

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
DIVISION OF HEALTH  
BUREAU OF FAMILY HEALTH  
QUALITY PERFORMANCE REPORT (QPR)  
CHILD CARE AND DEVELOPMENT FUND  
State Fiscal Year 2023 Second Quarter (October 1, 2022 – December 31, 2022)  
Submitted February 13<sup>th</sup> 2023

The Kansas Department of Health and Environment (KDHE) is the state agency with authority for the licensing and monitoring of child care facilities. The Interagency Agreement with the Department for Children and Families (DCF) outlines the responsibilities of the respective agencies in ensuring the health and safety of children in child care through the KDHE licensing program.

The purpose of the regulation of child care facilities is to reduce the risk of predictable harm to children while in out of home care settings. Regulations serve as the foundation for healthy and safe program operation. Base level regulation should not be interpreted as meaning low quality. Rather, regulations form the foundational level of quality that all programs must obtain and maintain. Programs operating below this foundational level increase the risk of harm to children and are unacceptable to the state in its efforts to protect children and to support families in their efforts toward economic self-sufficiency. Effective regulation is a stepping stone to meeting more stringent standards designed to increase the quality of services to children (e.g., Accreditation or Links 2 Quality standards).

**KDHE Child Care Licensing Program**

The KDHE Child Care Licensing (CCL) Program establishes and enforces regulatory safeguards for approximately 4,500 licensed child care facilities with a total capacity to serve 140,042 children ages 2 weeks to 16 years (as of 12/31/2022). Regulatory safeguards reduce the risk of predictable harm to children receiving out-of-home care. Licensed child care facilities include child care centers, preschools, licensed day care homes, group day care homes, school age programs, drop in programs for school age children and youth, and child care resource and referral agencies. Core functions fulfill mandatory requirements pursuant to the Child Care Act (K.S.A. 65-501 *et. seq.*) and the KDHE-DCF MOA. CCL work supports the CCDF state plan through regulatory oversight and monitoring of health and safety standards. Inspection and licensing activities include but are not limited to:

- Establishing and enforcing requirements for the operation of child care facilities;
- Increasing the state-wide availability of regulated facilities that meet or exceed standards;
- Reducing predictable health and safety risks to children in child care;
- Providing consumer protection for children and families; and
- Conducting comprehensive, (including fingerprinting), and name-based background checks
- Conducting timely and accurate inspections.

All licensing applications are processed by CCL. Inspection activity is carried out by local county health department surveyors through Aid to Local contracts and by KDHE staff located in

district offices across the state. The issuance of licenses and enforcement activity are carried out at the state level.

For the Second Quarter SFY 2023 Administrative Staff in Topeka issued:

- **139 Initial Licenses**
  - 52 Licensed Day Care Home
  - 58 Group Day Care Home
  - 5 Preschool
  - 16 Child Care Center
  - 3 Head Start
  - 5 School Age Program
  - 1 Drop In Program
- **212 Temporary Permits**
  - 104 Licensed Day Care Home
  - 90 Group Day Care Home
  - 2 Preschool
  - 10 Child Care Center
  - 2 Head Start
  - 3 School Age Program
  - 1 Drop In Program
- **1,272 Renewal License**
  - 512 Licensed Day Care Home
  - 309 Group Day Care Home
  - 43 Preschool
  - 211 Child Care Center
  - 25 Head Start
  - 144 School Age Program
  - 28 Drop In Program

For the Second Quarter SFY 2023 the following actions were taken:

- 137 Notices of Noncompliance (60 Prohibited Persons and 77 Regulation Compliance)
- 1 Emergency Suspension
- 0 Emergency Modification of the License
- 11 Notices of Intent to Deny
- 0 Notices of Intent to Suspend
- 2 Notices of Intent to Suspend and Assess a Civil Penalty
- 3 Notices of Intent to Assess a Civil Penalty
- 2 Notice of Intent to Revoke
- 0 Intent to Modify a License

### **Licensing Surveyors**

The work of a licensing surveyor is complex and requires proficiency with procedures, regulation interpretation and use of the CCL web-based surveying system (Childcare Licensing and Regulation Information System, CLARIS). State and Federal laws require, at minimum, an initial inspection for applicants and annual and complaint inspections for licensed providers.

During the second quarter of SFY2023 KDHE contracted with 20 county public health or city departments covering 63 counties to carry out the local licensing program, including but not limited to conducting licensing inspections. KDHE Surveyors and District Specialists were responsible for 42 counties not covered by a local contract. The number of KDHE-covered counties has increased over the last few years to ensure efficiencies and consistencies. Many rural and frontier areas of the state did not have contractors that were conducting work often enough to become subject-matter experts and the capacity was limited as far as staffing as needed to ensure backup/coverage for child care licensing. KDHE is looking to continue to strengthen the relationship with contracted health departments to ensure KDHE culture and standards are consistent throughout the state.

