

KANSAS ALLIANCE OF YMCAs - EARLY CHILDHOOD PROGRAM RULES AND REGULATIONS REVIEW

Early Childhood Regulation	Barrier / Rationale and Examples from the Field	Request / Recommendation
K.A.R. 28-4-428. Staff requirements.	(2) The minimum staff-child ratio and the maximum number of children per unit shall be the following, at all times:	RATIO: In the field this regulation is taken to an extreme. A teacher who steps in the hall to speak with a parent, or goes after a ball out of the area, or escorts a child to the bathroom during an activity when another staff is present, or steps on the other side of a 4-foot wall to get milk out of the fridge at lunch - all these very brief moments are counted as "out of ratio" and therefore not meeting the terms of license. We feel that this is unrealistic to the realities of meeting children's needs in a group setting. Additionally, as children's behaviors have escalated over the last few years, we find it necessary and best for a child who is overwhelmed to sometimes step outside of the class with the teacher to help calm the child - NOT time out, but a few minutes where everyone is not looking at him/her. In some cases keeping the overwhelmed child in the room and therefore "in ratio" is not the safest situation for them or for the other students.
K.A.R. 28-4-587. Staff member qualifications; professional development training; staffing requirements.	(g) Each staff member counted in the supervisory ratio shall be assigned responsibility for the supervision of children and youth and shall meet the following requirements: (i) Meet the applicable qualifications for a group leader or assistant group leader; and (ii) be physically present with the children or youth.	
K.A.R. 28-4-429. Staff qualifications.	(h) Each unit shall have one staff person who is at least 18 years of age and who has a high school diploma or its equivalent. Units enrolling fewer than 13 children shall have a staff person who meets the training requirements specified in subsection (b) of this rule and regulation. Units enrolling 13 to 24 children shall have a staff person who meets the training requirements specified in subsection (c) of this rule and regulation. Units enrolling more than 24 school-age children shall have a staff person who meets the requirements specified in subsection (d) of this rule and regulation.	The specification of 18 years of age AND High School Diploma/GED creates a barrier for our high school graduates who have not yet turned 18 or high school seniors who are 18 and are in process of completing their high school diploma. Teens, especially those enrolled in related Family and Consumer Sciences (FACS) courses, are ideal staff, and Ys want to be able to hire them and grow them in the field. We miss out when teens take other jobs outside the field. Many times these young adults are more mature, have more experience, and are better hires than other applicants, but to have them supervised at all times is not realistic. Thus the Ys miss out on a great hire and a potential youth worked. We want to clarify that we would not have these staff LEAD a classroom. The fully qualified staff would be responsible for lesson plans and developmentally appropriate activities and scheduling the day. However, we want these teen staff to be able to give breaks, support the classroom at the end of the day when the teacher goes home, or when we need to pull
K.A.R. 28-4-428a. Education and training requirements.	Education requirements. Each program director shall be a high school graduate or the equivalent. For each unit in a preschool or child care center, there shall be present at all times at least one staff member who has a high school diploma or the equivalent, as required in K.A.R. 28-4-429.	We recommend an "either" option, an exception for teens "in-process" of high school completion or other option to help us grow our field of youth development staff, and/or a less restrictive requirement than "supervised at all times." We would also recommend that the regulations define differently a "program director" vs a "classroom teacher" vs a "classroom assistant/aide." The staff have different roles and responsibilities - define size if the program director can also be a teacher. Consider language about being "under the guidance" of a qualified lead teacher, not under direct supervision at all times. When considering child care centers that are open 10 - 12 hours per day, it is not realistic to have our "teachers" present all day.
