



Neutral Testimony for SB 282
Senate Committee on Commerce
March 8, 2023

Madame Chair and Members of the Committee,

I appreciate the opportunity to offer **neutral** testimony today concerning **SB 282** and child care efforts in Kansas in my role as the Executive Director of the Kansas Children's Cabinet and Trust Fund (KCCTF).

We are not here to weigh in on the pros and cons of this specific piece of legislation, rather **we are here today to ask for time during the interim to study the issue more fully. We need more time to complete a comprehensive review of the child care licensing rules and regulations already underway.** This intentional and inclusive approach will result in evidence-based, data-driven recommendations to ensure that any changes to state statute serve to streamline, align, and enhance the state's approach to health and safety of children in child care without creating unintended conflicts with existing requirements at other levels of governance (see chart attached).

As a reminder, K.S.A. 38-1901 and amendments thereto established the KCCTF in 1999. KCCTF functions outlined in statute include implementing a coordinated, comprehensive service delivery system to serve Kansas children and families; identifying barriers to service and gaps in service due to strict definitions of boundaries between departments and agencies; and encouraging and facilitating joint planning and coordination between public and private sectors. In alignment with this statutory role, KCCTF leads the cross-agency collaboration between Kansas State Department of Education (KSDE), Kansas Department for Children and Families (DCF), and Kansas Department of Health and Environment (KDHE), funded by a federal grant, the Preschool Development Grant Birth-5 (PDG). The \$26.7 million three-year PDG implementation grant supports work to act on priorities identified in our five-year state strategic plan for the early childhood care and education system in Kansas, *All In For Kansas Kids*. In late December 2022, **we were awarded a new \$4 million PDG planning grant for calendar year 2023** to facilitate an evaluation of progress made with prior PDG grant funding, update our comprehensive statewide needs assessment and strategic plan, and planning for continued improvement in our early childhood care and education system.

The new PDG Planning Grant funding is being utilized to support KDHE in initiating a review of statutes and regulations governing licensed child care facilities pursuant to

the Child Care Act (K.S.A. 65-501 et seq.). We have engaged outside consultants with extensive subject matter expertise to facilitate a thorough review and deliver a set of comprehensive recommendations using a guiding structure/framework including:

- Kansas Regulation Promulgation Process (Rules & Regulations Filing Act K.S.A. 77-415 et seq.)
- Lexie's Law (passed by the Legislature in 2010)
- Child Care Development Block Grant (CCDBG) Reauthorization (federal funding)
- State Fire Code & National Life Safety Code
- National Health & Safety Standards (e.g. Caring for Our Children, Head Start)
- Comparable and neighboring states

The scope of review will include child care statutes and regulations* for all facility types:

- General Regulations
- Licensed Day Care Homes
- Group Day Care Homes
- Child Care Centers & Preschools
- School Age Programs including Drop-In Programs

*Local code doesn't apply to state laws and regulations but does impact applicants and licensees. The CC-SIT, Early Childhood Recommendations Panel, and Child Care Go Team are reviewing the impact of local code on options for applicants and access to care.

This systemic approach to regulatory work seeks to satisfy the necessary balance of complying with federal regulations, ensuring safe child care conditions, addressing community needs, and supporting licensed child care providers and their employees while also accounting for nuances and unique situations. Extensive input, assistance, and ongoing collaboration have been provided, and will continue to be necessary, from the following child care advisory groups and key informants:

Advisory Groups

- Child Care Systems Improvement Team (CC-SIT)
- Early Childhood Governance Structure (as requested)
 - State Directors Team (Directors from DCF, KDHE, KSDE and KCCTF)
 - Early Childhood Recommendation Panel
 - Family Leadership Team (FLT)
 - Workforce Development Advisory Group (WFDAG)
 - Maternal and Child Health (MCH) Council

Key Informants/Stakeholders (not comprehensive list)

- Regulated Community (licensed providers)
- Local Child Care Licensing Agencies & Surveyors
- Families with young children
- Child Care Aware of KS (CCA-KS) Resource & Referral Network
- Child Care Providers Coalition (CCPC) Board & Membership
- Kansas Association for the Education of Young Children (KSAEYC) Board & Membership

- Kansas State Fire Marshal (KSFM)
- Kansas Action for Children (KAC)
- Kansas Breastfeeding Coalition
- KS Infant Death & SIDS (KIDS) Network
- Department of Commerce
- Department of Education (KSDE) & School Boards
- Kansas Association of Local Health Departments
- League of Kansas Municipalities
- Kansas Association of Counties
- Kansas Hospital Association
- Legislators

We appreciate the interest the legislature has in helping expand access to safe, affordable, quality child care to all Kansas families who need it. We share that goal.

