



BOYS & GIRLS CLUBS
KANSAS ALLIANCE

To: Senate Committee on Commerce,
Senator Renee Erickson, Chair
From: Allie Devine, Lobbyist, Alliance of Boys & Girls Clubs
Date: March 6, 2023
RE: Proponent Testimony in support of SB 282

Chairman Erickson and Members of the Committee:

I am Allie Devine, Devine, Donley, and Murray, Governmental Affairs appearing today in support of SB 282 on behalf of the Kansas Alliance of Boys and Girls Clubs.

Background:

The Kansas Alliance of Boys and Girls Clubs (Clubs) is comprised of 12 local organizations currently operating in over 70 sites in 19 communities and on military bases in Kansas. The Clubs served over 18,000 youth in 2021, and over 20,000 youth in 2022.

Eighty three percent (83%) of the waking hours of a child is spent out of school. Boys & Girls Clubs serve youth aged 5-18, with a focus on youth who need support, a safe place, caring adult mentors, and high-impact youth development programs and activities during “out of school” and summer hours.

Club programs focus on building skills in the areas of Academic Achievement, Education and Career Development; Health, Safety, and Wellness; and Character and Leadership Development.

Support for SB 282:

Clubs support SB 282 because it offers a path to resolving regulatory issues that face us every day.

Clubs are currently licensed as “drop-in programs.” Drop-in program “means 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 the children and youth to arrive at and depart from the program at the child or youth’s

own volition at unscheduled times.”¹ However, there are parental approval requirements for when the youth may arrive and depart.

This license type was crafted in the early 1990’s to reflect a variety of “out of school” youth programs and the business model of national Boys and Girls Clubs which focuses on “membership” that gives youth ownership interest and a sense of belonging to the club.

By definition, drop-in programs, are child care facilities, and potentially affected by the changes in SB 282. Because of our unique license, we have frequently experienced misinterpretation and misapplication of laws and regulations leading to time consuming discussions with local and state regulators.

The SB 282 definitions and terms of “child care center” (SB 282 p. 14, l. 31), “day care facility” (as used in SB 282 new sections 6 and 7 p. 6-7), and “child care facility” (SB 282 p. 14, l. 35) could be applicable to Clubs. Unfortunately, the general terms section of K.S.A. 65-503 does not include the definition of drop-in program included in K.S.A. 65-527 which would distinguish it from other programs. We would appreciate an opportunity to work with you on an amendment to exclude drop-in programs from other definitions so that we may avoid regulatory confusion.

Please understand this is not a new issue. We have been working with the Kansas Department of Children and Families, the Kansas Department of Health and Environment, gathering examples from other states, and reviewing federal statutes and regulations to craft revisions to the drop-in program language that will mesh easily with federal and state programs. It is our plan to return to you next year with suggested changes.

We are supportive of the provisions in SB 282 new Sections 6 and 7 (p. 6-7). Authorizing the Secretary to issue waivers for a limited time is a tool that will give flexibility to the agency and licensees to work through changes. We also appreciate the opportunity for pilot programs. We were grateful to be a part of KDHE’s pilot finger printing program for licensees and employees that has led to improvements in the system.

We request that you please consider an amendment that clarifies that the Secretary is authorized to use these tools in conjunction with the drop-in program licenses and licensees.

Thank you for your time and consideration and we look forward to working with you.

¹ See K.S.A 65-527 attached.

2022 Kansas Statutes 65-527.

Drop-in programs and school-age programs in schools and public recreation centers; licensing of. (a) As used in this section: (1) "Drop-in program" means 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 at and depart from the program at the child or youth's own volition at unscheduled times. (2) "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of such subdivision, for recreation programs that serve children who are less than 18 years of age. (3) "School" means any building used for instruction of students enrolled in kindergarten or any of the grades one through 12 by a school district or an accredited nonpublic school. (4) "School-age program" means a child care facility that serves exclusively school-age children and youth but does not include a drop-in program. (b) No license for a drop-in program or school-age program shall be denied, suspended or revoked on the basis that the building does not meet requirements for licensure if the building: (1) 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; (2) complies, during all hours of operation of the drop-in program or school-age program, with the Kansas fire prevention code or a building code that is by law deemed to comply with the Kansas fire prevention code; and (3) complies, except as provided in subsection (c), 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. (c) If the standards that a building is required to comply with pursuant to subsections (b)(2) and (b)(3) conflict or are otherwise inconsistent, then the standards provided by subsection (b)(2) shall control. (d) No license for a drop-in program or school-age program that operates in accordance with subsection (b)(1) shall be denied, suspended or revoked based on an environmental deficiency if: (1) The environmental deficiency does not pose an imminent risk to children and youth; (2) the environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and (3) the applicant or licensee has notified the public recreation center or school of the environmental deficiency. History: L. 1992, ch. 125, § 1; L. 2018, ch. 30, § 1; July 1

Suggested Amendments to SB 282

1. In section 8 add a new provision:

"Drop-in program" means the same as defined in K.S.A. 65-527, and amendments thereto.

We defer to the revisor as to whether we need to clarify that "drop-in program" does not include a "child care center"; a "day care facility"; or a "day care center."

2. In section 6, p.6 line 10 after 'day care facility" include "drop-in program"

3. In section 7, p. 6 line 17-43 and p. 7 line 1-9 insert "or drop-program" after "day care facility(ies)" wherever it appears.