K.A.R. 28-4-426. Administration.	Children's records. (1) A daily attendance record shall be maintained and kept on file at the facility. (2) The following emergency information shall be readily accessible and near the telephone: (A) Name, date of birth, and sex of child; (B) name, home and business address , and phone numbers of parents or legal guardian; (C) name, address , and telephone number of physician, hospital, and person to notify in case of emergency; and (D) persons authorized to call for the child. (3) A file shall be maintained for each child which includes: (A) The application for enrollment, including beginning date and date of termination; (B) a record of scheduled hours and days of attendance; (C) a health assessment and immunization record; (D) each accident report; and (E) signed parental permission for field trips, transfer of records, and when applicable, walking to and from activities away from the facility.	Programs receive numerous violations for things as simple as a parent who did not provide the doctor's address or minor non-impactful data parents leave out on the health history. We are told we are in non-compliance unless every line is complete. Child File violations have been excessive in the past few years yet have little impact on our service or the health and safety of a child. Local hospitals do NOT require any of that information to treat an injured child - they ONLY require the emergency release form. The other emerging issue is related to identifying the sex of the child. The only option provided is male or female, and some parents do not feel comfortable filling this out. We are unclear how to document reasonable efforts to obtain OR refusal of a parent to complete. There needs to be more clarification of what is considered a regulatory requirement and what should be considered a reasonable effort to collect the information. We also need more clarification as to what "documentation" can be accepted and what KDHE considers to be a reasonable effort (see verbiage below in red). If an operator is unable to obtain written information and records required for the child's or youth's participation in the program, the operator shall document that a reasonable effort has been made to obtain the necessary information and records. In addition, please consider if the "address" details are required or can be left blank and what information is to be entered if a family does not have a doctor, dentist or hospital preference.
K.A.R. 28-4-439. Child care centers: food service.	Toothbrushes shall be provided for each child's use. They shall be used daily after meals and shall be stored in a sanitary manner out of children's reach.	Caring for Our Children recommends ONE time per day. 3.1.5.1: Routine Oral Hygiene Activities - Caregivers/teachers should promote the habit of regular toothbrushing. All children with teeth should brush or have their teeth brushed with a soft toothbrush of age-appropriate size at least once during the hours the child is in child care. Change the regulation to match the national standard of brushing teeth once during the hours the child is in care.

<p>K.A.R. 28-4-428a. Education and training requirements.</p>	<p><i>Annual in-service training requirements.</i> <i>(1) For purposes of this subsection, "licensure year" shall mean the period beginning on the effective date and ending on the expiration date of a license. In each licensure year, each program director shall complete in-service training as follows... (D) for each licensure year ending during the 2020 calendar year, and for each subsequent licensure year, 16 clock-hours. (4) In each licensure year, each staff member counted in the staff-child ratio and each volunteer counted in the staff-child ratio shall complete in-service training as follows, based on the staff member's or volunteer's job responsibilities and the training needs identified by the program director:... (D) for each licensure year ending during the 2020 calendar year, and for each subsequent licensure year, 16 clock-hours. (5)</i> The training shall be approved by the secretary.</p>	<p>1. While "annual in-service" is well defined, it creates challenges for programs with multiple locations and for employees when they work for more than one licensed program and/or company. Ys have staff who work at multiple sites under multiple licenses, yet the training period is different for each program the staff person works in. This can put them out of compliance in one program and in compliance in another.</p> <p>2. "Approved by the secretary" is a barrier and a frustration due to lack of clarity, and it extremely limits our resources. Many Ys provide high-level national trainings and/or use training professionals in our communities, but we cannot get the use of these individuals approved for a variety of reasons. First, when a need arises and we have a training resource we can utilize, we often do not have 60 or 90 days to wait for secretary approval. If the training is needed, then the Y often goes ahead and provides it without secretary approval, which means we pay for this training AND have to have staff pay and spend time on other "approved" hours just to collect enough hours. Another challenge is the trainer approval form itself - some agencies won't provide that level of detail for their trainers. If we plan a training 3-6 months in advance, often the company doesn't exactly know which trainer will be facilitating and can't provide the appropriate information. Currently, some of our Ys have their Program Directors take trainings and then come back to train their staff. We feel it would work a lot better if the original expert could do that training.