**Licensing Activities - local surveyors:**

- Conducted 1,365 initial, annual, and compliance inspections
- Investigated 175 complaints of which 16 were for illegal care
- Reported approximately 16 instances of communicable diseases (10 COVID-19 related) in child care settings involving about 201 children and 128 adults.
- Provided 128 orientation trainings (classroom setting or individual) to 190 potential providers (day care home, group day care home, and center-based)
- Referred 206 families to the statewide network of licensed child care resource and referral agencies for assistance in locating child care
- Offered 26 trainings to 470 child care providers

Number of Completed Surveys by Program Type and Survey Reason

Survey Completion Date Range: 10/01/2022 to 12/31/2022

		Total	To conduct the annual review	To conduct the initial survey	To investigate a complaint	To verify compliance
Total	Count of Surveys	1,579	1,061	137	197	184
	Distinct Count of Facilities	1,450	1,061	137	175	167
Building Based School Age Program	Count of Surveys	109	91	5	3	10
	Distinct Count of Facilities	105	91	5	3	10
Child Care Center	Count of Surveys	361	190	11	110	50
	Distinct Count of Facilities	294	190	11	94	48
Child Care Resource and Referral Agency	Count of Surveys	3	3	0	0	0
	Distinct Count of Facilities	3	3	0	0	0
Drop In Program	Count of Surveys	19	16	1	1	1
	Distinct Count of Facilities	19	16	1	1	1
Group Day Care Home	Count of Surveys	428	282	60	36	50
	Distinct Count of Facilities	399	282	60	32	46
Head Start Child Care Center	Count of Surveys	21	15	2	1	3
	Distinct Count of Facilities	19	15	2	1	3
Licensed Day Care Home	Count of Surveys	561	413	56	30	62
	Distinct Count of Facilities	536	413	56	28	52
Preschool	Count of Surveys	59	51	2	0	6
	Distinct Count of Facilities	57	51	2	0	5
Unknown Illegal Care	Count of Surveys	18	0	0	16	2
	Distinct Count of Facilities	18	0	0	16	2

KDHE has continued efforts to increase the knowledge and skills of regulatory staff. During the reporting period, local surveyors completed 61 training courses totaling 150 hours of professional development. During this last quarter, surveyor training focused on rebuilding already established skill sets. This included the onsite survey process and expectations for

engagement during surveys with a focus on rationale and solutions when violations are noted. Communication during trying situations, transparency, and understanding personalities are key components to fostering strong relationships between surveyors and providers were all reinforced. Finally, surveyor retention is important to the child care workforce, an outside speaker spoke to the importance of surveyors taking care of themselves to better serve the provider community.

Performance measures, contractor requirements, and tools for collecting data regarding the local regulatory program have been in place for years. The child care licensing database (CLARIS) provides tools to analyze access (e.g., change in total facilities, capacity, program types), program effectiveness (e.g., timeliness of surveys, response to complaints) and guide policy decisions for the protection of children in child care settings (e.g., health and safety violations, critical incidents, serious injuries, deaths). In addition, available data is used to identify additional/ongoing training needs for surveyors (e.g., commonly cited regulations, consultations). Regular training and ongoing technical assistance provided by KDHE CCL is essential to ensure the consistency of regulation interpretation across the state and enables surveyors to conduct targeted trainings due to noncompliance identified in a county or region.

## CCDF State Plan: Ensuring the Health & Safety of Children

### Kansas Licensing Indicator System (KLIS)

Criteria for a KLIS survey requires two prior annual inspections in compliance. During the SFY 2023 second quarter 10 KLIS surveys were done. This is three more than last quarter, which had a total of 7. Data suggests we are currently on track to match same amount of KLIS surveys in SFY 2022 in which there were 33 (8.25 a month), compared to 17 this year (8.5 a month).

#### Full and KLIS Indicator Surveys by County and Program Type

Date Range: 10/01/2022 to 12/31/2022

Note: "Indicator" is the KLIS shortened survey

	Total	Indicator	ExtendedReg	Extended	Full
Total	898 100%	10 1%	2 0%	8 0%	878 97%
Licensed Day Care Home	402 100%	6 1%	1 0%	4 0%	391 97%
Group Day Care Home	256 100%	4 1%	1 0%	4 1%	247 96%
Child Care Center	174 100%	0 0%	0 0%	0 0%	174 100%
Head Start Child Care	16 100%	0 0%	0 0%	0 0%	16 100%
Preschool	50 100%	0 0%	0 0%	0 0%	50 100%

### **Online Information Dissemination System (OIDS)**

OIDS is the public portal that affords parents and guardians to make informed choices regarding child care. All inspection results are available online for a three-year period. The portal received a monthly average of 11,597 facility searches and 20,824 “View Findings” hits during the SFY23 second quarter. View Findings is the review of licensing survey inspection reports.

