



Presentation to House Committee on Health and Human Services
By
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Chairwoman Landwehr and members of the committee, I am Rachel Berroth, Director for the Early Care and Youth Programs Section and Interim Director for the Bureau of Child Care and Health Facilities. Thank you for the opportunity to appear before you today to provide an update on the work of the Child Care Licensing program.

In 2010 the Kansas Legislature passed changes to the Child Care Act. Known collectively as Lexie's Law, the changes increased health and safety protections for children in child care settings. The statutory changes included directions to the Department to develop an online information dissemination system and to adopt additional health, safety, and supervision regulations. The notice of public hearing on the proposed regulations was posted in the Kansas Register on March 10, 2011, inviting written comment and announcing the date and location of the hearing.

The Department drafted the following: a new general regulation pertaining to the online information dissemination system, new and amended regulations for day care homes and group day care homes, and new and amended regulations for child care centers and preschools. The most significant changes to the regulations resulted from Lexie's Law and include orientation for applicants and staff; initial health and safety training for providers such as child development, safe sleep, and certified pediatric first aid and CPR; daily care of children; competent supervision of children; and expanded napping requirements related to safe sleep practices. In addition, the Department incorporated policy exceptions in effect since March 2008 as part of the proposed regulations. The exceptions were issued to address child care providers' needs and provide greater flexibility to providers and families until regulations were revised.

The regulations, as approved by the Department of Administration and the Attorney General's offices, were presented to the Joint Committee on Administrative Rules and Regulations at its meeting on April 27, 2011.

During the public comment period and before the public hearing, the department received written comments on the proposed regulations from 60 individuals, including child care providers, parents of children in care, licensing surveyors and other interested parties. The public hearing was held on May 17, 2011. A total of 70 individuals attended the public hearing, 19 of whom provided oral comments and 20 of whom submitted written comments. An additional two individuals submitted written comments following the public hearing but prior to the close of the comment period.

The Department considered each comment received from the public as well as each comment in a letter dated May 4, 2011, from the Joint Committee on Administrative Rules and Regulations. Changes were made to the

proposed regulations based on feedback, additional research, and careful review by program and administrative staff. The final regulations have been adopted by the secretary, published in the Kansas Register of January 19, 2012, and become effective February 3, 2012. The new and amended regulations balance health and safety for children with support and education for providers. A copy of the regulations and summary of significant post-hearing changes the Committee may be interested in are attached.

The Child Care Licensing program is working closely with local county health department licensing surveyors to notify child care providers of the new requirements. Updated information is also available on the Child Care Licensing website www.kdheks.gov/kidsnet. Additionally, information is being disseminated through statewide partners including SRS, the Child and Adult Care Food Program (CACFP), Child Care Aware of Kansas, formerly known as the Kansas Association of Child Care Resource and Referral Agencies, and child care professional organizations and associations.

Implementation of the regulations will be phased in over the next several months to allow time for program staff, licensing surveyors and existing child care providers to learn and implement the regulations. Program staff working in partnership with local county licensing surveyors will provide training, consultation, and technical assistance to assist child care providers with implementing the new requirements. A copy of the implementation plan is attached and is available on the Child Care Licensing website www.kdheks.gov/kidsnet.

Thank you for this opportunity to appear before you. I have attached some additional information that may be helpful. I will now stand for any questions you may have.

Attachments:

New and amended regulations

Summary of significant post-hearing changes

Implementation plan