5 for each day after the first that it takes to complete the survey		
	KDHE Requested Compliance Checks	\$20	\$20	\$20		

HEALTH AND HUMAN SERVICES
 DATE: 4-28-10
 ATTACHMENT: 7-1

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Child Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

7-2

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Decatur	Initial and annual fee	\$10 except Decatur is 0	\$10	\$10		
Dickinson	Initial and annual fee	\$40	\$50	\$100 except Preschools; Preschools \$75		
Doniphan	Individual Orientation	\$25	\$25	\$25		
Douglas	Initial & Annual Fee	\$45	\$35 LDCH and \$40 for GDCH	Varies based on facility capacity from \$170 Initial and \$105 Annual for 25 or less children to \$410 Initial and \$345 Annual for 201 or more children. DROP IN programs for school age children fee schedule varies based on facility capacity from \$105 Initial and \$65 annual for 25 or less children to \$265 Initial and \$225 Annual for 201 or more children	\$30	\$65 per house with 1-12 residents and \$75 per house with 13-25 residents; RC \$25 per house, DC No charge county facility
	Compliance Checks	\$15	\$15	\$30 for facilities up to 100 children and \$45 for facilities with 101 or more children; DROP IN programs for school age children charged \$20 for up to 100 children and \$35 for 101 or more children		\$25 per house
	Amendment Fee				\$25	
Edwards	Orientation	\$20	\$20	\$20		
	Initial	\$20	\$20	\$20		
	Compliance Checks	\$5	\$5	\$5		
Ellsworth		0	0	0		
Finney (and Kearney)	Initial and annual fee	\$20	\$30	0		
Ford	Initial and annual fee	\$10	\$30	\$50 if more than 24 children		
Franklin	Initial and annual fee	\$50	\$50	\$100		
Geary	Initial Fee	\$35	\$35 LDCH; \$75 GDCH	\$75		\$75 GBH \$100 Detention Ctr
	Annual Fee	\$35	\$35 LDCH; \$75 GDCH	\$75		\$75 GBH \$100 Detention Ctr
	CompCk after 3rd visit	\$20	\$20	\$20		\$20



Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Child Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

7-3

As of March 2008

County	Type of Service	RDCH	LDCH,GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Gove		0	0	0		
Graham		0	0	0		
Grant	Initial and annual fee	\$20	\$20	\$20		
Gray	Orientation	\$10	\$10	\$10		
	Initial & Annual Fee	\$15	\$15	\$15		
Greeley		0	0	0		
Greenwood	Initial and annual fee	\$35 plus \$1.50 per child enrolled	\$35 plus \$1.50 per child enrolled	\$35 plus \$1.50 per child enrolled		
Harper	Initial and annual fee	0	\$30 initial year; \$15 renewal	\$30 initial year; \$15 renewal		
Harvey	Orientation	\$25 Group; \$45 Individual	\$25 Group; \$45 Individual	\$25 Group; \$45 Individual	\$25 Group; \$45 Individual	\$25 Group; \$45 Individual
	Initial & Annual Fee	\$75	\$60 LDCH; \$75 GDCH	# capacity Initial Annual <25 children (\$182, \$136) 26-50 children (\$213, \$159) 51-75 children \$243, \$182 76-100 children (\$273, \$205) 101-150 children (\$334, \$258) >150 children (\$395, \$296)		\$150 plus \$50 per building
	Compliance Checks, Amendments, Blue Print Consultations, Building Inspections and other services	\$35 for the first hour and \$8.75 each additional quarter hour	\$35 for the first hour and \$8.75 each additional quarter hour	\$35 for the first hour and \$8.75 each additional quarter hour		\$35 for the first hour and \$8.75 each additional quarter hour
	Late payment fee	Send late payment for collection after 90 days				
Hodgeman	Orientation	\$10 which is applied to the initial fee upon receipt of application	\$10 which is applied to the initial fee upon receipt of application	\$10 which is applied to the initial fee upon receipt of application		
	Initial & Annual Fee	\$15	\$25	\$25		
Jefferson	Initial and annual fee	\$50	\$50	\$25 per hour		

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Child Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

4-2

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Johnson	Initial & Annual Fee	\$70	\$60	Varies based on facility capacity from \$360 Initial and \$170 Annual for 25 or less children to \$790 Initial and \$690 Annual for 151 or more children	\$100	GBH \$155 annual; RC \$195; SRC \$400 Initial and \$300 Renewal;
	Compliance Checks connected to the Initial or Annual Survey	\$35 for first hour plus \$25 each additional hour prorated by quarter hour	\$35 for first hour plus \$25 each additional hour prorated by quarter hour	\$60 for first hour plus \$30 each additional hour prorated by quarter hour		All Types of Residential facilities \$60 for first hour plus \$30 each additional hour
	KDHE Requested Compliance Checks	\$40 for first hour plus \$30 each additional hour prorated by quarter hour	\$40 for first hour plus \$30 each additional hour prorated by quarter hour	\$100 for first hour plus \$50 each additional hour prorated by quarter hour		
	Room Measurements			\$90 for the first room plus \$25 each additional room		
	In-House Consultation				\$25	
Kingman	Initial and annual fee and compliance checks	\$15 Initial and \$0 Renewal unless RDCH requests HD to review renewal application before sending to KDHE then \$10 fee is assessed	\$15 Initial plus \$10 if additional compliance check is required; \$10 Renewal plus \$10 if additional compliance check is required	\$15 Initial plus \$10 if additional compliance check is required; \$10 Renewal plus \$10 if additional compliance check is required		
Lawrence		0	0	0		
Lawrence	Initial and annual fee	\$0	\$20	\$20	\$20	\$20
Leavenworth		\$15	\$15	\$15		

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Child Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

7-5

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Lyon (and Chase)	Initial and annual fee	\$40	\$30	\$75		
Marion	Initial and annual fee	\$50 plus \$2.00 for each child enrolled	\$50 plus \$2.00 for each child enrolled	\$50 plus \$2.00 for each child enrolled		
Marshall	Compliance Checks	\$25	\$25	\$25		
Meade	Initial and annual fee	\$10	\$10	\$10		
Miami	Initial and annual fee	\$30	\$35	\$25 per hour		
Montgomery	Orientation but will provide the application and regulations if a person refuses the orientation	\$15	\$15	\$15		
Morris	Initial and annual fee	\$11.65	\$22.79	\$28.09		
Morton	Initial and annual fee and orientation	\$25 Sliding Fee Scale Orientation	\$25 Sliding Fee Scale Orientation	\$25 Sliding Fee Scale Orientation		
NEK (Atchison, Brown and Jackson)	Initial and annual fee	\$50	\$50	\$100		
Neosho (and Allen)	Initial and annual fee	\$10	\$30 LDCH; \$35 GDCH	\$45		
Osage	Initial & Annual Fee	\$25	\$35 LDCH; \$75 GDCH	\$100		
	Compliance Checks	\$20	\$20	\$20		
Pawnee	Orientation	\$10	\$10	\$10		
	Initial & Annual Fee	\$35	\$35	\$75		
Pottawatomie	Initial and annual fee	\$35	\$50	\$50		
Pratt		\$0	\$0	\$0		
Rawlins		\$0	\$0	\$0		

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

7-6

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Reno	Orientation	\$20 Group; \$5 for 15 minutes or 1 unit and \$30 for 6 units Individual	Individual \$5 for 15 minutes or 1 unit and \$30 for 6 units; Group \$20	Individual \$5 for 15 minutes or 1 unit and \$30 for 6 units; Group \$20		
	Initial & Annual Fee	\$30	\$30	\$60		\$60
Rice	Initial and annual fee	0	\$20	\$30		
Riley	Initial and annual fee	\$35 initial year; \$20 renewal	\$35	\$60 Preschool; \$75 CCC; \$50 SAP; \$35 Drop In SAP and Outdoor and Summer SAP		
Rooks		0	0	0		
Russell	Initial and annual fee	\$5 Initial	\$5 Initial and Annual	\$5 Initial and Annual		
Salina, including Ottawa and McPherson	Initial & Annual Fee	\$20	\$30	CCC \$50 plus 1-24 \$25 25-49 \$50 50-74 \$75 >75 \$100 PS \$30 plus \$1 per child per license SAP \$50		RSC \$100 per license plus 1-24 \$25 25-49 \$50 50-74 \$75 >75 \$100 GBH \$60
	Complaint substantiated	\$40	\$40	\$40	\$40	\$40
	KDHE Requested Compliance Checks	\$30	\$30	\$30	\$30	\$30
Scott and Wichita		0	0	0		
Sedgwick	Initial & Annual Fee	\$75	\$65 LDCH and \$70 for GDCH	Varies based on facility capacity from \$210 Initial and \$150 Annual for 25 or less children to \$450 Initial and \$335 Annual for 151 or more children	\$90	GBH \$115 plus \$30 each additional building; RC \$150 plus \$30 for each additional building; DC \$175 plus \$30 for each additional building

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

7-7

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
	Compliance Checks	\$35 for first hour plus \$30 each additional hour	\$35 for first hour plus \$30 each additional hour	\$90 for first hour plus \$60 each additional hour	\$90 for first hour plus \$60 each additional hour	GBH \$60 for first hour plus \$30 each additional hour; RC and DC \$90 plus \$60 for each additional hour
	Amendment Fee	\$35	\$35	\$60 for name change; \$50 for a change to one room; \$90 for a change to two or more rooms		\$60 for name change; \$60 for a change to one room; \$90 for a change to two or more rooms
	Blueprint Consultation			\$60 initial and \$35 each follow up visit		\$60 initial and \$35 each follow up visit
	Preliminary Building Inspection			\$90 initial and \$60 each follow up visit		\$90 initial and \$60 each follow up visit
	Consultation			\$60 each consultation		
Seward	Initial and annual fee	\$20	\$25	\$35		
Shawnee	Initial and annual fee	\$59	\$35 base plus \$4 per child allowed in the licensed capacity. Usually \$75 for Licensed and \$83 for Group.	\$65 base plus \$4 per child allowed in the licensed capacity.		
Sheriden		0	0	0		
Stevens (Stanton and Haskell)	Initial and annual fee	\$15	\$25	\$35		
Stafford	Initial and annual fee	\$10	\$10	\$10		
Wagoner	Initial and annual fee	\$0	\$25	\$25		
Thomas (Logan, Sherman and Wallace)	Initial and annual fee	0	\$10	\$10		

Kansas Department of Health and Environment Bureau of Child Care and Health Facilities
 Child Care Licensing and Registration Program LOCAL CONTRACTOR CHARGES

8-2

As of March 2008

County	Type of Service	RDCH	LDCH, GDCH	Center-based Facility	Resource & Referral	Residential Facilities
Trego		0	0	0		
Wabaunsee	Initial and annual fee	\$10	\$10	\$10		
Washington	Initial and annual fee	\$10	\$10	\$10		
Wyandotte	Initial & Annual Fee	\$50	\$50	13-25 children=\$100 26-50 children=\$125 51-75 children=\$150 76-100 children=\$175 101-125 children=\$200 126-150 children=\$225 151-175 children=\$250 176-200 children=\$275		
	KDHE Requested Compliance Checks	\$20	\$20	\$20		
	Amendment Fee	\$30	\$30	\$30		

State of Small Family Child Care Homes in

0% (33%) of total points Score: 0/140 (47/140) Rank: 41

Number of children in care when state licensing begins: **1**
 Inspection or visit before being licensed: **No**

Supply of FCC Homes in 2008

Number of FCC homes **6,248**
 Number of spaces/slots in FCC homes **53,453**

Average Price of Child Care in FCC Homes in 2008

For an infant **\$6,012**
 For a 4-year old **\$5,215**

Weaknesses

- Does not inspect before licensing.
- Does not conduct a background check using fingerprints and does not check juvenile records.
- Does not require providers to have completed a high school education or GED.
- Providers are required to undergo only two hours of training in first aid prior to working with children. No training in CPR is required.
- Providers are not required to complete any training on an on-going basis.
- Providers are not required to communicate with parents about the care of their children or have contracts with the parents.
- Providers are not required to have any specific toys and materials designed to promote learning.
- Providers are not required to engage in any learning activities with children or provide them with literacy opportunities.
- Providers are not required to address SIDS prevention, crib safety, playground safety or door locks/safety gates.

