

KANSAS ALLIANCE OF YMCAs - SCHOOL AGE PROGRAM (SAP) RULES AND REGULATIONS REVIEW			
General Considerations / Challenges		Barrier / Rationale	Requests / Recommendations
Inconsistent interpretations of regulations and perceived lack of clarity of intent, purpose or rationale.		Throughout Kansas well intentioned surveyors work hard to apply regulations that are vague to both providers and to the surveyors themselves, which results in different interpretations and inconsistent application of the regulations both within a county and between survey teams. In some cases surveyors can't give examples or guidance, which can be frustrating to providers. In one specific situation, a Y was redeveloping its program emergency procedures and was told by the surveyor that it needed a policy that described how it would support children with special needs during evaluation. When the Y asked for an example or for more information on the elements that it needed to include in the policy, the surveyor was not able to provide any support or guidance.	Consider a format of the regulations that includes a rationale statement and examples so that the intent of the regulation is clear. Ys propose that sufficient time is allowed for public comment of the final draft of regulations; once finalized, we request a virtual workshop for all licensing surveyors and providers so they can all hear the same review of the news regulations.
Lack of consistency between KDHE-licensed SAPs and KS Department of Education (KSDE) standards, specifically when an SAP is located in a Unified School District (USD) building and staff and children are required to follow different rules/regs at different hours of the day for "safety and health" reasons.		Frequently there is a contradiction between KDHE regulatory requirements and school district/KSDE policies and processes in relation to SAP programs that operate in school district buildings. Ys see this on many levels from Fire Marshal Approvals to requiring lids on trash cans during afterschool/Latchkey programs but not during the regular school day to kids being able to carry their inhalers or EpiPens on their person during school hours but having to lock the medications up in a KDHE program.	Ys recommend alignment between KSDE and KDHE rules and regulations and/or create a formal exception for programs in USD buildings to ensure KDHE regulations do not require more than what is already acceptable in a school building during the school day hours.
SAP Regulations		Barrier / Rationale	Request / Recommendation
<b>K.A.R. 28-4-576. Definitions.</b>	(pp) "Supervisory ratio" means the ratio consisting of the number of staff members required to provide direct services and supervision to a specified number of children or youth.	In the field this regulation is taken to an extreme by some surveyors. A teacher who steps in the hall to speak with a parent, or goes after a ball out of the area, or escorts a child to the bathroom during an activity when another staff is present, or steps on the other side of a 4-foot wall to get milk out of the fridge at lunch - all these very brief moments have been counted as "out of ratio" and therefore not meeting the terms of license. Ys feel this is an unrealistic expectation when faced with the reality of meeting children's needs in a group setting. The observation by the surveyor of large-scale safety and supervision violations is what should be evaluated, not minor infractions - are there truly any safety risks...does the provider have enough staff on site for the ratio to be met? Under current SAP regulations, providers can allow children to walk "unescorted to other activities," so there is precedent that children can be left unattended while in care. Ys feel that there is little difference between this allowance and the brief times a staff member would step out of the room to calm a child down or to quickly use the restroom during non-high risk activities.	Evaluate these regulations and any others related to being "in ratio," and allow "in ratio" compliance to include circumstances where staff are still "within direct sight or sound of children." (The State of Oregon has included this type of language in its recent rewrite of its child care regulations.)
<b>K.A.R. 28-4-587. Staff member qualifications; professional development training; staffing requirements.</b>	(g) Each staff member counted in the supervisory ratio shall be assigned responsibility for the supervision of children and youth and shall meet the following requirements: (i) Meet the applicable qualifications for a group leader or assistant group leader; and (ii) be physically present with the children or youth.		
<b>K.A.R. 28-4-590. Health-related requirements.</b>	(4) Storage of medication. Each operator shall keep all medication at the recommended temperature and, except as specified in paragraph (e)(5)(D) of this regulation, in locked storage. Each medication container shall have a child-protective cap. (D) Each child or youth who is authorized to self-administer medication shall have immediate access to that child's or youth's medication for administration purposes. Each operator shall safely store each medication to prevent unauthorized access by others.	The lack of parity between KSDE medical storage regulations (which apply during school day hours) and KDHE medical storage regulations (which apply while on school premises but outside of school day hours) causes severe confusion to school children and their parents alike and can be extremely dangerous, even life-threatening. While on school premises, all medical storage policies should emphasize "medical urgency" as it relates to accessing life-saving prescriptions meant to be with or near the child, because they can only be effective if used immediately (and not locked away).	While on a school campus, the medical storage recommendations for school age programs should mirror the KS State Dept of Education regulations. The current policy needlessly puts vulnerable children at tremendous added risk when moments count, and it exposes both KDHE and all school age providers at risk of claims for "gross negligence" when trying to explain how a treatment offered immediately during the school day is safe but becomes unsafe once the school bell rings at the end of the day.
