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March 22, 2017

Testimony in support of SB 428

To: House Committee on Children and Seniors

Representative Erin Davis, Chair

From: Allie Devine on behalf of the Kansas Alliance of Boys & Girls Clubs (Clubs)

Representative Davis and Members of the Committee:

Thank you for holding this hearing and considering SB 428. SB 428 is a bill the Clubs requested to eliminate some aspects of regulation of school based sites. SB 428 passed the Senate 40-0. There were no opponents to the bill.

Please recall that Dawn McWilliams provided this committee an overview of the work of the Clubs. During that presentation, Dawn described that the Clubs operate before and after school programs and summer programs at school based sites. The Clubs are frequently invited to operate programs by school districts. These clubs are operated in school facilities that are functioning as a school and are managed for the care and protection of school age children. Under current law, school based Clubs are inspected by the Kansas Department of Health and Environment (KDHE) through contracts with local health inspectors.

Unfortunately, there are no clear regulatory lines separating Club responsibilities from school district responsibilities regarding management of facilities. Since the law is unclear, Clubs are frequently cited for environmental deficiencies that are outside the Club's control but within the normal course of operation of the school. This bill gives KDHE authority to recognize those differences and avoid penalizing Clubs for infractions that are not within their control and pose no imminent threat to children. This is the type of issue that we hoped could be addressed through regulation, but the KDHE did not have the base authority to write such regulation. In drafting this bill, we worked with KDHE. We believe and have received the commitment from KDHE to work together to address these cumbersome issues with regulations that further refine and address facility issues.

While this may seem like a minor issue, it is annoying, time consuming and costly for the Clubs. Here is a list of the types of infractions that result in a citation to the Clubs:

- \* Toilet paper holder missing
- \* Piece of baseboard missing under sink in classroom

- \* Not enough ground cover on playground
- \* Disinfectant not locked up
- \* Black lining under round cover exposed in an area of the playground
- \* Boys restroom low water pressure
- \* Damaged door in gym
- \* Copy of license not posted in a conspicuous place
- \* Handi-wipes in view of youth

In addition to these citations, there are fees associated with regulation. The state fee collected by KDHE is \$20 per year to renew drop in program license. The local fee in Shawnee County (Shawnee County Health Dept.) is \$200 per year for their “child care certificate.”

If a change in the registration is needed for space or the number of children served, KDHE charges \$35 (if requested outside the annual renewal time). There is a local fee of \$20 for child care licensing orientation. There are also fees for compliance checks: \$50 for first visit: \$100 for second visit: \$200 for 3rd visit; \$300 from 4th visit; and so on. If a person has not received the child care certificate, violations are double.

2017 BGCT spent \$2,550 in fees for state licensing renewal, local surveyor child certificate renewal and to address compliance related items listed for the 7 school based sites in Shawnee County. This does not factor the amount of time spent working with school facilities directors and maintenance staff to aid in managing compliance related violations stated.

We believe that SB 428 establishes a framework for resolving these issues and will save Clubs and Club families money. Thank you for your consideration and we ask you to support the legislation.