The child care challenges in Kansas communities are well-documented (see the series of *All In For Kansas Kids* Needs Assessments from 2019-2022). In addition to the child care licensing regulatory review mentioned above, significant efforts to address challenges through creative solutions are either in place or underway, in large part due to a collaborative effort of state agencies, community partners (both public and private), and family engagement efforts over the last four years as guided by our *All In For Kansas Kids* Strategic Plan. The following is a list of some of the strategies in place or in development to support increased access to safe, affordable, and quality child care as a means to strengthen the Kansas workforce and economic growth in general. As extensive as this list is, it is by no means exhaustive.

- **A career pathway for child care professionals** to support career advancement of the workforce, ensure quality of care, and acknowledge the diverse skillsets, training, and experiences professionals utilize to care for Kansas children in child care settings. The pathway was informed and developed over the last 18 months through conversations with the child care workforce, early childhood stakeholders, and partners from DCF, KDHE and KSDE. Its current iteration was intentional in ensuring alignment with the inclusive nature of child care settings needed across Kansas communities and the quality of training and achievement desired that moves beyond foundational health and safety requirements. Implementation begins April 2023 (see infographic attached).
- Coordinated efforts between KDHE, DCF, Kansas Bureau of Investigation (KBI) and local law enforcement to **streamline the fingerprint and background check process** through the use of LiveScan equipment and reduce the length of time it takes to hire child care workers.
- **An online workforce registry for child care professionals to modernize our system** and professionalize the workforce. This will contribute to a more efficient

and manageable licensing process for both the providers and the state licensing agency. Expected to be delivered by end of calendar year 2023.

- **Utilized Early Childhood Care and Education (ECCE) governance structure to better understand and respond to changing child care needs.** The Child Care Systems Improvement Team (CC-SIT) has been a highly effective governance group with membership from all state agencies, Fire Marshal's office, surveyors, child care providers (both home and center-based), child care training staff, and local ECCE community champions. Examples of efforts initiated by this governance group and others specific to child care include:
 - Child care provider experience mapping initiative and surveys of more than 900 providers on barriers and challenges (see attached mapping results and survey responses).
 - State-level Go Team established as a responsive technical support for communities in breaking down urgent and emergent barriers to expanding or establishing licensed child care facilities.
 - Child care licensing awareness campaign (coming May 2023).
 - Child care provider toolkit, specific to home-based providers, offering a simplified resource guide to help new and existing providers navigate the licensing process and access system-level supports (coming March 2023).
- **Technical assistance to communities to assist with planning for child care expansion.** This work involves bringing local government, education, business leaders and economic development groups, philanthropic organizations, faith-based organizations, child care providers and parents to the table to plan together for child care expansion (see Communities in Action map attached).
- **Nearly \$9 million in Child Care Quality Improvement subgrants** over the three years of the PDG B-5 implementation grant (representing one third of the total funding Kansas received in this award). The categories for awards in this program were 1) Child Care Access, 2) Rural Child Care, 3) Connect Families to Services, 4) Improve Quality of Care, and 5) Kindergarten Readiness. We have seen promising outcomes and improvements in these small, community led grant projects and are incorporating lessons learned into plans for other programs and scaling to other areas of the state.
- **Ongoing consultation with the Kansas Department of Commerce** on the Community Service Tax Credit and the Community Development Block Grant programs to ensure communities and early childhood stakeholders are aware that investing in child care facilities is an allowable use of these funds. We have also included Department of Commerce personnel in our planning and have consulted with them on certain economic development projects to help address child care needs.