<b>K.A.R. 28-4-576. Definitions.</b>	(hh) "School-age child" and "child" mean an individual who is of kindergarten age through the academic year in which the child is in the sixth grade and who is attending the program. Each school-age child shall be included in the license capacity.	As more Kansas schools open full and part day Pre-Kindergarten (Pre-K) programs in their elementary schools, Ys are finding a gap in SAP services that is leaving Kansas families with little to no options for before/afterschool care of 4-year olds who attend an elementary school program. Specifically we have been told that parents have given up their child's slot in a school district's Pre-K program because they have no before or afterschool option for care. This noted gap especially impacts the families who cannot send their Pre-K child to the same before/afterschool program as their older children even though the children are siblings and all attending the same school. As advocates push for FREE Pre-K programs within our school districts, the needs of working families must be considered. SAFE places must be provided for these young Pre-K students before and after school that does not compromise their parent's ability to work.	Amend the age requirement to allow children who are at least 4-years old and enrolled in a school sponsored Pre-K programs to attend SAP programs that are on-site; or allow for the entire general enrollment of the elementary school in which they attend. Consider adding the option in school programs for children 4-years of age by Aug 31st to attend an SAP.

<p><b>KDHE Application Process: CCL 351a Instructions SAP (page 3)</b></p>	<p>"I/We understand that a new application may take up to <b>90 days for processing</b> by KDHE, once KDHE receives a complete application. I/We understand that I/we are <b>not authorized to provide services to children and youth prior to receiving a Temporary Permit or License</b> from KDHE." (no specified timeline)</p>	<p>The barrier with the application is the timeline and process for licensing a SAP in an existing Unified School District (USD) building. Several Kansas Ys have attempted to open new school age programs in elementary schools OR to move programs within a district to meet community need, however, the hoops the Ys have to go through to get a new license(s) approved is very burdensome. Application procedures require submitting all forms 90 calendar days in advance for approval, and the Y/provider is not able to open the location until the temporary license is received which can add an unspecified amount of time. If Fire Marshal Approvals are needed, this adds additional time and waiting periods resulting in up to six months of time needed to gather all necessary info in advance of starting a program that is desperately needed. This timeline seems unrealistic and is a deterrent to opening new sites. In contrast, when KDHE makes a request of a program, the SAP is given only 5 days to respond.</p> <p>The Pittsburg Y canceled a school-age program last year because the elementary school where it planned on holding the program had a roof problem that was discovered just 2 weeks before the program was to start. The Y attempted to move the program to another elementary school but were not able to get the license quick enough to hold the program there, thus 45 children had no child care services for the school year.</p>	<p>Recommend/ask KDHE to streamline the process, delegate actions and authority to our local surveyor teams, and/or hire enough staff to appropriately accommodate the workload and allow for an expedited approval process, thus reducing the timeline for approval of an amendment or new application to no more than 30 days.</p>
<p><b>Fire Marshal Approval: CCL 351a Instructions SAP (PDF)</b> <b>CCL 351b Application Checklist SAP (PDF) OSFM Form C.2.2.A</b></p>	<p>FIRE SAFETY: NEW APPLICANTS: Contact the Kansas State Fire Marshal's Office and obtain a fire safety acceptance. Acceptance must be submitted with the application. A temporary permit or license will not be issued until fire acceptance is submitted... ** Approval Documents should include the following: • Local Jurisdiction Approval Notice; • State Fire Marshal Plan Review Approval Letter; • Kansas State Fire Marshal Referral Letter. OSFM Form C.2.2.A - This is a checklist that states an architect or engineer must mark the "met" column for review of the code footprint.</p>	<p>Unified School District (USD) buildings deemed safe for school age children during the school day are not approved for before and afterschool SAP programs without Fire Marshal Approval, a process that requires a code footprint review (a checklist completed by an architect). Unless they are building a NEW facility or doing a renovation, child care providers do not have architects on staff. Contracting with an architect for this work can be cost prohibitive, and this requirement is all for a school building that has already been approved to have children in it daily. In one example of this challenge, the McPherson USD418 cannot provide a copy of the code footprint under current code for one of its elementary schools due to the death of the school's primary architect. The Office of the State Fire Marshal (OSFM) has indicated in a past request it does not have the staff to pull these code footprints, which have already been reviewed and approved by their office. As a result the YMCA, which would like to expand its SAP program into the school, will have to have new code footprint created, which an architect has already quoted at an average cost of \$300 per hour for a minimum of 10 hours (\$3,000). Even when code footprints for school buildings can be located, providers are required by OSFM to have an architect or engineer complete the checklist. One Kansas Y received an estimate for this work that was \$250 per hour and a minimum of 3 hours per code footprint, which added \$750 to the cost of licensing.