10/01/2022-12/31/22

	PPIN020	PPIN021	PPIN02	
	Facility Search	Child Care Facility Report	View Findins	TOTAL
October	10,507	12,030	21,23	43,767
November	11,162	13,008	20,72	44,899
December	13,121	13,187	20,51	46,820
TOTAL	34,790	38,225	62,47	135,486
Monthly Average	11,597	12,742	20,82	45,162

### **KDHE Website/ Child Care Licensing Website**

The CCL website contains regulation books, links to resource and partner websites, including DCF, a provider page, background check resources and FAQs, applications and forms, and other direct links for existing licensees, parents/guardians, and the public including information about COVID-19 and a link to the KDHE state public health resource center for the pandemic. The Resource Center contains guidance specifically for child care providers related to the COVID-19 pandemic. FAQs and guidance are updated regularly/as needed to ensure alignment with KDHE and the Centers for Disease Control and Prevention (CDC).

During the 2<sup>nd</sup> quarter for SFY 2023, all out of state background check forms were updated to ensure accuracy in information coming to KDHE. The website was also updated to show the various fingerprinting locations across the state. This included the digital LiveScan sites which have been implemented in some locations to speed up the background check process. Meetings are in the works to discuss further updates to the website to be in line with best practices as notified by the Office of Child Care.

### **CLARIS Provider Access Portal**

The Provider Access Portal is a web-based system whereby applicants and licensees may apply for an initial or renewal license. A total of 1,107 applications were received during the reporting period; 855 (77%) were submitted online and 252 (22%) on paper.

The provider portal also allows facilities to update affiliates easily and quickly online (anyone who works, resides, or volunteers). New affiliates can be added or existing affiliates can be updated. KDHE CCL staff processed affiliates submitted through the portal within two business days for all submissions. Most were processed within the same day of submission/receipt.

### Key Data

#### Facility and capacity for licensed programs as of December 31, 2022

<b>Early Care and Youth Programs –Total Facility Count</b>		<b>Total Capacity Count</b>
<b>All Licensed Child Care Facilities</b>	<b>4,508</b>	<b>140,042</b>
<b>Licensed Center-Based Program</b>	<b>Number of Facilities</b>	<b>Total Capacity to Serve</b>
Child Care Center	650	52,373
Head Start Center	46	1,898
Preschool	118	2,883
School Age Program	341	21,727
School Age Drop-In Program	69	14,206
Outdoor Summer Camp Program	25	1,741
<b>Total Center-Based Programs</b>	<b>1,249</b>	<b>94,828</b>
<b>Licensed Home-Based Programs</b>	<b>Number of Facilities</b>	<b>Total Capacity to Serve</b>
Day Care Home	1,903	19,021
Group Day Care Home	1,349	16,193
<b>Total Home-Based Programs</b>	<b>3,252</b>	<b>35,214</b>
<b>Resource and Referral Agency Programs</b>	<b>Number of Facilities</b>	<b>Total Capacity to Serve</b>
	<b>8</b>	<b>0</b>

**Total Capacity Report**

By County and Program Type

As of: 12/31/2022

**Early Care Facilities**

Total Capacity : 140,042  
 Regular Capacity : 140,042  
 Exception Capacity : 0  
 Total Cases : 4508

	<u>Facility Count</u>	<u>Total Capacity</u>	<u>Average Capacity</u>
<b>By County</b>	4,508	140,042	31.08
Building Based School Age Program	341	31,727	93.04
Child Care Center	650	52,373	80.45
Child Care Resource and Referral Agency	8	0	0.00
Drop In Program	69	14,206	205.88
Group Day Care Home	1,349	16,193	11.99
Head Start Child Care Center	46	1,898	41.26
Licensed Day Care Home	1,903	19,021	10.00
Outdoor Summer Camp School Age Program	25	1,741	69.64
Preschool	118	2,883	24.43

**Number of Completed Surveys by Program Type and Survey Reason**

Survey Completion Date Range: 10/01/2022 to 12/31/2022

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	Distinct Count of Facilities	57	51	2	0	5
Unknown Illegal Care	Count of Surveys	18	0	0	16	2
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Program	Facilities receiving					inspection type-surveys				
	Facilities	Inspected	one survey	# inspections	Avg # of visits	annual	initial	complaint	compliance	
SAP	341	105	31%	109	1.04	91	5	3	10	
CCC	650	294	45%	361	1.23	190	11	110	50	
DIP	69	19	28%	19	1.00	16	1	1	1	
GDCH	1349	399	30%	428	1.07	282	60	36	50	
HSC	46	19	41%	21	1.11	15	2	1	3	
LDCH	1903	536	28%	561	1.05	413	56	30	62	
OSC	25	0	0%	0	0.00	0	0	0	0	
PS	118	57	48%	59	1.04	51	2	0	6	
center basec	1249	494	40%	569	1.15	363	21	115	70	
homebased	3252	935	29%	989	1.06	695	116	66	112	
	4501	1429	32%	1558	1.09				1558	

