

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 428

As Amended by Senate Committee of the Whole

Brief*

SB 428 amends licensure and inspection requirements for child care facilities and would create definitions for “drop-in program” and “school-age program.”

Building Requirements

The bill would state no license for a drop-in program or school-age program could be denied, suspended, or revoked on the basis that the building does not meet requirements for licensure if the building:

- Is a public recreation center or school and is used by school-age children and youth the same age as children and youth cared for in the drop-in program or school-age program;
- Complies, during all hours of operation of the drop-in program or school-age program, with the Kansas Fire Prevention Code (KFPC) or a building code that is by law deemed to comply with the KFPC; and
- Complies, during all hours of operation of the drop-in program or school-age program, with all local building code provisions that apply to recreation centers, if the building is a public recreation center, or schools, if the building is a school, except if the local building code provisions for a recreation

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

building and the KFPC conflict or are otherwise inconsistent, then the KFPC standards would control.

Environmental Requirements

The bill would state no license for a drop-in program or school-age program operating in a public recreation center or school, used by school-age children or youth the same age as the children or youth cared for in the drop-in program or school-age program, could be denied, suspended, or revoked based on an environmental deficiency if:

- The environmental deficiency does not pose an imminent risk to children and youth;
- The environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and
- The applicant or licensee has notified the public recreation center or school of the environmental deficiency.

Definitions

The bill would delete the definition of "child care program" and insert the definition of "drop-in program" to mean a child care facility that is not located in an individual's residence that serves exclusively school-age children and youth and where the operator permits children and youth to arrive and depart from the program at the child or youth's own volition at unscheduled times.

The bill would define "school-age program" to mean a child care facility that services exclusively school-age children and youth but does not include a drop-in program. The definition of "school" would be amended to include grades 7 through 12. The current definition references kindergarten and grades 1 through 6.

The definition of “recreation center” would be amended to “public recreation center” and would change the age of an individual allowed to be served by recreation programs from 16 to 18.

Background

The bill was introduced in the Senate Committee on Public Health and Welfare at the request of Senator Schmidt, on behalf of the Kansas Alliance of Boys and Girls Clubs. In the Senate Committee hearing, a representative of the Kansas Alliance of Boys and Girls Clubs provided proponent testimony. The representative stated Boys and Girls Clubs (Clubs) are often invited to provide after school programs in school facilities and there are no clear regulatory lines separating the responsibilities of the Clubs from school districts’ responsibilities regarding management of facilities. The representative further stated the enactment of the bill would give the Kansas Department of Health and Environment (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.

A representative of the Kansas Action for Children provided neutral testimony and a representative of KDHE provided written-only neutral testimony.

No opponent testimony was provided.

The Senate Committee of the Whole adopted a technical amendment.

According to the fiscal note prepared by the Division of the Budget on the bill, KDHE indicates enactment of the bill would have costs related to updating regulation books and training surveyors; however, these costs would be absorbed as part of normal operation expenses. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2019 Governor’s Budget Report*.