</p>	<p>Consider removing the requirement for USD buildings to have OSFM approval for licensing and instead require annual local fire inspection reports with no violations and restrict use of space to those areas already approved for children within the school building. For all applications that require a code footprint review, we ask KDHE to advocate with OSFM to remove the requirement that only an architect or engineer can complete the checklist, and/or provide support services within KDHE to complete the checklist at no cost to a program.</p>
<p><b>K.A.R. 28-4-587 Staff member qualifications; professional development training; staffing requirements.</b></p>	<p>(A) is at least 18 years of age and is at least three years older than the oldest youth in the program; (C) holds either a high school diploma or a general educational development (GED) credential</p>	<p>The specification of 18 years of age AND High School Diploma/GED creates a barrier for high school graduates who have not yet turned 18 or high school seniors who are 18 and are in process of completing their high school diploma. Teens, especially those enrolled in related Family and Consumer Sciences (FACS) courses, are ideal SAP staff, and Ys want to be able to hire them and grow them in the field. We miss out when teens take other jobs outside the field. Many times these young adults are more mature, have more experience, and are better hires than other applicants, but to have them supervised at all times is not realistic. Thus the Ys miss out on a great hire and a potential youth worked. We want to clarify that we would not have these staff LEAD a classroom. The fully qualified staff would be responsible for lesson plans and developmentally appropriate activities and scheduling the day.</p>	<p>We recommend an "either" option, an exception for teens "in-progress" of high school completion or other option to help us grow our field of youth development staff, and/or a less restrictive requirement than "supervised at all times." Consider language about being "under the guidance" of a qualified group leader or program director, not under direct supervision at all times.</p>
<p><b>K.A.R. 28-4-582. Administration; training; recordkeeping.</b></p>	<p>(e) Children and youth records.(1) Each operator shall obtain the following information for each child or youth before or on the first day of attending the program. (A) the first and last name, date of birth and gender; (B) a health history, as specified in KAR 28-4-590(d); (C) the anticipates schedule of hours and days of attendance or a notation that attendance is on a drop-in basis; and (D) the name, address, and telephone number of each parent or other adult responsible for the child or youth, the names of any other persons authorized to pick up the child or youth and emergency contact information. If an operator is unable to obtain written information and records required for the child's or youth's participation in the program, the operator shall document that a reasonable effort has been made to obtain the necessary information and records.</p>	<p>Programs receive numerous violations for things as simple as a parent who did not provide the doctor's address or minor non-impactful data parents leave out on the health history. Ys are told they are in non-compliance unless every line is complete. Child File violations have been excessive in the past few years yet have little impact on our service or the health and safety of a child. Local hospitals do NOT require any of that information to treat an injured child – they ONLY require the emergency release form. The other emerging issue is related to identifying the sex of the child. The only option provided is male or female, and some parents do not feel comfortable filling this out. We are unclear how to document reasonable efforts to obtain information OR refusal of a parent to complete.</p>	<p>There needs to be more clarification of what is considered a regulatory requirement and what should be considered a reasonable effort to collect the information. Also, more clarification is needed as to what "documentation" can be accepted and what KDHE considers to be a reasonable effort (see verbiage written in column 2).</p> <p>In addition, please consider if the "address" details are required or can be left blank and what information is to be entered if a family does not have a doctor, dentist or hospital preference. We would recommend these minor issues at minimum be noted on NOSF as consultations and not a violation.</p>