

Child Care Centers and Homes; Senate Sub. for HB 2344

Senate Sub. for HB 2344 establishes and updates law regulating child care centers and child care homes. The bill provides certain definitions, provides license capacity and staff-to-child ratios, and establishes staffing requirements, including professional development training.

Definitions

The bill defines the following terms:

- “Assistant teacher” means an individual who is 18 years of age or older and completes staff orientation at the time of employment;
- “Child care center” means a facility that meets child care center regulations and provides care and educational activities for children who are 2 weeks to 10 years of age for at least 3 hours but less than 24 hours per day or care before and after school for school-age children;
- “Child care home” means premises where care is provided for a maximum of 12 children under 10 years of age by one provider or a maximum of 17 children under 10 years of age by two or more providers, provided all children enrolled are at least 2-1/2 years old, but under 10 years of age. Additionally, no more than 8 children under the age of 5 can be cared for with one provider and no more than 12 children with two or more providers;
- “Day care facility” has the same meaning as in current law but would not include a drop-in program;
- “Drop-in program” means the same as defined in KSA 65-527, which is a child care facility that is not located in an individual’s residence that serves exclusively school-age children and youth where the operator permits children and youth to arrive at and depart from the program at the child or youth’s own volition at unscheduled times;
- “Infant” means a child who is between 2 weeks and 12 months of age or a child older than 12 months of age who has not learned how to walk;
- “Lead teacher” means an individual who is 18 years of age or older, has a high school diploma or equivalent education, and meets the training requirements in the bill;
- “Licensure year” means the period of time beginning on the effective date and ending on the expiration date of a license;

- “Program director” means the staff member of a child care center who is at least 18 years of age; meets the training requirements for the license capacity of the child care center; and is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection, and development of children who attend a child care center;
- “School-age” means a child who will be at least 6 years of age on or before the first day of September of any school year, but is under the age of 16;
- “Toddler” means a child a who has learned to walk and is at least 12 months, but less than 30 months of age; and
- “Unit” means the number of children that may be present in one group in a child care center.

Staff Training and Education Requirements

Program Director for Child Care Centers

The bill requires a child care center to have a program director on the premises. The Secretary of Health and Environment (Secretary) cannot require a program director to have training requirements that are more restrictive than those outlined below. Related training is defined to include, but not be limited to, early childhood education, elementary education, special education, speech pathology, occupational therapy, social work, or family science and human development.

- If a child care center is licensed for fewer than 18 children, the program director needs:
 - Three months experience in a licensed child care facility, preschool, or working with children in a related field;
 - Five sessions of observation for at least two and a half consecutive hours per observation in a licensed day care facility and ten hours of workshops approved by the state licensing staff;
 - At least three credit hours from a postsecondary educational institution or equivalent training in childhood development, early childhood education, or curriculum resources, and supervised observation in high school or college and three months caring for children in a licensed child care facility or preschool or working with children in a related field; or
 - A child development associate credential.
- If a child care center is licensed for at least 18 but no more than 36 children, the program director needs:
 - Five sessions of observation for at least two and a half consecutive hours per observation in a licensed day care facility and six months of teaching

- experience or a supervised practicum in a licensed child care facility or preschool or a related field;
 - Six credit hours from a postsecondary educational institution or equivalent training in childhood development, early childhood education, or curriculum resources, and three months experience teaching in a licensed child care facility or preschool, or working with children in a related field or one year of supervised practicum in a licensed child care facility; or
 - A child development associate credential.
- If a child care center is licensed for 36 or more children, the program director needs:
 - Six credit hours from a postsecondary educational institution or equivalent training in childhood development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised practicum or administration of early childhood programs, and six months of experience teaching in a licensed child care facility, preschool, or working with children in a related field;
 - A child development associate credential, an associate of arts degree, or a two-year certificate in child development, and nine months of teaching experience or supervised practicum in a licensed child care facility or preschool, or working with children in a related field;
 - A bachelor of arts or science degree in child development or early childhood education, including a supervised practicum and three months experience teaching in a licensed child care facility or preschool or working with children in a related field; or
 - A bachelor of arts or a bachelor of science degree in a related academic discipline and 12 hours of academic study or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised practicum, or administration of early childhood programs, and six months of experience teaching in a licensed child care facility, preschool or working with children in a related field;
 - The bill requires a child care center that is licensed for more than 75 children to have:
 - A program director employed full-time; and
 - An administrator, who may also be the program director.
 - The bill allows the program director or administrator to perform the duties of a lead teacher or assistant teacher for up to half of total hours worked during each month.

Lead Teacher

The bill requires a lead teacher to be 18 years of age or older, possess a high school diploma or equivalent education, and have:

- Three months of experience caring for children in a licensed child care facility or preschool, or working with children in a related field;
- Thirty days' teaching experience in a licensed child care facility, preschool, or a related field;
- Five sessions of observation for at least two and a half consecutive hours per observation in a licensed day care facility and ten clock hours of workshops approved by the state licensing staff; or
- At least three credit hours or equivalent training in childhood development, early childhood education, or curriculum resources, and supervised observation in high school or college.

Assistant Teacher

The bill requires an assistant teacher to be 16 years of age or older and complete staff orientation at the time of employment.

Child Care Units

The bill requires a unit with at least one infant to have at least one lead teacher. A unit where all children are at least 12 months old is required to have at least one lead teacher or assistant teacher present. All staff members are required to be at least three years older than the oldest child in the unit.