Strengths

- Providers caring for even one unrelated child for pay are required to be licensed.
- Licensed FCC providers, their substitutes and assistants and family members over 12 years of age are required to have background checks.
- Background checks include checks of child abuse registries, criminal records and sex offender registries.
- Providers must follow seven of 10 health requirements - handwashing, meals/snacks, immunizations, toxic substances, diapering/toileting, home sanitation, and after hour care.
- Total number of children that a single provider can care for at one time is six.



- Inspect homes before licensing; inspect homes at least annually.
- Conduct criminal records check on exempt providers receiving subsidies.
- Require providers to have a high school diploma or GED and a CDA, college courses in early childhood education, or an AA degree within three years of licensing.
- Require 40 hours of initial training including training on CPR, child development, child abuse prevention, learning activities, health and safety, child guidance, and business practices.
- Increase the required annual training to at least 24 hours including renewal of CPR and first aid.
- Require providers to communicate with parents about the care of their children, have written contracts with parents, and let parents know when a substitute will be caring for their child.
- Require providers to have specific toys and materials including books to promote development in all areas.
- Require providers to offer learning activities including reading to children to promote school readiness.

Note

Kansas' score could have been 47 (33%), but they received zero because they do not inspect providers before they are licensed and caring for children.

Date: April 27th, 2010

To: Health & Human Services Committee

Re: SB 447/ HB 2356

From: Bryan & Kim Engelman

You likely have heard much about the Lexie Law child care bill that has been discussed throughout this legislative session and that has been passed twice by the Kansas Senate. Simply put, Lexie's Law represents legislation squarely aimed at improving child care oversight. We respectfully request that you NOT LOSE SIGHT of the purpose of this bill – to better ensure the safety of over 125,000 children in Kansas daycare environments. Kansas has not addressed childcare oversight in 20 years – this has contributed to the gradual and steady detriment of our children, your nieces, nephews and grandchildren, and other special children present in all of our lives. It is critical that our State step up to the plate *now*, revisit issues directly related to the safety of the children of working parents in Kansas, and address them in a head on fashion. The Lexie Law bill is an excellent start to this movement and a step in the right direction.

As you already know, our lives were abruptly and tragically affected in 2004 when our daughter, Lexie Engelman, sustained fatal injuries in a Johnson County daycare home on her 3rd day of attendance. Lexie's fate and the similar fate of entirely too many children in Kansas could have and should have been prevented. There is a critical need to improve daycare provisions available to all parents across our state. While it is a parent's responsibility to select a daycare option that is best suited to their child and family circumstances, it is the state's responsibility to better ensure that all daycare options available to Kansas families have received at least a minimum level of oversight. As a current Kansas legislator related to us recently, this simply amounts to a common sense provision. The key elements of the Lexie Law, inspections, supervision, and an online database that will allow parents to select a daycare setting with their 'eyes open' are important first steps for Kansas.

We urge you to please help to close the gap between Kansas and the highest performing counterpart states. More importantly, we urge you to keep the safety of the more than 125,000 children and their families in Kansas in mind when pondering the value of the Lexie Law bill. All other things aside, do your part to be a positive force behind a bill that, when passed, will be crucial to the health and welfare for future Kansas generations and all without costing the state any additional dollars. If not now, then when will action on this issue ever take place?

“The business of the law is to make sense of the confusion of what we call human life- to reduce it to order but at the same time to give it *possibility, scope and dignity*” – Archibald MacLeish

Sincerely,

Bryan and Kim Engelman (in honor of our firstborn daughter, Lexie)

9403 W. 150th Street
Overland Park, KS 66221
913-269-7895

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 9-1

We are Steve and Alecia Patrick of Overland Park, KS. We are not going to stand here and tell you what happened to our daughter Ava. We are sure you are all well aware of our situation. What we would like to talk to you about today is WHY SB 447 needs to be in place and how things would have been different for us if it would have been in place a year ago.

- With the category of Registered daycare no longer being an option to providers, our provider would have been forced to become licensed and inspected yearly. It had been 10 years since she had been inspected due to our current laws and statutes. It is extremely important that every child care facility is inspected. We have certain laws and standards in place for plumbers, contractors, inspectors, etc. to adhere by, but we raise the issue of daycare inspections and people believe that this should not be a government issue. Why not? Are our children and their safety not important enough?
- With the Secretary of Health and Environment having the authority to revoke any license should the child care provider be a repeat violator, our provider would have been shut down and prohibited from ever running any type of daycare again years ago. We know that there are good daycares out there and we are eternally grateful for them. But the truth is, there are a lot of bad daycare providers that have become lax in their care just like the enforcements that have been in place.
- If KDHE had been forced to welcome the internet age in every aspect, they would have already had a website in place for parents to see specific provider records and license information. For us to obtain our providers record, our attorney had to supply KDHE with a written request. This took two weeks and \$80.00 to get a paper copy (225 pages long).
- If the supervision language would have been in place, our provider would have been required to be in CLOSE PROXIMITY and HEARING distance of the children. The reason why we capitalized these words is quite simple. If she would have been anywhere near our daughter or in her house, she would have heard our daughter screaming. Providers have been deemed as a "babysitter" for far too long. It is time for them to step up to the plate and give the level of care that parents trust them to provide. We consider the daycare industry a professional industry and it is time that we treated it as such.

Today we do not need to look at the children that have lost their lives or been seriously injured in daycare as statistics, but as children that carry an important lesson. It is time to change the laws and statutes that were put in place MANY years ago. We need to focus on the thousands of children that are currently in daycare and need our help.

We have not met one set of parents that take the decision of childcare lightly. So we are urging you today to not only think about this bill as a Kansas Representative, but to also think of this bill as a parent, grandparent, aunt or uncle. What would you do if this happened to a loved one or a close friend?

Steve and Alecia Patrick, 7419 W 140th Terrace #2401 Overland Park, KS 66223
(913) 710-8353 (913) 710-9168

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 10-1



April 27, 2010

To: Health and Human Services
From: Suzanne Wikle, Director of Health Policy

Please accept this testimony in support of SB 447 and HB 2356.

Kansas among the worst states

A 2009 report by the National Association of Child Care Resource and Referral Agencies ranked Kansas 47th in the nation for child care oversight and regulation. Families in most other states rely on a child care system that has adequate checks and balances, but unfortunately that is not the case in Kansas. This lack of oversight has contributed to a growing number of preventable deaths in child care facilities.

Inspections and Supervision

One step toward improving the quality and oversight of child care in Kansas is to implement inspections for *every* child care facility. Currently, "Registered Homes" are never inspected unless it is too late – multiple complaints or a child's death. Senate Bill 447/House Bill 2356 accomplishes across-the-board inspections in the most efficient manner, by implementing an inspection system based on risk. According to KDHE data, Registered Homes have a disproportionately high rate of sleep-related deaths. In the past three years, the large majority of deaths in Registered Homes have been sleep-related. Inspections would directly address this because 1) information on safe sleep practices is a central component of on-site inspections 2) an inspection would verify that the facility has appropriate equipment (cribs) for children to use for sleep.

Additionally, setting a minimum standard for supervision, including regularly checking on infants that are sleeping, will prevent many of the types of deaths Kansas has seen in child care facilities in recent years.

Stakeholder Support

Senate Bill 447/House Bill 2356 has received broad support from early childhood stakeholders across the state: Kansas Head Start Association, Kansas Association for the Education of Young Children, Kansas Association of Child Care Resource and Referral Agencies, Tiny-K, The Kansas Coalition for School Readiness, and United Way. Collectively, we view SB 447/House Bill 2356 as a sensible approach to improving child care in Kansas by ensuring that all facilities are inspected and bringing supervision standards for child care up to par with other states.

Kansas Action for Children respectfully asks for your support of Senate Bill 447/
House Bill 2356.

Kansas Action for Children Inc.
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HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT:

11-1

the *Family*
CONSERVANCYSM

626 Minnesota Avenue
Kansas City, KS 66101
P 913.342.1110
F 913.342.3632
www.thefamilyconservancy.org

The mission of The Family Conservancy is “Championing the healthy development of children by supporting parents and families and promoting quality early education.” The legislation in discussion today directly supports our mission by improving the quality of child care in Kansas. We regret that we are not able to appear in person; please accept this testimony as our strong support of SB 447/HB 2356.

The Family Conservancy supports this legislation because it will improve the standards for child care in Kansas and provide parents with greater information about their child care options. We serve parents and families in Johnson and Wyandotte counties, which have more than 400 registered child care providers – that is 400-plus providers that are not inspected. Parents often falsely assume that because these providers have filed paperwork with the state to become registered that someone has ensured they are meeting minimum safety and supervision guidelines. The Family Conservancy believes that every child care facility should be inspected in order to ensure children’s safety while their parents are at work.

In addition to inspections, we firmly believe that there should be greater transparency for the child care system. Allowing parents access to basic information about a provider – whether they are licensed or registered or how long they have been in business – gives parents information they need to make informed decisions about their child’s care. The website included as part of HB 2356 and SB 447 will make tremendous strides toward greater transparency and provide parents with basic information about a very important decision.

Ensuring that young children in Kansas have child care opportunities that are safe and meet quality standards is a critical component of making sure children are on a path to success. For the reasons outlined, The Family Conservancy supports the legislation before you today and believes its passage would be a tremendous benefit to families and children across the state.

Serving Kansas & Missouri families.

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 12-1

Date: April 27th, 2010

To: Health and Human Service Committee

From: Shannon Zaring, Owner & Operator of Good Beginnings Daycare Home

Re: SB 447 / HB 2356

I have watched with interest as the Lexie Law bill has progressed through the Kansas legislature and I am in full support of the bill. I reside in Bonner Springs, Kansas and have been a home daycare provider for 10 1/2 years. I also serve actively as a Regional Representative Council Delegate for the National Association for Family Child Care (NAFCC) and twice have been accredited by the NAFCC.

I take my role as a child care provider very seriously. In preparation for my career in child care, I obtained a CDA in Family Child Care as well as an Associate Degree in Early Childhood Education. My daycare children's parents trust wholly in me to care for their children in a kind, compassionate, and safe manner. I like to think of my house as a home away from home for the children in my care. And yet, I also treat my daycare home as a professional business and strive to conduct myself in a professional manner. This is also evidenced by my participation in the Kansas Quality Ratings Improvement System.