**Note:** We do not include Resource & Referral in the facility count.

**Inspection Data:** What percentage of programs received monitoring visits, and at what frequency for each provider category during the Second Quarter SFY2023 (October 1,2022 – December 31, 2022)

Early Care and Youth Programs – Monitoring Visits (Initial, Annual, Compliance and Complaint Inspections)					
Program	# of Facilities	# of Facilities Inspected	Percentage Receiving at least one Inspection	# of Inspections	Average Number of Visits
Center-Based	1,249	494	40%	569	1.15
Home-Bd	3,252	935	29%	989	1.06

*\*\*8 Resource and Referral Agencies not included in # of Facilities*

*An initial or annual inspection may require two onsite visits and is not reflected in the total number of inspections due to the surveyor may return under the initial survey requested if violations support it. The first inspection for an initial is scheduled and a second visit, if required, is unannounced. All annual, compliance and complaint surveys are unannounced.*

Licensed child care facilities are inspected initially and annually thereafter pursuant to state law. In addition, inspections are conducted to monitor ongoing compliance with regulations (referred to as compliance checks or monitoring visits), and to investigate complaints, All inspections are unannounced except for the first on-site initial licensing inspection for a new application, which is scheduled.



**Enforcement Action:** Licenses suspended, revoked, or denied due to licensing violations as defined in your State/Territory during the Second Quarter SFY2023 (October 1,2022 – December 31, 2022)

Early Care and Youth Programs with License Suspended or Revoked or Denied a License		
Program	Suspended	Revoked
Center-Based	1	0
Home-Based	0	0

*Pursuant to K.S.A. 65-523 and K.S.A. 65-524, KDHE may suspend a license.*

*Pursuant to K.S.A. 65-504, KDHE may revoke or deny a license.*

\*Note: Each Revocation/Suspension can have more than one Enforcement Reason

**Number of Licenses Revoked or Suspended by Program Type & Reason**

10/01/2022 to 12/31/2022

		Total	2022
Total Number of Revocations & Suspensions		1	1
Wabaunsee	Total	1	1
	Suspended License	Total	1
		Child Care Center	1

**Injury and Death Data:** Injuries occurring in child care as defined by the State/Territory during the Second Quarter SFY2023 (October 1,2022 – December 31, 2022)

Early Care and Youth Programs Reported Serious Injury*	
Total Number Reported	5
Program	Number Reported
Center-Based	4
Home-Based	1

*\*KDHE defines serious injury as any injury requiring medical attention. See Attachment 1 for more information about serious injuries for the reporting period, including details and status of DCF enrollment. Four out of seven serious injuries were in facilities operated by DCF-enrolled providers.*

All injury reports submitted by a licensed program or received as a result of a complaint are reviewed by the Regional Administrator who is the custodian of the record. A review may result in an investigation or enforcement action if deemed appropriate. Data is reviewed annually and may result in additional training made available by the local licensing surveyor. Data is also used when considering amendments to regulations that impact the health and safety of children in care, however there are no regulations currently being amended.

How many fatalities occurred in licensed child care during the Second Quarter SFY2023 (October 1,2022 – December 31, 2022)

Second Quarter SFY2023 (October 1,2022 – December 31, 2022)

<b>Early Care and Youth Programs Reported Deaths</b>	
<b>Total Number Reported</b>	<b>0</b>
<b>Program</b>	<b>Number Reported</b>
Center-Based	0
Home-Based	0

*K.A.R. 28-4-127(f) requires that child care centers, preschools, day care homes and group day care homes report the death of a child in care to KDHE. For school age programs the requirement to report is found in K.A.R. 28-4-592(g)(3).*

KDHE Child Care Regulations require that a licensed facility report any death of a child to KDHE within 24 hours of death. A complaint investigation is initiated if appropriate.

All deaths that occur in a licensed facility are tracked by KDHE CCL. Data is tracked regarding the cause, including space the death occurred (outside, crib, etc.) certification information such as CPR/First Aid, and noncompliance is cited, and enforcement initiated if applicable. Death certificates are requested from the Office of Vital Statistics to record the final cause of death. Deaths (aggregate data) are reported to the Kansas State Death Review board upon request.

# ATTACHMENT 1: Serious Injuries

## Second Quarter SFY2023 (October 1,2022 – December 31, 2022)

**Number of Child Injuries in Child Care Facilities in Kansas  
By Program Type**

10/01/2022 to 12/31/2022  
# of Serious Injuries: 5

