

Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Health and Environment
Agency

Susan Vogel
Agency Contact

785-296-1291
Contact Phone Number

K.A.R. 28-4-114
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

Section I

Brief description of the proposed rule(s) and regulation(s).

K.A.R. 28-4-114, Applicant; licensee, explains the application process and licensee requirements for day care homes and group day care homes for children, including the maximum number of children allowed to ensure the health and safety of children in care. The proposed amendment adjusts ratios of children in care to better ensure their health and safety and align with national best practice standards. Per the Kansas State Fire Marshal (KSFM), fire code does not allow for more than 12 unrelated children in a daycare home; related children under 11 years of age count in capacity. The first proposed amendment would be to update infant age. Current regulation describes infants as under 18 months of age; the proposed amendment would update the infant age to under 12 months of age. The second amendment change would update capacity tables Licensed Day Care Homes and Group Day Care Homes.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The approach chosen adheres to the standards set forth by Caring for Our Children (4th ed), from the Administration for Children and Families, which is a best practice health and safety recommendation for keeping children safe in child care. Additionally, the regulations of Colorado, Oklahoma and Missouri were reviewed. All three states have staff-child ratio requirements that align with what is proposed.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments will enhance business activities by addressing the need for infant care slots in one-provider settings. It increases toddler and preschool age slots when two providers are present. Currently one provider may care for 3 children less than 18 months and two-provider settings are limited to 10 vs. 12 with 4 children up to 12 months in age. This change also provides an incentive to place a second adult in the home. Currently two providers may care for 10 children when there are 4 less than 18 months. As recommended, two providers could care for 12 children. It provides a measure of economic relief to providers who have seen the number of full-time preschool age children decline due to Pre-K programs and provides a balance between the need for safety and marketplace realities.

DOB APPROVAL STAMP (If Required)

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

There is no economic impact foreseen on specific businesses, sectors, public utility ratepayers, individuals and local governments by the proposed regulation change. The costs to KDHE will involve staff time and reprinting of regulation books, which will be absorbed in the current budget.

C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

In general, the proposed amendments would increase availability of care for children under 12 months of age. The availability of additional spots helps more families return to work and stay in their communities.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs to parents associated with the changes to regulations. Parents will benefit with more infant care available, enabling them to go back to work. There would be no additional costs. Licensees would benefit as they would be empowered to care for more infants than they could previously legally, which could thereby help them stay in business and meet community needs for child care.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No cost or negative impact would occur with the proposed amendments to the regulation.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

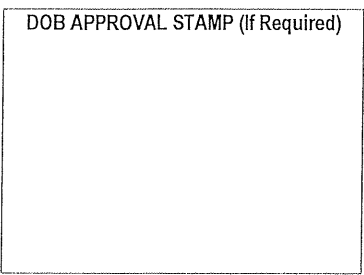
Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There was no methodology used because there will be no annual implementation and compliance costs expected to be incurred by or passed along to any of the aforementioned segments.



- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no changes expected in aggregate state revenues and expenditures for the implementation of the proposed regulation change for either the current nor the next fiscal year.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There are no expected immediate or long-range economic impacts of the proposed regulation change.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

When the notice of hearing for these regulations is published in the *Kansas Register*, standard agency procedure was followed, and the three organizations were contacted electronically for comment with copies of the regulations, economic impact statement, environmental benefit statement for environmental regulations, and published notice of hearing

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The proposed amendments are requested because of conversations had with child care providers concerning barriers, and they responded stating the current ratios and age ranges were barriers to their work; they suggested the ratio and age range changes reflected in this document. The University of Kansas Center for Public Partnerships and Research (KU CPPR) performed a survey that confirmed these findings. These updated ratios and age range changes were then brought to the following organization for comment:

DOB APPROVAL STAMP (if Required)

Child Care Licensing Systems Improvement team – which includes the following individuals and organizations, child care providers, and citizens: *KDHE Licensing staff, Child Care Aware of Kansas, Kansas Head Start, University of Kansas Center for Public Partnerships and Research (KU CPPR), Kansas Department for Children and Families, Kansas Children’s Cabinet and Trust Fund, Early Childhood Recommendations Panel, Child Start, Kansas Children’s Service League, Kansas Action for Children, Kansas Child Care Training Opportunities (KCCTO), Kansas State Department of Education, Kansas State Fire Marshal, Kansas State Center for Child Development, various licensed child care providers, regional government child care organizations, among others.*

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)