</p> <p>3. The amount of training is the same for ALL programs with no consideration for those that operate only 9 months out of the year or even just 10 weeks in the summer.</p>	<p>1. If a staff member works for multiple programs and has correct training, then it should be able to count for all the programs they work in. We are excited about the potential for a statewide tracking system.</p> <p>2. We request more flexibility for what training(s) can be approved by the KDHE Secretary, more information on how the training is actually approved, and a faster approval timeline. Ys would like to include high-level trainings we already receive from nationally recognized organizations like Praesidium, Redwoods, YMCA of the USA (Y-USA); School District trainings; early childhood curriculum that is aligned with Kansas Early Learning Standards; staff as guest trainers, etc. Consideration of a simplified format for one-time trainings that could be reviewed by a Y's LOCAL survey team and returned in 30 days.</p> <p>3. Consider reducing the annual training requirement for summer programs to 8 hours and 10 hours for 9-month programs.</p>
<p>KAR 28-4-429(c) - 13-24 5 sessions of 2.5 hours of observation in licensed preschool or center at different times of day (use form CCL 207) AND 1 year teaching experience in licensed center or preschool or 1 year of practicum</p> <p>a 13-24</p>		<p>4. "Approved by the secretary" also creates challenges for our seasoned staff who do not want to take the same trainings over and over. Finding a variety of trainings for different levels of staff is extremely hard.</p> <p>5. The requirements for ALL staff in a preschool room to have one year of teaching experience to supervise a group of 13-24 kids makes it hard to staff rooms all day, even when the attendance is under 13. When all staff in the room are required to have a minimum of one year of experience, Ys are often forced to lower our capacity to 12 even if we have space for 13+. This goes back to the issue of the difference between a "Lead" who oversees the classroom and an Assistant or Aide who works under the guidance of the Lead.</p>	<p>4. Provide more training variety at NO cost. Trainings need to meet the needs of our staff, and that in turn increases the quality of care regarding the emotional, physical, mental and child protection well-being of the children in our care.</p> <p>5. Ys need assistant and aide staff to be able to independently supervise classrooms in the early mornings, at closing for short periods, and during nap time for teacher breaks or when teacher need to pull kids out for assessments, etc. If Ys have more than 12 kids in a classroom, they will always have two staff on duty but neither of those two aides may have the full year of experience.</p>
<p>K.A.R. 28-4-440. Infant and toddler programs.</p>	<p>(n) Each licensee shall ensure that at least one staff member who meets one of the following staff requirements is present for each unit of infants and each unit of toddlers: (1) Option 1: An individual who meets the qualifications of K.A.R. 28-4-429(b) and has at least three months' experience caring for infants and toddlers; (2) Option 2: a licensed L.P.N. or R.N. with three months' experience in pediatrics or in licensed child care centers enrolling infants and toddlers; or (3) Option 3: a child development associate credential in infant and toddler care.</p>	<p>Regulations for staff qualification in Infant and Toddler classrooms make it even harder to provide this care, specifically the experience requirement when hiring aides to cover breaks. This requirement limits Ys from hiring and training entry level employees. Also, if a staff member is unexpectedly absent or sick, Ys cannot utilize their current staff to cover unless the staff meets those specific requirements (this regulation led to more closures in YMCA infant and toddler units during the pandemic than any other age group). Infant and Toddler staff requirements are more stringent than for preschool staff. We question how realistic Option 2 is as it requires an LPN or RN. To our knowledge there isn't a childcare center in Kansas that can afford nursing staff as a classroom infant/toddler teacher (Per Indeed.com, RNs in Kansas make, on average, \$60.46 per hour, 38% above the national average). Ys and childcare centers across the state are struggling to get any staff, and the limitation of this requirement - that at ALL TIMES we have someone who has this experience or education - is just not realistic, resulting in even more limited infant and toddler care offerings even though the care is desperately needed. Ys can't bring in applicants with a want, interest and experience outside of licensed care to grow as a leader in this age group unless they have another staff member who can be with them for 3 months. There needs to be a way to bring on entry level staff for infant and toddler units.