Professional Development

The bill requires any staff member who provides care to children in a child care center or a child care home to complete at least 12 hours of professional development training per year. The bill allows the Secretary to specify the training for at least 8 of the 12 hours. The bill also requires an individual who provides care to children in a child care center or a child care home to provide proof of completion for up to four hours of training to the Secretary and requires the Secretary to retain records of an individual's professional development.

The bill requires a person who maintains a child care home with one provider, if caring for four infants at once at any time during the licensure year, to submit proof of completion of at least three hours of professional development training in an infant-specific subject to the Secretary and require the Secretary to retain records of such compliance.

License Capacity

The bill allows a child care home with one provider to have a license capacity of 12 children, if the children enrolled are all at least 2-1/2 years of age, but under the age of 10. The bill also requires a second provider if the number of children present exceeds the maximum number allowed for one provider.

If all enrolled children are not between the ages of 2-1/2 and 10 years of age, the bill sets the maximum number of children for a child care home with one provider as follows:

Under 12 months of age	At least 12 months of age, but under 5 years of age	At least 5 years of age, but under 10 years of age	License Capacity
0	8	4	12
1	7	4	12
2	4	4	10
3	3	3	9
4	2	2	8

The bill allows a child care home with two providers to have a license capacity of 17 children, if the children enrolled are all at least 2-1/2 years of age, but under the age of 10.

If all enrolled children are not between the ages of 2-1/2 and 10 years of age, the bill sets the maximum numbers of children for a child care home with two providers as follows:

Under 12 months of age	At least 12 months of age, but under 5 years of age	At least 5 years of age, but under 10 years of age	License Capacity
0	12	5	17
1	11	5	17
2	10	4	16
3	9	4	16
4	8	3	15

The bill allows children five years of age and older to be substituted for younger children in the license capacity for child care homes with one or two providers. The bill also allows one or two children who are 2-1/2 years of age or older to not be counted toward license if they are present in the child care home between 11:00 a.m. and 1:00 p.m. for the noon meal.

The bill also allows one or two children who are at least 5 years of age, but under the age of 10, to not be counted toward the license capacity of the child care home if they are present:

- During the academic school year before and after school, in-service days, school holidays, scheduled or emergency closures, and school breaks not to exceed two consecutive weeks;
- During the two consecutive weeks before the opening of the academic school year in August or September; or
- During the two consecutive weeks following the end of the academic school year in May or June.

The bill also allows no more than two children who are at least 10 years of age and unrelated to the applicant or licensee to be present for up to two hours each day during child care hours if the additional children are:

- Not on the premises for the purposes of receiving child care in the facility;
- Visiting the applicant's or licensee's own child or children; or
- Supervised by a provider if they have access to the children in care.

Staff-to-Child Ratio in Child Care Centers

The bill sets the ratio of staff members to children in a child care center based on the ages of the children as follows and requires that no child be left unsupervised:

Age of Children	Minimum per Unit	Maximum
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Infants	1 to 4	12
Infants and other children under age 6	1 to 6 (including 3 or fewer infants)	12 (including six or fewer infants)
Toddlers	1 to 6	12
Children at least 2 but under 3 years of age	8	16
Children at least 2-1/2 years of age but under school age	12	24
Children at least 3 years of age or under	15	30
Kindergarten enrollees	20	40
School age	20	40

Local Ordinances

The bill prohibits local governments from adopting an ordinance, resolution, or regulation that is more restrictive than defined for license capacity for child care homes or staff-to-child ratios for child care centers.

The bill requires child care centers to meet fire protection, water supply, and sewage disposal requirements of the State Fire Marshal and the local jurisdiction. The bill also would require a designated area for children's activities to contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas, and bathrooms, and a minimum of 60 square feet of outdoor play space for each child using the space at a given time.

Licensing

The bill clarifies conditions on expedited occupational credentialing to include any licensing of individuals by the Secretary. The bill removes the annual fee for child care centers, day care homes, and group day care homes; however, the bill requires these facilities to pay a \$75 fee if they fail to renew their license in the appropriate time frame.

The bill prohibits the Secretary from requiring the licensee to live in the child care home.

The bill allows a licensee to request and allow the Secretary to waive any requirements for a day care facility for a set period of time.

Pilot Programs

The bill allows the Secretary to develop and operate a pilot program designed to increase the availability or capacity of child care facilities or drop-in programs. The Secretary can waive the requirements related to licensure and operation of the child care facility, including staff requirements. The bill prohibits the Secretary from granting a license for a pilot if the Secretary determines that a day care facility or drop-in program or staff of such facility or program may endanger the health, safety, and welfare of any child.

The bill allows a pilot program to be in operation for up to five years and allows the Secretary to extend the pilot program for an additional two years.

If the Secretary determines a pilot program has been successful and increases the availability or capacity of child care facilities in the state, the bill also requires the Secretary to make suggestions and recommendations for statutory changes related to day care facilities and drop-in programs and adopt any rules and regulations consistent with the findings of such pilot program, including additional licensure categories and requirements for such categories.

The Secretary is required to prepare and submit a report on or before the first day of each regular session of the Legislature regarding any pilot program. The content of the report would be as outlined in the bill.

Use of Hygiene Products

The bill provides child care facilities with the option to use toothbrushes after meals or as appropriate.

The bill also clarifies that maternity centers and child care facilities are required to provide each resident and employee with an individual towel, washcloth, or disposable products.

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