- **Ongoing request for input on regulations** is in place via the KDHE child care licensing website, specifically the direct link here: <https://arccg.is/00TDSy>. Child care licensing accesses input and uses the information regularly, such as incorporating into policy exceptions. Feedback shared via this portal will also be utilized in the KCCTF-funded regulatory review outlined above.
- An RFP for applications for the **Child Care Capacity Accelerator** will be posted on March 10, 2023. The KCCTF received \$20 million in SPARK funding and \$20 million in Child Care Development Fund (CCDF) ARPA Discretionary funding to create a program that will award funding to communities for building, enhancing, and/or launching child care facilities in their community. These funds will support critical capital improvement for licensed child care, such as building new facilities or upgrading/enhancing existing facilities to align with health and safety requirements. Operational support will also be available to ensure child care facilities have the necessary equipment, curricula, and personnel to successfully launch a full-capacity, high-quality child care facility. By braiding the funding into one application process, we hope to streamline the administrative burden for the communities applying. The goal of this package of funding is to increase the number of slots overall, expand non-traditional hours of care, infant care, and care for children with special health care needs, as well as target recruitment and retention of child care workers.
- Executive Order 23-01 created the **Early Childhood Transition Task Force** which is charged with “creating a framework for a single agency governance structure for early childhood programming that consolidates initiatives and funding under the leadership of a new Cabinet-level position.” We believe the recommendations delivered by the Task Force could have significant bearing on the work of child care licensing among other things. The Task Force is being co-chaired by accomplished leaders of two of Kansas’ premier child care programs and includes legislators, subject matter experts, and state agency representatives.
- **Pandemic relief funding** through the CARES Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), and American Rescue Plan Act (ARPA), resulted in over \$276 million for child care efforts in Kansas. Programs include:
 - Hero Relief emergency grants (CARES): 3,029 providers received a total of \$11.3 million through October 2021
 - Sustainability Grants to help maintain operations and address pandemic related expenses for COVID mitigation efforts (CRRSA and ARPA): 7,714 providers* received \$229.1 million in three through January 2023.
*The number of providers could include providers receiving more than one round of funding – this is the total number of grants awarded.
 - Provider Start-up grants to help cover the costs related to meeting health and safety requirements (ARPA CCDF Discretionary Funds): 1,873 providers have received \$6.4 million in grant awards.

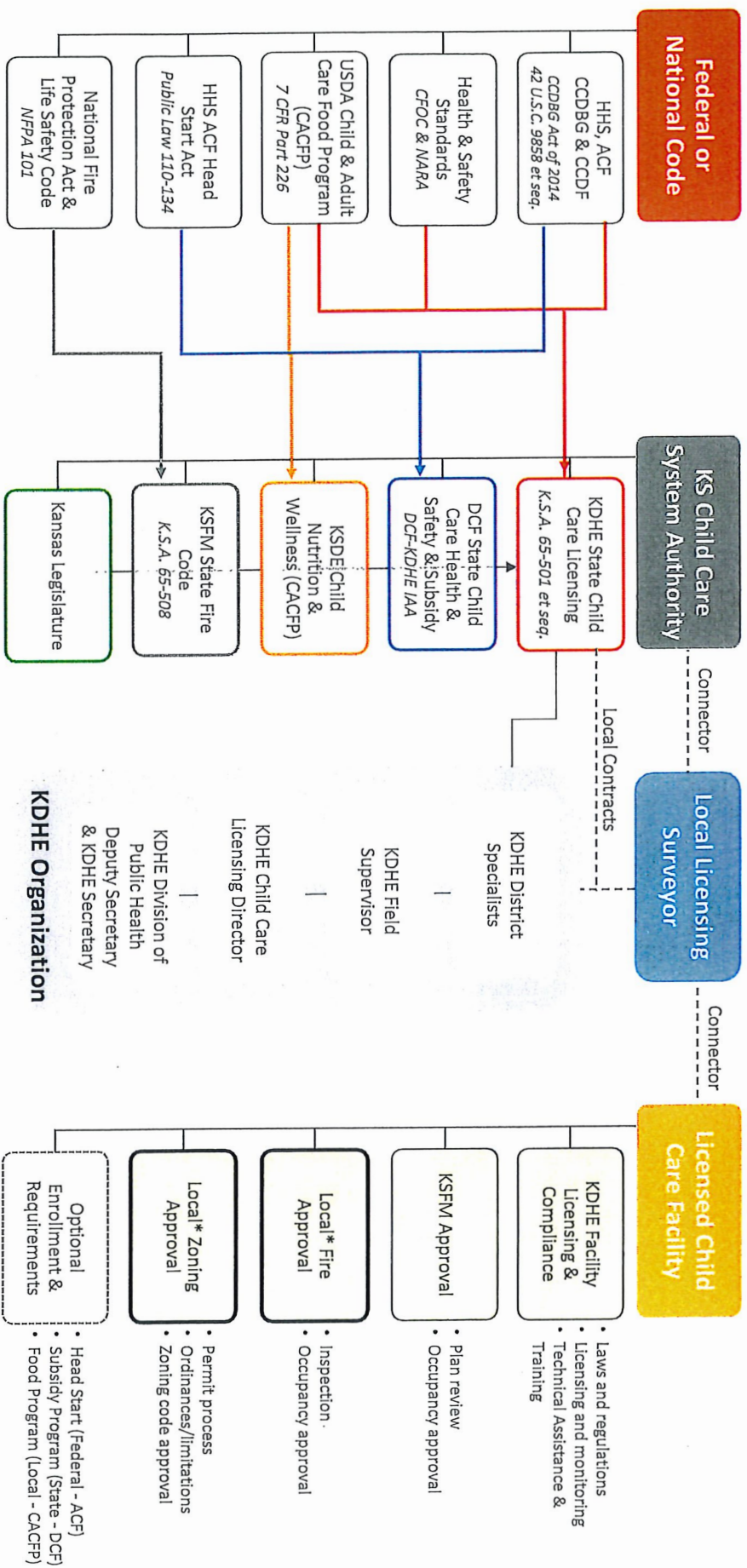
- Reimbursement for Background Checks to 10,518 providers and Licensing Fees to 954 providers for a total of \$512,561 paid out (ARPA CCDF Stabilization Fund).
- Child Care Workforce Appreciation Bonus program (July to December 2022) (CCDF ARPA Discretionary Funds): 13,034 applications submitted and a total of \$29.2 million has been paid to date.