Perhaps the most important child care duty of mine involves keeping my daycare children's safety first and foremost. I'd like to think that all daycare providers are as safety conscious but the fact is, many are not. This is apparent to me by the many preventable child care related deaths and serious injuries that I read about in the newspaper or hear about on the news. Lexie's Law serves as an excellent springboard that our State can use to begin making the necessary improvements in child care. We need to protect our children and such protections begin by assuring that child care facilities are **inspected**. I actually welcome the annual inspection that I receive – it not only provides me with ideas on how to better organize my child care environment but the inspectors also often provide me with great tips regarding child development, relevant consumer product recalls, and other pertinent education like how to prevent SIDS. Since the bar is pretty low in Kansas regarding the necessary credentials for becoming a home daycare provider, I firmly believe that it is imperative that currently registered daycare homes be inspected to better assure the safety of these environments and to provide more access to the informal education that occurs commonly in inspections.

I also believe that if a daycare provider is doing a good job of enriching the lives of the children in their care through age appropriate and engaging activities along with balancing the many tasks involved in their daily daycare routine all the while ensuring the safety of children in their care, then they likely **ALREADY** follow the **supervision** provisions outlined in the Lexie Law bill. I personally follow the NAFCC accreditation standard that all children 2 and under are in the providers line of sight at all time. SIDS is something that I worry about constantly so my daycare infants 7 months or younger always nap in the same room that I am in so I can keep a close eye on them. Even my napping children under 2 are in my line of sight while they sleep. I also very frequently check in on my older daycare children who are napping – this is not an arduous task and I have simply made it part of my routine.

I urge you to support the Lexie Law bill – I am sickened by the MANY tragic and needless child care injuries and deaths that are occurring in Kansas daycare settings. The passing of this bill will be a major stepping stone and accomplishment in the State of Kansas and will do much to advance the child care options for families in our state.

Shannon Zaring
616 W. Morse
Bonner Springs, KS 66012

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 13-1

Having the resolution in Marshall County to inspect all registered day care providers has given me the opportunity to meet each and every legal provider in the county. Building rapport with all the providers and being able to inspect every home in the county provides for more continuity and provides more assurances to parents that providers and their homes are being regulated.

I receive regular phone calls and/or emails when the registered providers have questions and often these providers have switched over to become licensed, thus providing more space for children to receive care in Marshall County.

In Nemaha County the only opportunities I have in visually making contact with the registered providers is through Smart Start Programs that I attend or if I go out on a complaint survey. Since I started surveying in mid June of 2008 I have had four complaints that I have investigated regarding registered day care homes in Nemaha County. One complaint was regarding a contagious disease in the day care, in which we worked together to do the proper education of cleaning to prevent the spread of the disease. One was for an application error on the provider's part regarding the time of day that children are present that would have put her over-capacity of the limit of six children in her care. Another registered provider indicated on her application that she over capacity of six on two days a week. I substantiated that she was over her registered capacity limits at the time of my complaint survey; she too has become a licensed provider. The fourth complaint was in regards to lack of supervision. I substantiated at the complaint survey that this provider was over capacity limit of six children as she had seven children in care and reported that she would have more later in the day; she is currently in the process of becoming licensed. I have also conducted three investigations regarding illegal care in which I substantiated on all three. One of them has completed the process of becoming licensed and the two others are in the process and have their temporary permits.

The difference for me that I have experienced in surveying Marshall County registered homes is the fact that the providers are aware that I am going to be conducting annual unannounced surveys and that is part of both of our jobs, mine as the surveyor and theirs as the provider. Those registered in Nemaha County and I do not have that rapport established and upon my arrival of an investigation providers are often guarded because of the nature of my survey and the fact that I am not familiar with them or their day care home. This response is much different than when I conduct a complaint survey of licensed/group day care homes in Nemaha County. Again, I believe it reverts back to the fact that I am familiar with these licensed/group providers and their day care homes. When I have conducted complaints in Marshall County regarding registered, licensed, or group it is similar to what I experience with licensed or group providers in Nemaha County.

Julia E. Maxton Alfors, LMSW
Child Care Surveyor
Marshall and Nemaha Counties

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 14-1

Date: April 22, 2010

To: KS Legislative Health and Human Service Committee

From: Kathy Deming, Licensed Home Day Care Provider in Johnson County

Re: SB 447/HB 2356

The child care bill currently under consideration by the Kansas Legislature is a bill that I support strongly. I work in early childhood education and have been a licensed home day care provider for five years in Johnson County, KS.

I watch children in my home day care on a part-time basis, generally just one day per week. I love the children in my care like they were my own and I feel honored that the parents of my day care children allow me to care for their children. I feel that is important for all day care providers to have inspections – this is why I have chosen to be a licensed provider. I have found that inspections of my day care have done nothing but help to improve the quality of care I provide. They really are no big deal and I see it as a selling point to my current and prospective parents that they can review my inspection reports and see that I excel in the manner in which I care for my daycare children. Similarly, if the Lexie law is passed and my licensed daycare home is selected as one that is allowed a less frequent inspection based on my past successful inspections, I also see this as an opportunity to demonstrate to my parents that I am a good provider. It is a win-win situation – good providers get recognized as such and currently registered providers get needed inspections.

The Lexie Law bill really seems very common sense to me and if it passes as it is currently written, it will have very little bearing on how I continue to conduct my home day care business. I have read through its provisions for direct supervision and feel that I am already in compliance with the language in place. Safety is my #1 priority with my day care kids so it makes sense to me to actually be engaged with them. Plus, isn't this what my daycare parents are paying me to do – actually 'watch' their children in their absence?

Please provide your unwavering support of this bill.

Kathy Deming
9314 W. 150th Street
Overland Park, KS 66221

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 15-1

April 23, 2010

To: Health and Human Services Committee Members

From: Kathy Griffin

Re: Substitute for HB 2356 and Substitute for SB 447

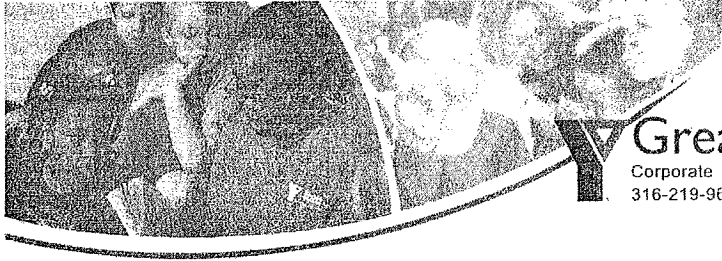
Chairperson Landwehr and members of the Health and Human Services Committee my name is Kathy Griffin. I am a Child Care Facilities Surveyor for the Johnson County Health Department. I believe that every child in Kansas has the right to be protected while in care outside their own home. I believe this right is inherent regardless of the child care facility in which the child is enrolled. The state of Kansas acknowledged in 1919 that it is responsible to protect the health, safety and well-being of children in out of home care. Providing child care is a business that requires regulation just like any other.

Currently there are two types of day care homes, licensed and registered. A Licensed Day Care Home receives an initial visit from a surveyor as well as annual re-licensure visits. A Registered Day Care Home receives neither an initial visit nor an annual re-certification visit. The current statutes only allow KDHE access to a Registered Day Care Home on a complaint. Currently all a Registered Day Care Home provider is required to do is complete paperwork (application, background check form, fire life safety form and checklist) and submit a \$5.00 fee. No visit is ever made to the home to verify compliance with the regulations that the provider states that, by signing the checklist, he/she will follow unless a complaint is made. This option of out of home care for the children of Kansas has always baffled me. Don't the children in these facilities deserve the same level of protection as those in licensed facilities?

I have heard discussion regarding the supervision aspect of these bills. I have heard legislators comment that requiring a provider to visually check on sleeping children every 15 minutes is unrealistic and that parents themselves do not check on their own children that frequently. Please understand that child care providers are expected to provide a higher level of supervision to this vulnerable population as they are providing care for other people's children. A provider's sole purpose is to provide for the health, safety and well being of other people's children in his/her care, including naptime. That is the job he/she is getting paid to do and he/she should be held to a higher standard.

In my five short years as a surveyor I have unfortunately been assigned to investigate the death of three infants in our county, and I am only one of ten surveyors. I personally investigated the death of an eight month old that was put down to nap behind a closed door and by the admission of the provider not checked on for two hours. The coroner determined that the child had been dead for at least an hour and half before being found unresponsive. That means the child died within 30 minutes after being put down for a nap. That fact haunts me to this day. Visually checking on napping children every 15 minutes is not an unrealistic expectation.

The purpose of regulation of child care facilities is to reduce the risk of predictable harm to children while in out of home care. Public regulation represents the basic level of protection for these children. The most effective way of monitoring compliance with the regulations is through a surveyor's presence in the facility. Better compliance is obtained with routine unannounced visits to the facility. Without these visits the health, safety and well being of the children cannot be monitored. The need to inspect all child care facilities in the state of Kansas is long overdue. The children of Kansas deserve it.



Greater Wichita YMCA

Corporate Office • 3330 N. Woodlawn • Wichita, KS 67220
316-219-9622 • 316-858-1540 (fax) • www.ymcawichita.org

April 26, 2010

The Honorable Brenda Landwehr, Chair
Members of the House Health and Human Services Committee
Statehouse, Room No. 151-South
Topeka, Kansas 66612

Re: HB 2356 & SB 447—Supervision of Children in Child Care Facilities

Dear Representative Landwehr, Members of the House Health Human Services Committee:

The purpose of this letter is to express support for Senate Bill 447 and House Bill 2356 by the Greater Wichita YMCA.

The content of the bill extends the type and number of child care facilities which would be inspected by KDHE and speaks to a necessary change in regulation and inspection. In addition the bill would also set up improved access for the public in regards to facility information, such as history of citations and complaints.

As the largest provider of licensed child care programs in the Wichita, Sedgwick and Butler County area, with over 50 licensed sites, the YMCA has a great deal of experience with what local surveyors and KDHE specialists can bring as support, suggestion and resolution of an understanding and implementation of child care regulations for the benefit of children and families.. It would be useful to parents, children and to providers to extend KDHE expertise to family day homes that are not currently monitored.

Many of the programs that enroll children in unlicensed and unregulated care receive state funds through SRS child care plans and yet there is little if any accountability for safety and well-being of the children, let alone quality of programming. Given the fact that public funding is occurring and that no accountability occurs seems like an inappropriate combination. Based on the incidents of child abuse, neglect and tragedy to the point of death for young children, it appears that regulation and accountability are overdue.

I urge you to give thoughtful consideration to the bills and pass them for the benefit of our children and families in the state of Kansas. Thank you for your consideration of our letter of support. If you have questions or would like additional information, please feel free to contact me at (316) 264-1610, extension 250.

Sincerely,

Emily M. Lies

Emily M. Lies Ed.D.
Executive Director
Child Care and Camping Branch

Andover Branch YMCA
Robert D. Love Central Branch YMCA
East Branch YMCA
El Dorado Branch YMCA
North Branch YMCA
Northwest Branch YMCA
Richard A. DeVore South Branch YMCA
West Branch YMCA
YMCA Child Care/Camp Branch
Camp Hyde Branch
YMCA Community Development Branch

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Our Mission: To put Christian principles into practice through programs that promote healthy lifestyles, strong families and positive youth development to build healthy spirit, mind and body for all, regardless of ability to pay.

