More than 5,000 facilites of the state's, 6,700 are day care homes. There are currently 34 licensed day-care facilities in Seward compared to 42 a year ago. Courtesy photo

By ROBERT PIERCE

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The process of becoming a licensed day care operator can be a complicated one, but doing so is a direction the state of Kansas is trying to take the industry.

In 2010, state lawmakers passed what is known as Lexi's Law, and the law is three-fold, according to Rachel Berroth, bureau director for the Bureau of Family Health, the division of the Kansas Department of Health and Environment that handles day-care and child-care licensing.

Berroth said the first section of Lexi's Law deals with elimination of registered family day-care homes.

"That's the type of care that did not require an inspection," she said.

The next step in Lexi's Law was to have KDHE develop new regulations regarding issues such as health and safety, supervision and diapering in day cares.

The last provision of the law was to have KDHE create an online compliance information system.

"That online system provides child care licensing status and history for all operating providers," Berroth said.

The bureau director said the goal of Lexi's Law was to simply increase the health and safety of children in day cares, and she said knowing the purpose of regulations helps in understanding how that works.

"The purpose of regulations is to provide foundational requirements for health, safety and well being," Berroth said.

She added the first section of Lexi's Law primarily deals with minimal standards day-care providers must meet.

"What we found through our review was the training to provide those minimal protections was lacking in areas of health and safety like first aid, CPR, basic child development, what would be the core for someone caring for children," she said. "Over time, the outcome is improved environment and care for children, increasing quality of child care and education of our child

care providers."

Berroth said eliminating registered family day-care homes increases the health and safety of facilities, but by doing away with that type of child care, providers are put at a crossroads.

"Registered family day-care homes had to either move forward and become licensed and inspected or decide to close the day-care home," she said.

Berroth said that provision of Lexi's Law has been very successful.

"Many of our registered family day-care homes did become licensed and were successful in that," she said.

The next section of the law was made to support families in making informed decisions regarding child care.

"That's why we developed an online information system," Berroth said. "As a parent looking for child care or a parent looking to find out what the history of my child care provider is, we made that easier. We now have findings available online, and records are searchable."

As for becoming a licensed provider, Berroth said there are four main steps, and first is orientation by a local health department or child care surveyor. She said contact information is available online at www.kdheks.gov, but prospective providers need to start with the health department.

"An application is required," Berroth said. "This is processed through the state health department."

Next, day-care authorities will do a scheduled onsite inspection.

"During that inspection, we look at environment, health records, policies of the center or the home, health care practices and the environment," Berroth said. "We issue a permit or a license if the facility's in compliance."

Berroth said child care regulations vary depending on the type of license a provider is going for.

"We have different types of care in our state," she said. "It can be a home-based setting. It can be a center-based setting. It can be a school."

Berroth said those regulations can also be found on the KDHE Web site, and regardless of which day-care program a provider chooses, there are rules for issues such as environment and sanitation, as well as records.

"We require paperwork for adults and for children," she said. "Anyone living in the home or working has to have a background check. Health records for the children, which would be immunizations, health status, and contact information."

The last thing inspectors look at is a facility's child care practices, and Berroth described what this includes.

"How we're interacting with the children, how the workers interact and how to be supervised, diapering, hand washing, preparing meals, environment inside and outside," she said.

Berroth said from time to time, KDHE will revisit regulations to keep them up to date and make sure they are not in conflict with other agency or federal requirements.

Some local child care centers have closed in recent years, many due to stricter guidelines, and Berroth said she would like the public to know the basis and purpose of those rules.

"If you think about reducing the risk of predictable harm, that is what we do," she said. "What that equals is if our regulated environments don't at least do what's set out in regulation, children are at risk."

Berroth said the number of day cares in Seward County and Liberal has not decreased as sharply as some may have previously thought, but rather have remained steady over the past year.

"There are currently 34 licensed facilities in Seward," she said. "A year ago, there were 42, so not a significant drop. We've had some closures. We have the same number of new applications coming in and nothing truly significant happening there."

Berroth added if regulations are cited as a reason for a facility closing, KDHE will reach out to see what can be done and make sure providers understand expectations.

She said the majority of Liberal and Seward County's facilities are day-care homes, and this is a trend that seems to be taking place across the state as well.

"We had approximately 6,700 facilities," she said. "Over 5,000 of those are day care homes, which is one or two adults typically in a residential setting providing care to children."

Berroth said many providers choose to go further and become accredited or meet national health and safety standards and achieve other goals. She said this is not the intent of KDHE's regulations.

"In most cases, if a child care provider is having problems meeting a requirement for a lack of options, we just need a child care provider to communicate with us and let us know what they

hope to achieve," she said. "If the provider's willing and they have a plan to meet the regulations to protect children, we typically will work with them. We have some options there."