

Report of the Special Committee on Child Care Centers and Child Care Homes to the 2024 Kansas Legislature

CHAIRPERSON: Senator Renee Erickson

VICE-CHAIRPERSON: Representative Tory Marie Blew

OTHER MEMBERS: Senators Brenda Dietrich, Beverly Gossage, Kristen O’Shea, and Pat Pettey; and Representatives Susan Concannon, Angela Martinez, Susan Ruiz, Sean Tarwater, and Kenny Titus

STUDY TOPIC

The Committee is directed to:

- Study regulations and policy options for child care centers and child care homes, including day care regulation, licensing procedures, and other programs and policies, and recommend changes to ensure such services and facilities are appropriately regulated and available to meet the needs of Kansans, including those entering the workforce;
- Solicit testimony from the Governor’s Early Childhood Transition Task Force and state agencies involved in the regulation of day care facilities and ongoing reform efforts;
- Solicit testimony from parents, day care providers, licensees, businesses, and community members on the availability of day care and regulatory burdens; and
- Solicit testimony from regulatory agencies in other states that have different child-to-caregiver ratios and regulatory requirements to identify any safety concerns.

December 2023

Special Committee on Child Care Centers and Child Care Homes

REPORT

Conclusions and Recommendations

The Special Committee on Child Care Centers and Child Care Homes (Committee) makes the following recommendations to the 2024 Legislature:

- Establish a Joint Committee on Child Care to explore the short-term recommendations during the 2024 Legislative Session, as well as the long-term recommendations, provided below; and
- Request the Legislative Coordinating Council compose a letter to the Office of the Attorney General requesting insight into the rules and regulations process, including a timeline, and request that the proposed regulations for current child care centers and child care homes be expedited.

The Committee makes the following recommendations for the proposed Joint Committee on Child Care to explore or consider during the 2024 Legislative Session:

- Support the budget process to ensure that Temporary Assistance for Needy Families funding is available for Boys and Girls Clubs;
- Examine staff-to-child ratios, including states that have adjusted their staff-to-infant ratios, and the effect that has had on child injury or death rates. The Committee also requests that the Kansas Department of Health and Environment (KDHE) provide a report on fatalities and licensed facilities to be presented to relevant committees by January 15, 2024;
- Consider legislation establishing an Early Education Provider Tax Credit and a state-level child tax credit that mirrors the federal child tax credit;
- Consider ways to provide parity among regulations governing school districts, during-school programs, and out-of-school programs held in school buildings;
- Consider legislation requiring KDHE to shift all child care licensing surveyor contracted positions to full-time equivalent state employee positions under direct supervision of KDHE as such contracts expire;
- Consider increasing income eligibility for child care assistance beyond 250.0 percent of the Federal Poverty Level;
- Analyze the advantages of putting all child care programs under one agency within the State of Kansas;
- Consider releasing assistance payments for child care directly to providers;

- Consider reimbursing Child and Adult Care Food Program participants at the tier 1 rate;
- Consider funding initiatives outside of the child care or early childhood initiatives with State General Fund moneys rather than the Tobacco Settlement funds under the Kansas Children’s Cabinet and Trust Fund; and
- Consider establishing financial incentives for specialty child care options (for example, infants, special needs, non-traditional hours).

The Committee also makes the following long-term recommendations:

- Explore the costs and benefits of providing free child care for all child care employees;
- Consider reducing the co-payment for child care assistance;
- Consider expanding Medicaid to support child care workers with lower incomes;
- Explore the costs and benefits of providing parental leave;
- Consider providing funding for the Certified Development Assistance Grant;
- Explore strategies to maintain child care slots developed through the Child Care Capacity Accelerator Grants; and
- Explore ways to provide parental choice of provider flexibility.

Proposed Legislation: None

BACKGROUND

In 2023, the Legislative Coordinating Council (LCC) appointed the Special Committee on Child Care Centers and Child Care Homes (Committee), composed of 11 members. The Committee was directed by the LCC to study regulations and policy options for child care centers and child care homes, including day care regulation, licensing procedures, and other programs and policies through soliciting testimony from the Governor’s Early Childhood Transition Task Force, state agencies, parents, providers, licensees, businesses, community members, and regulatory agencies in other states, and recommend changes to ensure the needs of Kansans are met regarding child care and the workforce.

COMMITTEE ACTIVITIES

The LCC approved two meeting days for the Committee in 2023. The Committee met twice in 2023, on September 26 and November 1, in the Statehouse.

September 26 Meeting

Presentations on the Status of Child Care in Kansas

Kansas Department of Health and Environment

The Secretary of Health and Environment, Kansas Department of Health and Environment (KDHE), provided a brief introduction of the Department and the staff members who would present information on the child care licensing program.

The KDHE Bureau Director for Family Health provided an overview of the child care licensing

program. The program is responsible for processing all licensing applications, conducting background checks, monitoring child care centers and homes through inspections and regulation enforcement, and providing training and technical assistance to local licensing specialists.

The KDHE Director of Systems and Field Services for Child Care Licensing addressed the partnerships interacting within the child care ecosystem. The ecosystem includes KDHE, the Office of the State Fire Marshal, the Kansas State Department of Education (KSDE), the Department for Children and Families (DCF), local health departments, the Kansas Association for the Education of Young Children, Child Care Aware of Kansas, Child Care Providers Coalition of Kansas, Kansas Child Care Training Opportunities, Child Care Health Consultant Network, and the Infant Toddler Specialist Network.

The KDHE Deputy Bureau Director for Family Health provided an update on the 2023 child care licensing regulation review. Key focuses of the review included implementing health and safety standards, increasing child care capacity, reducing barriers for providers, and modernizing policies for safe sleep, use of tobacco products, and breast milk storage.