We build strong kids, strong families, strong communities.

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 17-1



Testimony of Jeff Wagaman,
Chief Professional Officer
Boys & Girls Club of Topeka

SS HB 2356

2150 SW Westport Dr, Ste 204
Topeka, Kansas 66614
Tel (785) 232-5699
Fax (785) 228-1399
www.bgctopeka.org

On behalf of the Boys & Girls Club of Topeka, I submit this written testimony in support of SS HB 2356 - a bill that will provide safer and more open childcare facilities in Kansas.

The Boys & Girls Club of Topeka has served youth in our community since 1955. We are licensed by KDHE as a drop in facility. Starting from our founding in the former Washington Grade School, we now serve approximately 4,500 youth in eight different locations in Topeka. Our mission is comprehensive youth development and we serve the youth who need us the most. We never turn away a child for the inability to pay. Our comprehensive programs are designed by Boys & Girls Clubs of America and are proven to enhance the lives of youth. Some of our programs include comprehensive homework assistance and mentoring, character and leadership development, health and life skills, sports, fitness, an anti-obesity education.

We serve youth between the ages of 6-17 and offer them a safe, positive place to go where they can learn, grow, give back to the community, discover their needs, set goals, and enhance their lives.

After reviewing the legislation, BGC Topeka believes it is important that facilities, regardless of size, should meet certain basic requirements. BGC Topeka also believes these requirements not be onerous, but rather have the best interests of the children in mind. Parents sometimes lack the time or expertise to make fully informed decisions alone. This legislation seems to strike a balance that is 1) good for children; 2) helpful to parents; 3) not onerous on facilities either in providing for inspections or costly to the facility.

BGC Topeka understands there may be additional reporting due to this legislation, but offsetting good will result from this bill making improved safety of the facility and the child worth the extra requirement.

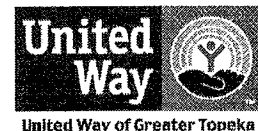
If you have any questions do not hesitate to contact me.

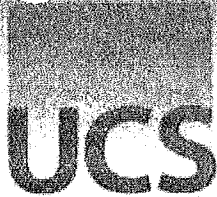
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Catalyst for Positive Community Change

United Community Services of Johnson County

April 26, 2010

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Chairwoman Brenda Landwehr and members of the Committee:

United Community Services (UCS) of Johnson County, a community planning agency that secures resources for vital human services, is pleased to submit testimony supporting passage of HB 2356. One of the priority public policy positions for UCS in 2010 is to improve the safety of children in child care by requiring all providers to be licensed and inspected.

Passage of HB 2356 is an important step toward improving the quality, safety and oversight of child care in Kansas. Right now, one in three child care facilities in Kansas are never inspected, and we have some of the weakest child care supervision standards in the country.

Implementing across-the-board inspections of all child care facilities will help ensure the safety of thousands more Kansas children. In Johnson County, for example, in those families with children under the age of 6, 70% of all parents are in the workforce. Enacting this legislation will give working parents the peace of mind that their children are being cared for in a safe environment during the work day. Just as the state provides consumer protections that ensure the safety of our restaurants, gas pumps and beauty salons, we need to ensure the safety of child care facilities.

On behalf of United Community Services of Johnson County, thank you for your concern for the safety of our community's children. HB 2356 will make a difference.

Janis McMillen
Public Policy Committee Chair



April 27, 2010

To: Health and Human Services Committee

From: Kristen Fine, Prairie Village, KS

I came to Topeka today to speak in support of Lexie's Law because I know firsthand, as a parent and as a child care provider, how important this legislation is.

As a director of an early education center, I have experienced many inspections of our child care facility. These inspections are important to our program, and we value them as an educational tool to help us provide the best care we can for children. It is hard for me to imagine that the same State that writes a program up for non-compliance of chipped paint on a stepstool would willingly allow an individual to care for children in his or her home without annual inspections. I believe that every child care center in Kansas should be subject to inspections – both for the educational benefit of the provider and for the safety of the children.

As a parent, I was shocked to learn how the child care system in Kansas has failed me. I have my degree in Early Childhood Education, and as an insider to child care I thought I would know how to choose a quality in-home provider for my son. Knowing that Registered providers are not inspected, I chose to seek a Licensed provider for my son. I asked the provider all the right questions and she assured me that she was Licensed. She answered every question about ratio, meals and curriculum with professional detail. Her answers told me that she was passionate about children. I selected this provider because she was licensed, had a small group size, and seemed to have my son's development in her best interest.

Due to my experience with my son's provider, I believe that the part of this bill that would establish an online "open records" database is very important. Requiring that information would be available on a website about providers' licensing and compliant history would have shown that this provider was lying about her Licensed status. I was lucky enough to have only used this provider for four days before seeing red flags and having concern about her ability to operate as a home provider. I pulled my son from her care on day 4. About a month later, the State shut her down due to her caring for 6 infants under the age of 12 months. As a parent who was well-informed about child care licensing in Kansas, I had no where to turn to validate the claims of my provider, and the system ended up failing me and jeopardizing the safety of my son.

I have been on both sides of this issue and I fully believe that inspections should be required of all providers, especially of in-home providers. Parents need to know that there are minimum supervision standards that all Licensed providers in Kansas must follow. They also need easy access to information about providers. With these changes in Lexie's Law, we are moving in the right direction to improve the safety and quality of child care in Kansas.

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 28-1



Dale Goter
Government Relations Manager

TESTIMONY

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4351
dgoter@wichita.gov

April 27, 2010

Responses to questions raised by Rep. Brenda Landwehr, chair, House Health and Human Services Committee

SUBMITTED BY:

Nancy Jensen, RN BSN
Division Supervisor, Child Care Licensing
City of Wichita- Office of Environmental Health

These responses are based on Ms. Jensen's 22 years of experience as a Public Health Nurse/Child Care Licensing Surveyor in Sedgwick County and the City of Wichita. She is an active member of the BEST (Budget Efficiencies Savings Team) Team. Contact numbers are 316-268-8325 (office) or 316-204-7143 (mobile).

QUESTION:

I have day care providers telling me they will not be able to obtain liability insurance for lack of inspections in the currently licensed homes. Those who have insurance companies willing to provide liability insurance have said there will be an increase in costs, because the risk is greater.

RESPONSE:

Obtaining liability insurance has been a challenge for child care providers for as long as I can remember. During the Child Care Home Orientation that all providers in Sedgwick County must attend, we tell them they are becoming Small Business owners, and must educate themselves about the legal requirements for running a business. We tell them our focus is regulations, and the only regulation regarding liability insurance is 28-4-130 (a) (3) with regard to their vehicles when they transport children. We make sure they understand that accidents are the fourth leading cause of death in preschool age children and SIDS is the number one cause of death in children under 12 months of age. It is common sense to have liability insurance on the home, but beyond that, it is up to the provider to search out and contract with an insurance provider if they choose to.

QUESTION:

In discussions with Norm Furse (the committee revisor who has written most of the legislation in this area over the years) we have found several items of concern. I will list a few of them here:

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 21-1

Section 1 of the bill requires close oversight of the children, always a good thing, but whether this type of requirement is workable in statute as a practical matter would be a question. Since this would be a public health regulation and applies to a wide variety of child care homes, the requirements in this section increase the potential liability for these homes. Health care requirements in statutes create automatic proof of liability. This becomes a trial lawyers dream.

RESPONSE:

I have known for a long time that "child care providers, without education, tend to care for children in the way that they were parented by their own parents". This includes how they supervise children. Up to now, "adequate" supervision in any given investigation depended on the severity of the incident/injury/abuse, and the provider's ability to verbalize what happened. This Section attempts to define "adequate supervision", eliminate any one person's opinion of what that may mean, and clarify the general expectation for the child care provider. They no longer have to be mind readers but have concrete guidelines to follow. Many providers have requested this very thing over the years because they felt they were not "at the mercy" of any one surveyor's personal opinion.

QUESTION:

In addition this section requires "direct visual supervision" and supervision "within hearing distance" yet it states that nothing in the section is to be construed to prevent a person who is blind or visually impaired or who is deaf or hearing impaired..." from being licensed as a day care provider. This does not appear to pass ADA compliance and could result in potential lawsuits.

RESPONSE:

The legality of this section is outside of my professional training and experience. Whether it needs to be in statute or regulation is a question for lawmakers.

QUESTION:

Section 1 creates other exemptions to the duties imposed by the section (bathroom breaks, other care provider duties) but do more exceptions need to be created?

RESPONSE:

The reasons why child care providers might be distracted or "momentarily unavailable" to the children are not the same as ADA exceptions. These are common, everyday occurrences and should never be an excuse or reason for any child to be "unsupervised". That is why defining what supervision is can be very helpful. Again, whether it needs to be in statute or regulation is a question for lawmakers.

QUESTION:

Section 11 deletes the ability of certain legislative committees to close their meetings to receive certain records relating to child care facilities. This section purports to open those records except under subsection (b) the secretary of KDHE is given authority to "prohibit the release of the name... of the maternity center or child care facility" in certain circumstances. These were circumstances the legislature was interested in when they adopted language in 2001 to be allowed access to assist with complaints and concerns by constituents. With lines 15-25 removed the legislature would not be able to obtain information.

RESPONSE:

As a nurse, I feel strongly about the individual's right to privacy as it applies to children and their families. Often times their information is caught up in a facility's information and should be protected. The development of "on-line public access to facility surveys and other information" allows for the release of information necessary for legislative decisions. A committee hearing where testimony is given allows individuals to release confidential information about them if they choose.

QUESTION:

Section 15 is the carryover provision from registered family day care home to a licensed family child care home. Read literally this language says the family day care home becomes a licensed family child care home until an inspection is conducted and a license is issued, in other words, it becomes a licensed home unit it is licensed? If the bill had gone through the committee vetting process, these illogical errors would have been challenged and changed.

RESPONSE:

This appears to be a semantics issue that could be addressed by the committee to clarify the intent.

QUESTION:

In addition, in Section 15 the old registered family day care homes not licensed are licensed "for all purposes under law" which means they would suddenly (on Kansas Register publication) be subject to licensure standard of licensed homes and subject to potential liability for perhaps not meeting those standards.

Section 17 makes the act effective on publication in the Kansas register. It would be unusual for the legislature in these types of transitions situations not to give entities time to adjust to the new regulatory circumstances.

RESPONSE:

Any change requires a transition period which allows for due process of law. Providers would need to be legally notified and provided an opportunity to raise questions and educate themselves as to how this change affects them personally.

QUESTION:

In summary this bill needs additional careful consideration and amendment. The committee needs some specific idea of what rules and regulations the department intends to adopt to implement these changes and what fiscal effects these changes would bring about.

There will also be two levels of licensed day care homes in Kansas. Each level will be allowed a different number of children in their care (currently licensed homes are allowed 10 depending on age and registered are allowed 6 depending on age) which means the state will be keeping track of a two tiered system with no additional funding. The question of the number of children in the home is one of the subjects the Best Team suggested be changed. That is not done in this bill.