Our challenges related to child care are well-documented and as outlined in this testimony, we have a wide range of strategies underway to identify the appropriate adaptive solutions necessary for each unique challenge. To make significant progress in this area, we need to avoid quick fixes that may result in unintended consequences, create confusion or safety liabilities for an already strained child care workforce, and make other parts of the system unstable and inflexible to the changing needs of Kansas communities and families.

The KCCTF stands ready to be your resource for information and thought partner in evaluating options. **We ask that more time be provided to deliver recommendations that will be instrumental in ensuring that any legislation you consider aids in the streamlining of child care requirements, rather than creating unintended consequences.** This is a complex issue that should be further discussed during the interim period when enough time exists for robust, detailed engagement to occur with all affected parties.

Thank you for the opportunity to testify today. I am happy to stand for questions.

Kansas Child Care System: Federal – State – Local Requirements & Relationships



*Local zoning and fire/occupancy can exceed federal and state requirements

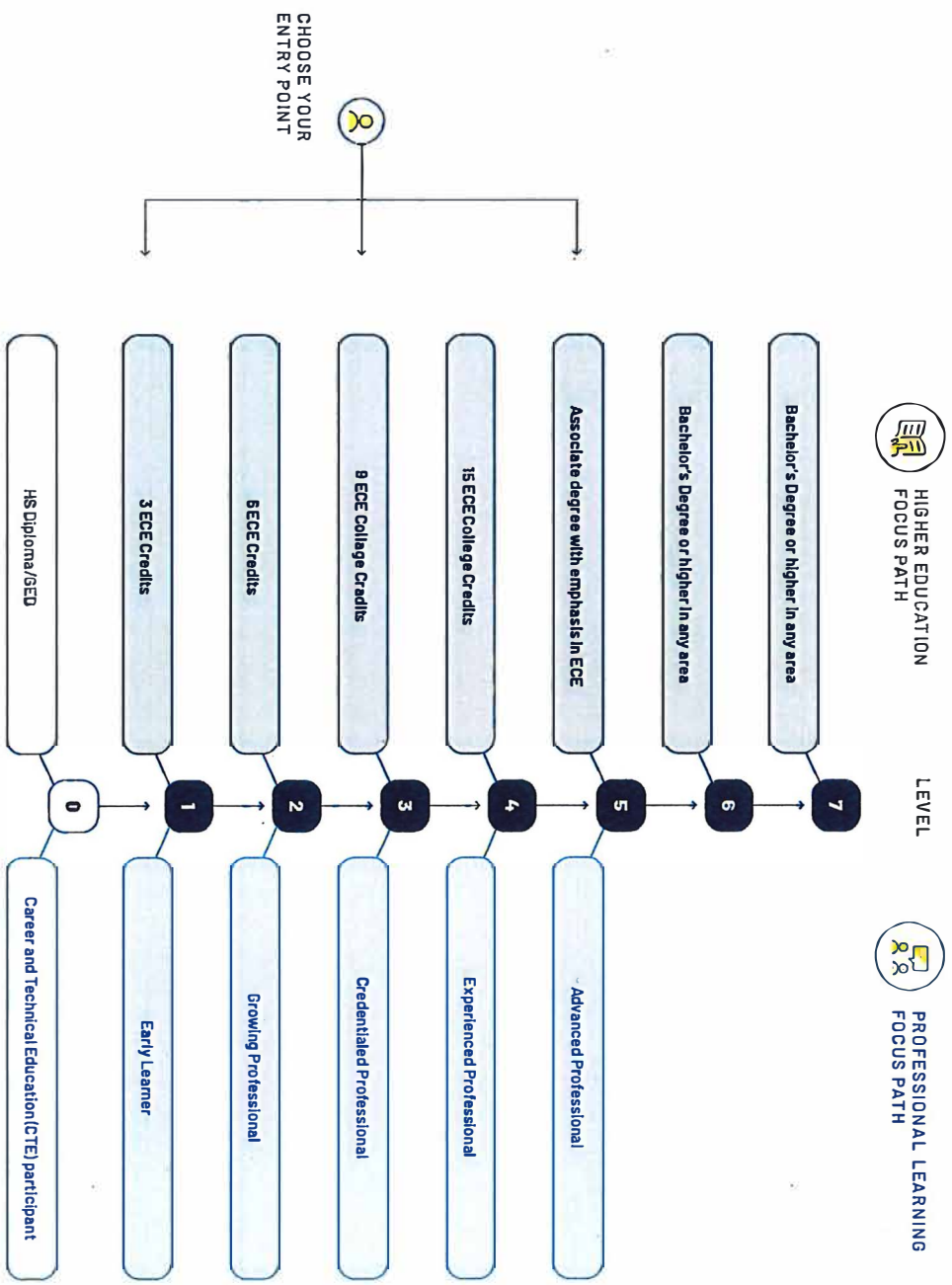
Kansas Children's Cabinet & Trust Fund [K.S.A. 38-1901]
Early Childhood Advisory Council [EO 20-02]



Career Pathway for Kansas Child Care Professionals

Qualifications for Advancement to Level 7

Get started at: mycareerpathway.kansas.gov





Career Pathway for Kansas Child Care Professionals

Pathway at a Glance

Get started at: allinforkansaskids.org/pathway