</p>	<p>We would like for KDHE to consider an option for Certified Nursing Assistants (CNA) or Certified Medical Assistants CMAs to meet the staffing requirement, and remove RNs. Our Ys frequently get applications from individuals with CNA and CMA credentials. We would support observation hours in Infant and Toddler units for all entry level staff without experience outside of their own children for assistant and aide positions (so instead of 3 months experience require the 12.5 hours of observation but all in Infant and Toddler units).</p>

General Considerations	Barrier / Rationale	Request / Recommendation
	<p>1. A significant barrier in serving the changing child care needs within a community is the limitation of how a unit in Kansas is defined on the license - specific to an age group. It requires our Ys to add multiple options on a license - Mixed Unit OR Infant, Toddler OR 2's. There is a minimum square footage required for the number of children permitted in a room - this is ONE part of the formula for how a room is licensed. The 2nd part of the formula is the age of the children, with more requirements for Infant and Toddler rooms (i.e. If children are at least 2 years the ratio would be 1:7; 2 ½ 1:10; 3 and up is 1:12).</p>	<p>We propose a simplification and focus on the staff requirement outlined in K.A.R. 28-4-428. From the fire marshal's perspective, space requirements cut off at 2 ½ yrs. Why not require a program to define if the room is Infant/Toddler or Preschool, and as long as a program is within the staffing requirement then it is approved for the room to service children under 2 ½ (per KSFM)? Ys should be able to run the ages and ratios so it best meets our enrollment and individual students at that time. It also simplifies the initial licensing process and eliminates the need for changes.</p>
<p>TERMS OF LICENSE – ages permitted in the rooms and required ratio (specific to <i>Early Learning</i>).</p>	<p>A room may start off with 2 year olds and 6 months later they have 2½ year olds. We may have a child not quite 2 ½ but ready to move up to the next room. If we don't have the "OR" noted on the license, we can't just lower the ratio and meet the child's need or do what is in the best interest of the children. What we are required to do is allow a 90-day period to request an exemption or change our license. It is not realistic for us to make this type of a determination 90 days in advance - if a child isn't ready or is ready requires a much shorter window. By the time an exception is approved, it is often too late. In addition, we do not agree that a state official who has never met the child is the best person to determine if a child is ready or not to move to a new classroom. This should be determined by the parent/guardian and the classroom/program staff who are with the child and monitoring his/her development.</p>	<p>We recommend the State require programs to provide documentation in the child's file of the rationale for why the child remained in the younger room or was advanced early. In cases where it is assumed to be an extended delay in advancement, we would recommend it be our local surveyors who provide consultation and within 30 days upon request.</p>
	<p>Our Y programs throughout the state have experienced inconsistency in local surveyors evaluating when children are required by age to move to another room. Some say they must move on their birth date and some allow for a one-week or even two-week transition period.</p>	<p>Allow for a reasonable, 30-day flexibility in transitions for children to older age classrooms based on their CURRENT developmental needs (whether it be to stay longer in a unit or move up early).</p>
<p>Application Requirements</p>	<p>Architectural plans provide square feet per room. Local KDHE staff come out and verify the square feet by measuring the space. We are required in the application process to provide linear feet for the spaces to be licensed. Since Y staff is not the most qualified to determine this information, this can be a very difficult endeavor, especially when the space is not perfectly square. The square footage noted on plans signed by an architect should be deemed sufficient. (This is on the checklist for the applications.)</p>	<p>Remove the requirement for linear measurements.</p>
<p>Timeline for responses - CCL 301c Site Review Program Consultation</p>	<p>This new licensing requirement allowing the local surveyor up to 21 days to approve the child care space and the application (whether a new application or an amendment) before it goes on to the State appears to add MORE time to the approval process. We need clarification on this timeline, and then once the application is submitted to the State, how long does the State have to provide the initial approval? We need shorter timelines, not longer.</p>	<p>Clarification on changes and timelines for application for amendments and for new programs.</p>