RESPONSE:

Practically speaking, from the surveyor's perspective, we have always managed a "two tiered" system, albeit licensed vs. registered home. This change would make it less confusing and more consistent for surveying. It also would make it less confusing for the provider who wishes to change the category of child care they are providing.

QUESTION:

The reason Kansas did not rank high with the National Association of Child Care Resource and Referral Agencies are not being addressed in this bill.

RESPONSE:

The BEST team was established in part to respond to this study. This bill is a response to the fact that the study was based on the "most basic" type of child care home. Kansas ranked low because registered day care homes were not routinely surveyed.

QUESTION:

Some of the concerns they sited were:

Kansas fails to conduct a background check using fingerprints and fails to check juvenile records.

The state does not require provider's completion of a high school education or GED.

Providers are required to undergo only two hours of training in first aid prior to working with children. No training in CPR is required.

RESPONSE:

This is incorrect. 28-4-128 (f) required documentation of first aid training. It does not require only two hours and the Sedgwick County surveyors always recommend strongly a first time Basic First Aid Course, which is eight hours. CPR is required by 28-4-129 (b) (5). This standard should be required of all providers, regardless of whether a pool is being used.

These concerns would directly affect all Child Care Homes. This bill should be viewed as the beginning of the process for improving child care in homes, not the only change.

QUESTION:

Providers are not required to complete adequate ongoing training.

Providers are not required to communicate with parents about the care of their children or have contracts with the parents.

RESPONSE:

Providers are required to inform parents of discipline policies and illness/injury, among others. . They are required to have certain information on file for every child that is obtained from the parents. Common sense dictates that the conversations between adults will result in questions, answers, and clarifications. Parents have a shared responsibility to ask questions and get satisfactory answers. It is unreasonable to expect statute or regulations to provide every detail that needs to be discussed when a parent enrolls their child in someone's care or for the law to be responsible for a person that is setting up their own small business.

QUESTION:

Providers are not required to have any specific toys and materials designed to promote learning.

RESPONSE:

This is also inaccurate. Providers are required to have activities and equipment to support children's healthy growth and development.

QUESTION:

Providers are not required to engage in any learning activities with children or provide them with literacy opportunities.

RESPONSE:

Age-appropriate learning activities are required under 28-4-116 (a) in the Licensed Day Care home regulation book or the Registered Day Care Home Self Evaluation Checklist.

QUESTION:

Providers are not required to address SIDS prevention, crib safety, playground safety or door locks/safety gates.

RESPONSE:

The proposed requirement for 15-minute inspections of sleeping infants is a step toward SIDS reduction. Crib safety, playground requirements and safety gates are already in regulations.

QUESTION:

I know that in our discussion, you talked about some of the things your inspectors do when they go out and they address some of these items. Unfortunately, that does not mean that all inspectors in Kansas have the same approach.

RESPONSE:

KDHE has developed in the last 10-15 years standard training that is required quarterly for all surveyors and is included as part of our Grant requirements. This is intended to make the interpretation and implementation of regulations consistent across the State.

QUESTION:

I am also concerned there are no requirements for a death that occurs at a child care facility or even in private homes that are identified as SIDS (most advocates believe the majority of the child deaths in the day cares were SIDS) and are not reported to the state to assist in identifying the different causes of SIDS.

RESPONSE:

28-4-127 (f) requires all injuries or illnesses that result in the death of a child must be reported to the local department or KDHE by the next working day. To define a death as SIDS would require a death scene investigation, a medical history review, and a coroner's report. This can take weeks to months to become final.

written only

Kathie Sparks

From: Roland Morreale [tmicg4@gmail.com]
Sent: Monday, April 26, 2010 9:03 AM
To: Kathie Sparks
Cc: brendalandwehr@house.ks.gov
Subject: SB447 & HB2356

Dear House Representative Landwehr,

As Committee Chair for the House Health & Human Services Committee that is considering SB447 (and/or HB2356) I am asking that you share this email with every Committee Member in at Tuesday's 4/27/2010 9:00 am .

Please vote No on these 2 bills which will do nothing to ensure the safety & education of pre-schoolers or require the right type of education for providers.. Please don't pass a bill which doesn't fund the appropriate type & frequency of effective inspections, provider certification, and realistic funding.

We are grandparents who are committed to protecting the future of the next generation.

Thank you.

Roland & Jan Morreale
Overland Park, KS 66207



Written only

Kathie Sparks

From: Kristin Malara [kmalara1@kc.rr.com]
Sent: Monday, April 26, 2010 9:10 AM
To: Kathie Sparks; Brenda Landwehr; Clay Aurand; Barbara Ballard; Melany Barnes; Lisa Benlon; Bob Bethell; Barbara Bollier; Elaine Bowers; Bob Brookens; Anthony Brown; Tony Brown; Steve Brunk; Mike Burgess; Tom Burroughs; Sydney Carlin; Richard Carlson; Pat Colloton; Barbara Craft; Marti Crow; David Crum; Paul Davis; Pete DeGraaf; Nile Dillmore; Owen Donohoe; John Faber; Bill Feuerborn; Gail Finney; Geraldine Flaharty; Stan Frownfelter; Rocky Fund; Dolores Furtado; Delia Garcia; Doug Gatewood; Sean Gatewood; Pat George; Mario Goico; Lana Gordon; Raj Goyle; John Grange; Bob Grant; Tom Hawk; Gary Hayzlett; Broderick Henderson; Jerry Henry; Phil Hermanson; Don Hill; Don Hineman; Carl Holmes; Mitch Holmes; Deena Horst; Steve Huebert; Aaron Jack; Dan Johnson; kahsa.kelley@house.ks.gov; Dan Kerschen; Mike Kiegerl; Jeff King; Lance Kinzer
Subject: PLEASE take a moment to consider...
Importance: High

Dear Kathie Sparks, House Representative Landwehr and Esteemed Representatives of the People, As Committee Chair for the House Health & Human Services Committee that is considering SB447 (and/or HB2356) I am asking that you share this email with every Committee Member in at Tuesday's 4/27/2010 9:00 am.

I am deeply concerned with some of the vague wording regarding the Lexie's Law. When I chose to become a home childcare provider six years ago, I opted to become Licensed, so that the parents of the children I cared for had the extra reassurance that my daycare was inspected ANNUALLY by the state, as well as persons from the Food Program. Although I adamantly agree that all childcare centers, including registered and centers, ought to be inspected (i.e. Inspect the Rest), I feel I will be penalized for being a good provider by being pushed to the side regarding annual inspections in favor of the "rest". Do you realize that this bill could potentially allow for a provider's home to only be inspected ONCE for the duration of infancy through to kindergarten per child if this bill is passed?!?! How safe is that for our children? Funding MUST be found - whether through increased licensing fees (which would apply to registered individuals, thus increasing income) in order to train and dispatch professional inspectors for ALL childcare. 'Self-evaluation' is simply not enough.

As the mother of two young children, I understand first-hand how important it is for childcare individuals to enrich themselves with continuing education. No one is born with the knowledge of how to properly care for and teach young children. That is why EDUCATION is so important!!! Not to mention mandatory CPR and First Aid on at least a biannual basis. It is the power of education that will help keep children safe - especially classes on SIDS and Back to Sleep.

I am concerned that **this bill has nothing to do with improving child care. This bill addresses budget cutting measures.**

This is a flawed piece of legislation that does nothing to improve child care but solves budget problems for legislators who are under pressure to address fiscal problems. **Kansas children deserve better than this!!!**

In summary, when cornered to make a decision on this bill, I have to opt to **STRONGLY** urge you to **kill this bill**. It needs to be reviewed and re-worded by the Best Team and the financial difficulties

need to be hammered out in the best interest of our children. **PLEASE VOTE NO on HB2356 and/or SB447 (Lexie's Law)**

Sincerely,
Kristin Malara
7836 Park St.
Lenexa, KS 66216

written out

Kathie Sparks

From: Katie Twenter [k.twenter@yahoo.com]
Sent: Monday, April 26, 2010 8:50 AM
To: Kathie Sparks; Brenda Landwehr
Subject: HB2356 and/or SB447 Lexie's Law

Dear House Representative Landwehr,

I, as a mother to an infant in a licensed home daycare, am very concerned with (HB2356 and/or SB447) Lexie's Law which is why I will be voting NO on it unless major changes are made.

If this bill is passed, it will put more children across Kansas at risk with no oversight for at least 3 years


Kansas Action for Children's big push has been all about the large number children's death in Registered Homes. What I found surprising (because of the KAC campaign, "INSPECT THE REST") was that after reading this report, the major cause of deaths was from SIDS. Yet, this bill does NOT require registered providers to have any training. No CPR, No Back to Sleep - for SIDS prevention training. **This bill has nothing to do with improving child care. This bill addresses budget cutting measures that have more importance to legislators.**

This is a flawed piece of legislation that does nothing to improve child care but solves budget problems for legislators who are under pressure to address fiscal problems. **Kansas children deserve better than this!!!**

Sincerely,
Katie Twenter
8592 Perry Lane
Overland Park, KS 66212

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 24-1


Kathie Sparks

written on 

From: laughtons@netzero.com
Sent: Monday, April 26, 2010 6:59 AM
To: Kathie Sparks; Brenda Landwehr
Cc: Clay Aurand; Barbara Ballard; Melany Barnes; Lisa Benlon; Bob Bethell; Barbara Bollier; Elaine Bowers; Bob Brookens; Anthony Brown; Tony Brown; Steve Brunk; Mike Burgess; Tom Burroughs; Sydney Carlin; Richard Carlson; Pat Colloton; Barbara Craft; Marti Crow; David Crum; Paul Davis; Pete DeGraaf; Nile Dillmore; Owen Donohoe; John Faber; Bill Feuerborn; Gail Finney; Geraldine Flaharty; Stan Frownfelter; Rocky Fund; Dolores Furtado; Delia Garcia; Doug Gatewood; Sean Gatewood; Pat George; Mario Goico; Lana Gordon; Raj Goyle; John Grange; Bob Grant; Tom Hawk; Gary Hayzlett; Broderick Henderson; Jerry Henry; Phil Hermanson; Don Hill; Don Hineman; Carl Holmes; Mitch Holmes; Deena Horst; Steve Huebert; Aaron Jack; Dan Johnson; kahsa.kelley@house.ks.gov; Dan Kerschen; Mike Kiegerl; Jeff King; Lance Kinzer
Subject: Please VOTE NO ON SB447 AND/OR HB2356

Dear House Representative Landwehr,

As Committee Chair for the House Services Committee, considering SB447 on 04/27/2010, I am asking that you share this email with every Committee Member. Additionally, I would ask that you share this email with the other Conference Committee Members at your first Conference Committee Meeting for HB2356.

Please VOTE NO ON SB447 AND/OR HB2356.

These bills don't even address the matter of provider education. That should have been the first issue addressed when looking at how to improve quality care and ensure the safety of children.

The risk-based system is too risky. It does not provide enough specific detail about how it will be run and allows for too many variables ("other such factors") for KDHE to consider in determining risk criteria.

In today's economy why would we risk pushing more providers into illegal care? Nothing in these bills will make anyone be a better care giver. In fact, the inspection system alone will just drive the worst of legally registered and licensed providers (and even very good providers who just have fundamental problems with inspections) underground, further from oversight by the State and harder to get to when a problem does arise.