The KDHE Director of Operations for Child Care Licensing presented data on fingerprinting and the background check process.

The KDHE Bureau Director for Family Health concluded by discussing KDHE's efforts to modernize the licensing process and how potential providers can find information on the KDHE website, through a provider toolkit.

Office of the State Fire Marshal

The State Fire Marshal provided an overview of the inspection process for home day care and child care centers. An inspection checklist used for fire inspections done initially or annually, or both, is given to providers prior to an inspection. This checklist includes escape paths, covers for electrical outlets, written emergency procedures for tornadoes, and documented fire drills.

Kansas Children's Cabinet

The Executive Director for the Kansas Children's Cabinet and Trust Fund provided the Committee with background information on Tobacco Settlement funds that are provided, through an annual evaluation, to programs that serve children and families. The Executive Director addressed questions from the Committee regarding the Child Care Capacity Accelerator grants that were provided throughout the state.

Department for Children and Families

The Economic and Employment Services Director for DCF addressed the Committee regarding child care development funds that are used for child care assistance. In response to questions from the Committee, the Director stated a backlog exists and a redesign of the process is in progress.

Kansas State Department of Education

The Director of Child Nutrition and Wellness, KSDE, addressed the Committee regarding the Child and Adult Care Food Program. The program provides nutritious meals and snacks to children and a financial reimbursement for meals and snacks served by child care providers. The program also includes free training that counts toward provider annual training requirements and free nutrition education resources. In addition to training, other requirements for the program include maintaining child care licensure, recording all meals and snacks, and maintaining enrollment and income eligibility documentation.

Governor's Early Childhood Transition Task Force

Two representatives from the Governor's Early Childhood Transition Task Force (Task Force) provided an update on Task Force proceedings in 2023. They stated the Task Force held nine community listening sessions and one online meeting to obtain data regarding community wants and needs regarding early childhood. The Task Force held five meetings to discuss the Kansas landscape, process lessons from other states, process information from stakeholder feedback, and draft a report with recommendations to the Governor.

Stakeholder Input

Testimony from Daycare Providers

The Committee heard testimony from nine daycare providers, six of which provided written-only testimony. The daycare providers expressed challenges they face including staffing, providing consistent and quality care to children, operational costs for business, educational opportunities for early childhood educators, and health care and benefits.

Testimony from Private Businesses

The Committee heard testimony from four private entities regarding the regulations for child care, difficulty interpreting the child day care assistance credit, limited access to child care, increased costs due to regulatory compliance, and challenges with staff-to-child ratios across the state.

Community Organizations

The Committee heard testimony from ten community organizations, including Child Care Aware of Kansas and Kansas Action for Children. The organizations presented concerns relating to recruitment, retention, and compensation of the child care workforce; affordability of child care; identifying solutions for specialty care such as during non-traditional hours and for children with disabilities; the lack of care available in rural communities; and utilizing state funds to reimburse all child care programs participating in the Child and Adult Care Food Program at the highest rate of reimbursement.

November 1 Meeting

Colorado Department of Early Childhood

The Executive Director of the Colorado Department of Early Childhood (Department) provided information on the Department, which launched in July 2022. The divisions of universal preschool; early learning, access and quality; early learning, licensing and administration; early childhood workforce; and community and family support, as well as the partnership and collaboration team, are housed under the Department. The four areas of focus of the Department are child care and preschool, child health and well-being, supporting the early childhood workforce, and improving quality

environments in all settings. A matching process is used to determine the school type and location for each child. Additionally, the Executive Director discussed grant and education opportunities that have been made available to early childhood educators by the Department.

CONCLUSIONS AND RECOMMENDATIONS

The Committee requested supplemental information regarding staff-to-child ratios, cost of starting a facility, and staff and budget for KDHE's child care licensing program. Following this discussion at the November 1, 2023 meeting, the Committee agreed on the following recommendations to the 2024 Legislature:

- Establish a Joint Committee on Child Care to explore the short-term recommendations during the 2024 Legislative Session, as well as the long-term recommendations, provided below; and
- Request the Legislative Coordinating Council compose a letter to the Office of the Attorney General requesting insight into the rules and regulations process, including a timeline, and request that the proposed regulations for current child care centers and child care homes be expedited;

The Committee makes the following recommendations for the proposed Joint Committee on Child Care to explore or consider during the 2024 Legislative Session:

- Support the budget process to ensure that Temporary Assistance for Needy Families funding is available for Boys and Girls Clubs;
- Examine staff-to-child ratios, including states that have adjusted their staff-to-infant ratios and the effect that has had on child injury or death rates. The Committee also requests KDHE provide a report on fatalities and licensed facilities to be presented to relevant committees by January 15, 2024;

- Consider legislation establishing an Early Education Provider Tax Credit and a state-level child tax credit that mirrors the federal child tax credit;
- Consider ways of providing parity among regulations governing school districts, during-school programs, and out-of-school programs held in school buildings;
- Consider legislation requiring KDHE to shift all child care licensing surveyor contracted positions to full-time equivalent state employee positions under direct supervision of KDHE as such contracts expire;
- Consider increasing income eligibility for child care assistance beyond 250.0 percent of the Federal Poverty Level;
- Analyze the advantages of putting all child care programs under one agency within the State of Kansas;
- Consider releasing assistance payments for child care directly to providers;
- Consider reimbursing Child and Adult Care Food Program participants at the tier 1 rate;
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than the Tobacco Settlement funds under the Kansas Children’s Cabinet and Trust Fund; and

- Consider establishing financial incentives for specialty child care options (for example, infants, special needs, non-traditional hours).

The Committee makes the following long-term recommendations:

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