LEVEL REFERENCE	EDUCATION OR CREDENTIAL	PROFESSIONAL LEARNING HOURS	EXPERIENCE	PROFESSIONAL SUPPORTS	
7	Bachelor's Degree or higher in any area (30 ECE college credits) OR KS EC Director Credential	Bachelor's Degree or higher in any area (30 ECE college credits)	N/A	Supervised practicum + 1 year AND currently in professional leadership	30 weeks supervised practicum + mentoring
6	Bachelor's Degree or higher in any area (30 ECE college credits)	Bachelor's Degree or higher in any area (30 ECE college credits)	N/A	Practicum (2 semesters or 1 year)	30 weeks supervised practicum
5	Associate Degree with emphasis in ECE Advanced Professional	Associate degree (~80 college credits) emphasis in ECE (24 ECE credits) Provisional KS EC Director Credential	N/A	6-month practicum 2 years of professional learning	15 weeks practicum OR 15 weeks job-embedded coaching 15 weeks of job-embedded coaching + mentoring
4	15 ECE college credits Experienced Professional	15 ECE college credits CDA with Enhancements or NAFCC Accreditation	30 120 (CDA) + 20	1 year 1 year	Coaching + Mentoring 12 hours each coaching and small group
3	9 ECE college credits Credentialed Professional	9 ECE college credits Child Development Associate (CDA)	30 120 required for CDA	1 year 3 months required for CDA + 3 months for Career Pathway	Mentoring Mentoring
2	6 ECE college credits Growing Professional	6 ECE college credits	30	6 months	Mentoring
1	3 ECE college credits Early Learner	3 ECE college credits	6 45	None 6 months	N/A Mentoring
0	HS Diploma or GED Career and Technical Education (CTE) participant	HS Diploma or GED Career and Technical Education (CTE) participant	None 6	6 months None	N/A N/A

LEGEND
■ HIGHER EDUCATION FOCUS PATH
■ PROFESSIONAL LEARNING FOCUS PATH