Specific supervision requirements should not be outlined in legislation, but as basic expectations for safety (such as within hearing distance, child proofing of homes, and basic 1st Aid and CPR requirements) should be outlined in regulation.

VOTE NO ON SB447 AND/OR HB2356 when it comes before your attention in committee or from the floor.

Sincerely,
Karen Laughton
5515 Barkley
Mission KS 66202

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 25-1

From: Special K @ Hott Cornflakes Communications [hottcornflakes@kc.rr.com]
Sent: Sunday, April 25, 2010 11:33 PM
Subject: VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Hello! Today, my letter concerns the upcoming vote on Lexie's Law. I am OPPOSED!

My concern centers around a number of issues. Most notably, the fact that child-care facilities will be required to do their own annual self-evaluations for three years before getting an official inspection. This is just crazy! A center that is ignoring the rules and putting children in danger will go even LONGER putting children in their care at risk? That makes no sense to me.

And while I know the bill supposedly says the oversight will take place sooner than three years, from the information I've heard from government authorities in the know, the state's budget won't allow those inspections to happen any sooner than three years. Knowing the financial realities, it is just dangerous to even consider creating a law with these types of restrictions. And, of course, none of this even takes into consideration the vague language of the law, which could allow the time to go even LONGER than three years. Again, this is just crazy talk.

That vague language is one of the other main concerns I have. What's the point of creating a law that can be changed willy-nilly after it's approved? You're voting to put in place a law that could eventually change to something completely different from what you voted on!

Yet one more major concern is the fact that the bill is not requiring any training to educate day care providers regarding the major cause of infant deaths who are in the care of others: SIDS. If this is the main way our babies are dying, and you are concerned for their safety, then it seems you should be making sure they know CPR, how to lay a baby down to sleep properly, etc. It simply seems that this bill has nothing to do with improving child care. In fact, it primarily addresses budget-cutting measures that have more importance to legislators.

As I'm sure you are hearing from others, this is truly a flawed piece of legislation that does nothing to improve child care but, instead, solves budget problems for legislators who are under pressure to address fiscal problems. Kansas children deserve better than this!!!

Please: VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Sincerely,

Virginia M. Kellogg
7911 Hadley
Lenexa, KS 66212

Written only

Kathie Sparks

From: ghogan@kc.rr.com
Sent: Sunday, April 25, 2010 11:29 PM
Subject: VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Good morning:

My letter today is in regards to Lexie's law. I am opposed to the upcoming vote. Please take action against it.

I have numerous concerns. Most notably, I worry about the fact that child-care facilities will be required to do their own annual self-evaluations for three years before getting an official inspection. This is not smart. A center that is ignoring the rules and putting children in danger will go even LONGER putting children in their care at risk? This is nonsensical.

And while I know the bill supposedly says the oversight will take place sooner than three years, from the information I've heard from government authorities in the know, the state's budget won't allow those inspections to happen any sooner than three years. Knowing the financial realities, it is just dangerous to even consider creating a law with these types of restrictions. And, of course, none of this even takes into consideration the vague language of the law, which could allow the time to go even LONGER than three years. Again, this is just crazy talk.

That vague language is one of the other main concerns I have. What's the point of creating a law that can be changed willy-nilly after it's approved? You're voting to put in place a law that could eventually change to something completely different from what you voted on!

Yet one more major concern is the fact that the bill is not requiring any training to educate day care providers regarding the major cause of infant deaths who are in the care of others: SIDS. If this is the main way our babies are dying, and you are concerned for their safety, then it seems you should be making sure they know CPR, how to lay a baby down to sleep properly, etc. It simply seems that this bill has nothing to do with improving child care. In fact, it primarily addresses budget-cutting measures that have more importance to legislators.

As I'm sure you are hearing from others, this is truly a flawed piece of legislation that does nothing to improve child care but, instead, solves budget problems for legislators who are under pressure to address fiscal problems.
Kansas children deserve better than this!!!

Please: VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Sincerely,

Mark Werner
10233 Roe
Overland Park, KS 66207

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 27-1

Kathie Sparks

written only

From: Special K [gkellogg@kc.rr.com]
Sent: Sunday, April 25, 2010 11:24 PM
Subject: VOTE NO on (HB2356 and/or SB447) Lexie's Law

Good day!

I am writing to let you know that I am opposed to the upcoming vote on Lexie's Law and want to let you know of my view so you can take action against it.

My concern centers around a number of issues. Most notably, the fact that child-care facilities will be required to do their own annual self-evaluations for three years before getting an official inspection. This is just crazy! A center that is ignoring the rules and putting children in danger will go even LONGER putting children in their care at risk? That makes no sense to me.

And while I know the bill supposedly says the oversight will take place sooner than three years, from the information I've heard from government authorities in the know, the state's budget won't allow those inspections to happen any sooner than three years. Knowing the financial realities, it is just dangerous to even consider creating a law with these types of restrictions. And, of course, none of this even takes into consideration the vague language of the law, which could allow the time to go even LONGER than three years. Again, this is just crazy talk.

That vague language is one of the other main concerns I have. What's the point of creating a law that can be changed willy-nilly after it's approved? You're voting to put in place a law that could eventually change to something completely different from what you voted on!

Yet one more major concern is the fact that the bill is not requiring any training to educate day care providers regarding the major cause of infant deaths who are in the care of others: SIDS. If this is the main way our babies are dying, and you are concerned for their safety, then it seems you should be making sure they know CPR, how to lay a baby down to sleep properly, etc. It simply seems that this bill has nothing to do with improving child care. In fact, it primarily addresses budget-cutting measures that have more importance to legislators.

As I'm sure you are hearing from others, this is truly a flawed piece of legislation that does nothing to improve child care but, instead, solves budget problems for legislators who are under pressure to address fiscal problems. Kansas children deserve better than this!!!

Please: VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Sincerely,

Gina B. Kellogg
6101 W 87th St.
Overland Park, KS 66207-1503
913-648-8753
913-522-3209 (c)
gkellogg@kc.rr.com
Twitter: @SpecialK1963
www.linkedin.com/in/ginabkellogg
<http://Hottcornflakes.Wordpress.Com>

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 28-1



Written only

Kathie Sparks

From: Brenda Schoen [bschoen@comcast.net]
Sent: Sunday, April 25, 2010 9:06 PM
To: Brenda Landwehr
Cc: Kathie Sparks
Subject: HB2356/ SB447(Lexie's Law)

Dear House Representative Landwehr,

As Committee Chair for the House, Health & Human Services Committee that is considering SB447 (HB2356) I am asking that you share this email with every Committee Member this Tuesday, 4/27/2010, at the 9:00 am meeting.

I am Kansas Provider of the Year, 2010. I have been an in-home child care provider since 1995, I have an A.S. in Early Childhood Education, Montessori certification, have earned national accreditation, have worked in a child care center, and am a parent/grandparent. I believe I am qualified to understand what Lexie's law means to providers, children, and their parents. I have read every word of the updated version of the law. Please vote NO on SB447/HB2356 (Lexie's law).

This bill will put Kansas children at high risk! Child care facilities must be inspected much more often than every two or three years! Kansas regularly inspects restaurants. Isn't it more important to inspect where our children spend the majority of their hours awake? We are talking about our children's safety! Children's lives! Although national accreditation agencies like NAEYC and NAFCC emphasize education as a large component to quality child care, this bill does nothing to require more classes (like CPR and SIDS prevention).

This bill would mean less supervision, less inspections, and less hassles for someone like myself. Yet I am against it. That should speak volumes to you. I care and educate children because there is nothing more precious than a child. This bill will put our children at high risk! Please keep Kansas children safe, and vote no on Lexie's law.

Brenda Schoen, NAFCC accredited provider

16013 W. 144th Street, Olathe, KS 66062

written only

Kathie Sparks

From: Laura and Jeff Jaworski [jjaworski@kc.rr.com]
Sent: Sunday, April 25, 2010 6:58 PM
To: Kathie Sparks
Subject: SB447 and/orHB2356

Dear House Representative Landwehr,

As Committee Chair for the House Health & Human Services Committee that is considering SB447 (and/or HB2356) I am asking that you share this email with every Committee Member in at Tuesday's 4/27/2010 9:00 am (be sure to write this at the beginning of your email)

Suggestions to write about:

We are told that Representatives will read and pay attention to emails that are written by constituents with specific concerns. Feel free to cut and paste from below, but start your email with your concerns so the email sounds more like you. If you need help writing an email, we can help.

VOTE NO on (HB2356 and/or SB447) Lexie's Law

Any child care facility: licensed child care homes, group day care homes, child care centers, preschool programs, school-age programs and drop-in programs in compliance on or before Jan. 1, 2011 will do their own annual 'self-evaluation' and will go without an inspection for 3 years! Yes, this also includes ALL LARGE CENTERS too!

If this bill is passed, it will put more children across Kansas at risk with no oversight for at least 3 years. Even though the bill says 2-3 years, Senator Kelly told me it would be 3 years until the KDHE (Kansas Dept. of Health & Environment) goes into compliant facilities for an actual physical inspection (this covers **all** the child care programs not just family child care).

Even though the bill reads that the 3 year inspection cycle will expire on July 1, 2013, **(with the vague language of the bill--below)** KDHE, can extend the time period for this 3 year cycle or (if the economy doesn't get better or they are short on staffing), it could be **INCREASED**.

KDHE can change the "supervision language" through regulation, without any public input or knowledge, and without going back to the legislature.

(page 6 & 7) Section 7/Subsection 2 reads: *On or before July 1, 2013, the secretary of health and environment shall develop and implement a risk-based system for use in determining the frequency of inspections by adopting rules and regulations the secretary deems necessary to carry out this subsection. Risk criteria shall include the ages of children authorized under care, hours of operation, complaint history, compliance history, and other factors the secretary deems necessary to assess risk in all child care facilities.*

Attachment: Kansas Child Death and Serious Injury Data in Registered and Licensed Day Care Homes. (This is just to inform you)

Kansas Action for Children's big push has been all about the large number children's death in Registered Homes (read attachment). What I found surprising (because of the KAC campaign, "INSPECT THE REST") was that after reading this report, the major cause of deaths were from SIDS. Yet, this bill does NOT require registered providers (even though we have pushed hard for education) to have any training. No CPR, No Back to Sleep - for SIDS prevention training. **This bill has nothing to do with improving child care. This bill addresses budget cutting measures that have more importance to legislators.**

This is a flawed piece of legislation that does nothing to improve child care but solves budget problems for legislators who are under pressure to address fiscal problems. **Kansas children deserve better than this!!!**

VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Sincerely,

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 30-1

Lal. aworski
3012 W 90th Ter
Leawood, KS 66206

written only

Kathie Sparks

From: RMSTOLHAND@aol.com
Sent: Sunday, April 25, 2010 6:43 PM
To: Kathie Sparks; Brenda Landwehr; Clay Aurand; Barbara Ballard; Melany Barnes; Lisa Benlon; Bob Bethell; Barbara Bollier; Elaine Bowers; Bob Brookens; Anthony Brown; Tony Brown; Steve Brunk; Mike Burgess; Tom Burroughs; Sydney Carlin; Richard Carlson; Pat Colloton; Barbara Craft; Marti Crow; David Crum; Paul Davis; Pete DeGraaf; Nile Dillmore; Owen Donohoe; John Faber; Bill Feuerborn; Gail Finney; Geraldine Flaharty; Stan Frownfelter; Rocky Fund; Dolores Furtado; Delia Garcia; Doug Gatewood; Sean Gatewood; Pat George; Mario Goico; Lana Gordon; Raj Goyle; John Grange; Bob Grant; Tom Hawk; Gary Hayzlett; Broderick Henderson; Jerry Henry; Phil Hermanson; Don Hill; Don Hineman; Carl Holmes; Mitch Holmes; Deena Horst; Steve Huebert; Aaron Jack; Dan Johnson; kahsa.kelley@house.ks.gov; Dan Kerschen; Mike Kiegerl; Jeff King; Lance Kinzer; Marvin Kleeb; Forrest Knox; Annie Kuether; Harold Lane; Bill Light; Judith Loganbill; Margaret Long; Steve Lukert; Ann Mah; Pat Maloney; Peggy Mast; Melody McCray-Miller; Joe McLeland; Melanie Meier; Julie Menghini; Ray Merrick; Jim Morrison; Tom Moxley; Don Myers; Cindy Neighbor; Melvin Neufeld; Connie O'Brien; Mike O'Neal; Robert Olson; Bill Otto; Shirley Palmer; Joe Patton; Janice Pauls; Virgil Peck; Michael Peterson; Eber Phelps; JoAnn Pottorff; Larry Powell; Willie Prescott; Richard Proehl; Jill Quigley; Gene Rardin; Marc Rhoades; Charles Roth; Louis Ruiz; Don Schroeder; Scott Schwab; Sharon Schwartz; Joe Seiwert; Clark Shultz; Arlen Siegfried; Mike Slattery; Tom Sloan; Sheryl Spalding; Gene Suellentrop; Don Svaty; Vern Swanson; Dale Swenson; Lee Tafanelli; Milack Talia; Annie Tietze; Ed Trimmer; Jene Vickrey; Jim Ward; Vince Wetta; Jeff Whitham; Jerry Williams; Valdenia Winn; Kay Wolf; Ron Worley; Kevin Yoder
Subject: SB447 (and/or HB2356) Please vote no
Attachments: handSeriousInjuryDatainRegisteredandLicensedDayCareHomes.pdf

Dear House Representative Landwehr and Kansas Legislators,

As Committee Chair for the House Health & Human Services Committee that is considering SB447 (and/or HB2356) I am asking that you share this email with every Committee Member in at Tuesday's 4/27/2010 9:00 am.

As Grandparents of children currently involved in a group day care home, We are quite concerned about the passage of this Bill as it is written. Although we have a great deal of sympathy for Lexie, we fail to see how this law would have prevented her untimely death. This Bill seems to be requiring fewer inspections of day care operations by the State.

VOTE NO on (HB2356 and/or SB447) Lexie's Law

Any child care facility: licensed child care homes, group day care homes, child care centers, preschool programs, school-age programs and drop-in programs in compliance on or before Jan. 1, 2011 will do their own annual 'self-evaluation' and will go without an inspection for 3 years!

If this bill is passed, it will put more children across Kansas at risk with no oversight for at least 3 years. Even though the bill says 2-3 years, we were told it would be 3 years until the KDHE (Kansas Dept. of Health & Environment) goes into compliant facilities for an actual physical inspection (this covers **all** the child care programs not just family child care).

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 31-1

Even though the bill reads that the 3 year inspection cycle will expire on July 1, 2013, **(with the vague language of the bill--below)** KDHE, can extend the time period for this 3 year cycle or (if the economy doesn't get better or they are short on staffing), it could be **INCREASED**.

KDHE can change the "supervision language" through regulation, without any public input or knowledge, and without going back to the legislature.

(page 6 & 7) Section 7/Subsection 2 reads: *On or before July 1, 2013, the Secretary of health and environment shall develop and implement a risk-based system for use in determining the frequency of inspections by adopting rules and regulations the Secretary deems necessary to carry out this subsection. Risk criteria shall include the ages of children authorized under care, hours of operation, complaint history, compliance history, and other factors the Secretary deems necessary to assess risk in all child care facilities."*

Attachment: Kansas Child Death and Serious Injury Data in Registered and Licensed Day Care Homes.

Kansas Action for Children's big push has been all about the large number of children's deaths in Registered Homes (read attachment). What I found surprising (because of the KAC campaign, "INSPECT THE REST") was that after reading this report, the major cause of deaths were from SIDS. Yet, this bill does NOT require registered providers (even though others have pushed hard for education) to have any training. No CPR, No Back to Sleep - for SIDS prevention training. **This bill has nothing to do with improving child care. This bill addresses budget cutting measures that have more importance to legislators.**

This is a flawed piece of legislation that does nothing to improve child care but solves budget problems for legislators who are under pressure to address fiscal problems. **Kansas children deserve better than this!!!**

Sincerely

**Ray and Melissa Stolhand
9607 Catalina
Overland park, Kansas 66207**



From: Leslie Foiles [ffoiles@kc.rr.com]
Sent: Monday, April 26, 2010 9:38 AM
To: Kathie Sparks; Brenda Landwehr; Clay Aurand; Barbara Ballard; Melany Barnes; Lisa Benlon; Bob Bethell; Barbara Bollier; Elaine Bowers; Bob Brookens; Anthony Brown; Tony Brown; Steve Brunk; Mike Burgess; Tom Burroughs; Sydney Carlin; Richard Carlson; Pat Colloton; Barbara Craft; Marti Crow; David Crum; Paul Davis; Pete DeGraaf; Nile Dillmore; Owen Donohoe; John Faber; Bill Feuerborn; Gail Finney; Geraldine Flaharty; Stan Frownfelter; Rocky Fund; Dolores Furtado; Delia Garcia; Doug Gatewood; Sean Gatewood; Pat George; Mario Goico; Lana Gordon; Raj Goyle; John Grange; Bob Grant; Tom Hawk; Gary Hayzlett; Broderick Henderson; Jerry Henry; Phil Hermanson; Don Hill; Don Hineman; Carl Holmes; Mitch Holmes; Deena Horst; Steve Huebert; Aaron Jack; Dan Johnson; kahsa.kelley@house.ks.gov; Dan Kerschen; Mike Kiegerl; Jeff King; Lance Kinzer
Subject: VOTE NO on (HB2356 and/or SB447) Lexie's Law

I continue have great concern about Lexie's Law. The original intent was good but it has been changed so many times that now child care facilities will more than likely go uninspected for 3 years. Providers and centers will let things slip that normally in anticipation of being inspected they would keep in tip top shape. The bill should be re-written to improve child care to protect the children not put them at further risk. Please really consider our children - vote no!

Leslie Foiles
 9600 Catalina
 Overland Park, KS 66207

Written out!

Kathie Sparks

From: Brenda Johnson [Johnson545@comcast.net]
Sent: Monday, April 26, 2010 10:09 AM
To: Kathie Sparks; Brenda Landwehr; Clay Aurand; Barbara Ballard; Melany Barnes; Lisa Benlon; Bob Bethell; Barbara Bollier; Elaine Bowers; Bob Brookens; Anthony Brown; Tony Brown; Steve Brunk; Mike Burgess; Tom Burroughs; Sydney Carlin; Richard Carlson; Pat Colloton; Barbara Craft; Marti Crow; David Crum; Paul Davis; Pete DeGraaf; Nile Dillmore; Owen Donohoe; John Faber; Bill Feuerborn; Gail Finney; Geraldine Flaharty; Stan Frownfelter; Rocky Fund; Dolores Furtado; Delia Garcia; Doug Gatewood; Sean Gatewood; Pat George; Mario Goico; Lana Gordon; Raj Goyle; John Grange; Bob Grant; Tom Hawk; Gary Hayzlett; Broderick Henderson; Jerry Henry; Phil Hermanson; Don Hill; Don Hineman; Carl Holmes; Mitch Holmes; Deena Horst; Steve Huebert; Aaron Jack; Dan Johnson; kahsa.kelley@house.ks.gov; Dan Kerschen; Mike Kiegerl; Jeff King; Lance Kinzer
Subject: Vote No on HB2356 and / or SB 447
Importance: High

Dear House Representative Landwehr,

As Committee Chair for the House Health & Human Services Committee that is considering SB447 (and/or HB2356) I am asking that you share this email with every Committee Member in at Tuesday's 4/27/2010 9:00 am

Dear House of Representatives,

Please look at how this bill has been sneaked in at the last minute! Do not make a quick rash decision and let the children down in the state of Kansas...A huge risk to our children the inspect the rest but not licensed or group homes for 2 to3 years! Let us INSPECT ALL so our kids are safe!

There is a lot of information in this bill that I feel is overwhelming to me as a daycare provider....The line of sight or visual supervision with a 2 minute potty break is crazy.....Many times we must prepare food or a bottle or change a diaper, etc while the other children are safe and doing an activity...I can not herd my children like cattle to the changing table, the stove, sink, etc while I do my duty...This is where our hearing is important along with having a safe room for the children to play in!

My insurance agent has informed me this will affect my liability insurance rates....The rates will go up if this bill becomes a law...It puts us at a greater responsibility with the visual supervision wording! This increase will affect my daycare parents because the expense will be passed on!

By passing this law it will cost SRS more money for the children they pay daycare costs for. Registered providers get paid less money than licensed providers. That money has not been budgeted for in the 2011 budget! So it will cost taxpayers more money in their taxes! Many providers will switch from Family Daycare Homes to licensed daycare homes....Because if all are being inspected why not be licensed?

Another point is the inspection for registered providers but they will not inspect licensed providers for 2 1/2 to three years....How does that encourage those daycares to be compliant when no inspection is expected for two to three years! Plus these licensed/ group homes, daycare centers have a much higher turnover rate of employees then does the

self-employed registered provider who runs her daycare alone! You would be opening up a new can of worms by the licensed daycares would have a larger death rate....

In the state of Kansas licensed and group falls in the same category so 12 died out of the 4000 licensed / group homes which makes a ratio of 1 out of every 333 kids died....compared to registered daycares of 1 out of every 312.3 died...which is 8 out of 2500 homes. You are either licensed or registered in the state....If you are a group home it means you are licensed with two adults present at all times or your ratio of kids is at the licensed standard if only one adult is there. That is why the statement of 7 kids died in licensed homes is misleading. In licensed homes it would be the licensed plus the group deaths added together makes 12 deaths in that category!

The state of Kansas has wanted to reduce costs by decreasing inspections! This is so wrong of the state. Here are my facts to prove this! Please read this attachment, on page 2 under:

Extend Renewal Period and Streamline Renewal Process for Childcare Facilities

It shows they were planning on cutting back on inspecting all license child care facilities since Oct. 2004 to every 2 or 3 years cycle to gain efficiencies and to better use the Department's limited resources.

<http://datacounts.net/chac/Documents/Jan%2012,%2009/KDHE%20Policy%20Init.pdf>

Registered providers are only going to get an annual inspection, they will get one (unless there are problems) then they will go in the same cycle as all the rest of the licensed daycares!

Any child care facility: licensed child care homes, group day care homes, child care centers, preschool programs, school-age programs and drop-in programs in compliance on or before Jan. 1, 2011 will do their own annual 'self-evaluation' and will go without an inspection for 3 years! Yes, this is also includes ALL LARGE CENTERS too!

Why, is the State of Kansas putting more children at risk, in the name of "inspect the rest"? **The public has been misinformed by Lexie's Law!**

How can we afford not to protect our children in Kansas? All children have a right to a safe child care facility while their parents are at work, not every 2 or 3 years.

If this bill is passed, it will put more children across Kansas at risk with no oversight for at least 3 years. Even though the bill says 2-3 years, Senator Kelly told me it would be 3 years until the KDHE (Kansas Dept. of Health & Environment) goes into compliant facilities for an actual physical inspection (this covers all the child care programs not just family child care).

Even though the bill reads that the 3 year inspection cycle will expire on July 1, 2013, **(with the vague language of the bill--below)** KDHE, can extend the time period for this 3 year cycle or (if the economy doesn't get better or they are short on staffing), it could be **INCREASED**.

KDHE can change the "supervision language" through regulation, without any public input or knowlege, and without going back to the legislature.

(page 6 & 7) Section 7/Subsection 2 reads: *On or before July 1, 2013, the secretary of health and environment shall develop and implement a risk-based system for use in determining the frequency of inspections by adopting rules and regulations the secretary deems necessary to carry out this subsection. Risk criteria shall include the ages of children authorzied under care, hours of operation, complaint history, compliance history, and other factors the secretary deems necessary to assess risk in all child care facilities.*

I do not like the way they have made it sound that this bill was created because of Lexie.....KDHE has wanted to reduce costs and have less inspections since 2004. I feel this whole bill has mislead many on the wording and timing of it. The bill needs to be reworked and if it does not happen this session so be it....Better to get the bill right

the...to push it thru and hurt so many! I am glad to hear that KDHE did admit this was thought of in 2004 to help save costs...

My main concern is the language of this bill....The line of sight is a tough one...Whether we are changing a diaper and have our eyes off the kids, a child is in the play house or in the centers....no more reading tent fun because we could not see them, no more divided centers cause how we watch all the kids, no more time where kids can explore different area because we could not see them in the garden area if others are in the play house....Yet I am in the yard! Please evaluate the language carefully on this....

By forcing the change here for registered daycares and letting all the licensed homes go with no inspections for up to 3 years that includes your La Petite's with the high turnover of employees! Dangerous situations! Please think of the whole picture....

Let's get the wording right on this bill....do not just pass it thru...Get it right inspect this bill thoroughly....Make sure of the wording, Do not just slide it thru....Many will be very upset....In 2004 this was being brought up by the KDHE to do the self evaluations on licensed daycare to save money for the State! Inspections would only be scheduled every 2 1/2 to 3 years! We inspect nail salons, beauty shops, restaurants annually....our children should be just as valuable! We should not do less with them!

The inspect the rest is important! Inspect ALL! Do not make any delays! Our children will ALL be at risk! Non compliance is what is being said cause the children's death in daycare homes so why would you make licensed hopes not be inspected? This will cause many homes and centers to not be concerned about being inspected!

My final thought is let's get the wording right and work on this bill later getting passed thru....Work with the daycare providers along with the parents for Lexis's law. Together we can create an awesome bill that will be able to work for all of us! Thank you so much for listening to me. I appreciate it and I hope I have your support to vote NO today when going into your session this afternoon! Thank you!

Brenda Johnson
545 East 126th Terrace
Olathe, Kansas 66061

<http://daycareresource.com/BrendasDaycare.html>

Written only

Kathie Sparks

From: Ken Ogle [kenogle2@sbcglobal.net]
Sent: Monday, April 26, 2010 1:23 PM
To: Kathie Sparks
Cc: Brenda Landwehr
Subject: Day Care Bill

Dear House Representative Landwehr,

As Committee Chair for the House Health & Human Services Committee that is considering SB447 (and/or HB2356) I am asking that you share this email with every Committee Member in at Tuesday's 4/27/2010 9:00 am

VOTE NO on (HB2356 and/or SB447) Lexie's Law

Any child care facility: licensed child care homes, group day care homes, child care centers, preschool programs, school-age programs and drop-in programs in compliance on or before Jan. 1, 2011 will do their own annual 'self-evaluation' and will go without an inspection for 3 years! Yes, this is also includes ALL LARGE CENTERS too!

If this bill is passed, it will put more children across Kansas at risk with no oversight for at least 3 years. Even though the bill says 2-3 years, Senator Kelly told me it would be 3 years until the KDHE (Kansas Dept. of Health & Environment) goes into compliant facilities for an actual physical inspection (this covers **all** the child care programs not just family child care).

Even though the bill reads that the 3 year inspection cycle will expire on July 1, 2013, **(with the vague language of the bill--below)** KDHE, can extend the time period for this 3 year cycle or (if the economy doesn't get better or they are short on staffing), it could be **INCREASED**.

KDHE can change the "supervision language" through regulation, without any public input or knowledge, and without going back to the legislature.

(page 6 & 7) Section 7/Subsection 2 reads: *On or before July 1, 2013, the secretary of health and environment shall develop and implement a risk-based system for use in determining the frequency of inspections by adopting rules and regulations the secretary deems necessary to carry out this subsection. Risk criteria shall include the ages of children authorized under care, hours of operation, complaint history, compliance history, and other factors the secretary deems necessary to assess risk in all child care facilities."*

Attachment: Kansas Child Death and Serious Injury Data in Registered and Licensed Day Care Homes. (This is just to inform you)

Kansas Action for Children's big push has been all about the large number children's death in Registered Homes (read attachment). What I found surprising (because of the KAC campaign, "INSPECT THE REST") was that after reading this report, the major cause of deaths were from SIDS. Yet, this bill does NOT require registered providers (even though we have pushed hard for education) to have any training. No CPR, No Back to Sleep - for SIDS prevention training. **This bill has nothing to do with improving child care. This bill addresses budget cutting measures that have more importance to legislators.**

This is a flawed piece of legislation that does nothing to improve child care but solves budget problems for legislators who are under pressure to address fiscal problems. **Kansas children deserve better than this!!!**

VOTE NO on HB2356 and/or SB447 (Lexie's Law)

Ken Ogle
12402 West 100th Place
Lenexa, Kansas

Kathie Sparks

From: April Hunt [hunt.april@gmail.com]
Sent: Tuesday, April 27, 2010 7:44 AM
To: Kathie Sparks; Brenda Landwehr; Clay Aurand; Barbara Ballard; Melany Barnes; Lisa Benlon; Bob Bethell; Barbara Bollier; Elaine Bowers; Bob Brookens; Anthony Brown; Tony Brown; Steve Brunk; Mike Burgess; Tom Burroughs; Sydney Carlin; Richard Carlson; Pat Colloton; Barbara Craft; Marti Crow; David Crum; Paul Davis; Pete DeGraaf; Nile Dillmore; Owen Donohoe; John Faber; Bill Feuerborn; Gail Finney; Geraldine Flaharty; Stan Frownfelter; Rocky Fund; Dolores Furtado; Delia Garcia; Doug Gatewood; Sean Gatewood; Pat George; Mario Goico; Lana Gordon; Raj Goyle; John Grange; Bob Grant; Tom Hawk; Gary Hayzlett; Broderick Henderson; Jerry Henry; Phil Hermanson; Don Hill; Don Hineman; Carl Holmes; Mitch Holmes; Deena Horst; Steve Huebert; Aaron Jack; Dan Johnson; kahsa.kelley@house.ks.gov; Dan Kerschen; Mike Kiegerl; Jeff King; Lance Kinzer
Subject: "Vote No no for SB447 or HB2356"

Dear Chairperson Landwehr and other House Committee Members,

Please "Vote No no for SB447 or HB2356".

As a parent looking at this matter, it makes no sense for the State to mandate changes expecting providers to improve care if in the same bill they put into place a system of inspections that allows such little oversight of providers.

The majority of the deaths in day cares happened during nap time and many are attributed to SIDS (which can happen at home too). Under the risk-based system, who is going to be regularly checking providers during nap times to ensure that they are following safe sleep practices?

How will you know if basic regulations that actually keep kids safe are being followed when you may not inspect a provider for 3-years? Does she keep the children in the approved areas of her home? Are cleaning supplies, scissors, medicines store away correctly? Are there guns stored under a bed or in a nightstand (even if it is not a day care area)? Does everyone that may live in her house have the necessary background screening?

I may be able to watch how she interacts with the children, but I am not looking through her kitchen drawers and cabinets. When you exclude the compliant providers - you are saying the children in their care are not as important as other children. You are saying that MY CHILD is not as important as the rest because I made the decision to put them in the best care I could find. Every child is as important as the other, a system of inspections needs to be as fair as it now for all children whose parent's place them in licensed care.

Every care situation is risky. Everyday, children in good care situations are exposed to danger. As a parent I can watch over quality and safety to some degree - but the State needs to watch closely over the providers they license and that is not checking in on them every 3 years.

Please "Vote No no for SB447 or HB2356".

April Hunt
13228 W. 107th Ct.
Lenexa, KS 66210

Kathie Sparks

From: Bill Anderson [bill@andersonpeck.com]
Sent: Monday, April 26, 2010 2:56 PM
To: Kathie.Sparks@kird.ks.gov
Cc: Brenda Landwehr
Subject: FW:

Here is a copy of my testimony for tomorrow's hearing.
Thanks
Bill

From: Bill Anderson
Sent: Monday, April 26, 2010 12:49 PM
To: Kathie.Sparks@kird.ks.gov
Cc: Rose Grimes; Ann Uhl; Bill Anderson
Subject:

My name is Bill Anderson and I am President of Anderson Peck Insurance Agency, Inc., an Independent Insurance Agency located in Topeka. I am a Certified Insurance Counselor, an Accredited Advisor of Insurance, and I have worked closely with Kansas Child Care Providers for over 25 years. I am also an annual presenter of a Continuing Education Class entitled "Who's The Risk Manager Here?" at the Child Care Providers Coalition of Kansas state convention, and many local association meetings.

Although I believe the intent of SB447 (Lexie's Law) is honorable, I would like to address the following concerns:

1. As one who advocates accountability and oversight (Risk Management), I am deeply disturbed by the proposed reduction in services provided by the State. It would appear, if the State is concerned about an "abnormally high" death rate, that "more effective" oversight and "focused" continuing education would be a more affective deterrent than reducing annual inspections to once every three years. I believe in the professionalism of the Kansas Child Care community, but any industry involved with the care of our children, warrants our continual regulation and support.
2. As one involved with the insurance industry, I am also concerned about unrealistic requirements, such as, keeping all children "within their line of sight" at all times. Such requirements will be impossible to administer, and may subject the provider, and the industry, to increased litigation. Increased litigation may lead to higher insurance premiums, or possibly, fewer insurance markets willing to insure this exposure. Kansas currently enjoys a very reputable position among insurance companies for its' regulatory climate. Unfortunately, I fear that many of the features of this bill will undermine this preferred standing, and create unintended consequences in the insurance market.

Thank you for your time and for allowing me to share my thoughts.

Sincerely,

Bill Anderson, CIC, AAI
President
ANDERSON PECK AGENCY, INC.

HEALTH AND HUMAN SERVICES
DATE: 4-28-10
ATTACHMENT: 36-1