

DR 81-6 - Possible Amendment to the
Zoning Ordinance - Re: Family Day
Care Homes.

ACTION

DATE

COMMITTEE

M.A.P.C. Approved 2-26-81

B.C.C./B.C.C.C. Approved 3-24-81

File 11/11/81

Favored Option #1

- Leave Home Occupation Ordinance, fees etc. as is
- CID agrees not to inspect for 1-6 if certified to State as to Health, Safety Code
 - Reduces number of inspections
 - Reduces unanticipated costs for improvement
 - Does not establish a discriminatory basis for Home Occupation and fees (others may want same right e.g., beauty shop).
 - Easy to do. No ordinance changes. Immediate
 - Still no assurance as to condition of home.
 - Still requires \$20 annual fee.

Option #2

Let Registered and Licensed homes under 6, certify as to Home Occupation requirements (Health to send a copy to CID)

Amend Home Occupation license and (requiring \$20 annual license) to waive fee for those Home Occupations certifying to a State Agency compliance to Health and Safety Codes where local code is certified to and where it applies to Day Care Centers having 6 or fewer children and where no inspections are made. If compliants filed and found justified, then inspection and fees will no longer be waived for that Home Occupation license.

- Requires change only to license ordinance.

RAL
11-9-82.

Favored Option #1

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AD HOC TASK FORCE ON FAMILY DAY CARE HOMES MEETING

Thursday, November 4, 1982, 3:00 p.m.

MEMBERS PRESENT

Dr. Fred Tosh, Chair, Frankie Gibson, Steve Ellis, Linda Saad, Robert Feldner, Leigh Aaron-Leary, Bob Lakin, Don Anderson, and ex-officio Mary Ellen Conlee. James Jorgensen of the Central Inspection Department and Willis Swart of the Fire Department were also in attendance.

CORRECTIONS TO REPORT OF LAST MEETING

First paragraph, Leigh Aaron-Leary should be Leigh Aaron-Leary.

Fourth paragraph, should read, "The Health Department personnel also process forms for family day care homes with six or less children. . ."

On page 2, second paragraph, item 1, "A report from Central Inspection identifying the kind of code violations that have been found in family day care home inspections. . . divided into categories on licensed and registered."

COMMITTEE ACTIONS

Dr. Tosh passed out standard checklists of procedures done by the Health Department for both licensing and registering of day care homes.

Robert Feldner and Jim Jorgensen of Central Inspection discussed the day care homes inspection report passed out at the last meeting.

Mr. Feldner stated that before a day care home license was issued, the building inspector had to be satisfied with the condition of the home. He felt that the majority of items on the checklist was something people would normally do anyway. He was, however, concerned about the deficiencies found in furnaces and hot water heaters. Of the homes inspected, 23% of the homes with 1 to 6 children and 57% of the homes with 7 to 10 children had building deficiencies in the furnace, hot water heater, or electrical wiring system hazardous enough to present an immediate danger to the home. He was also concerned as to how qualified homeowners were to recognize problems in these particular areas.

In addition to these problem areas, there was also a high number of deficiencies in fire extinguishers for 7 to 10 children homes. Mr. Feldner explained that this was probably because 1 to 6 children providers had changed to 7 to 10 children homes and had the extinguisher approved for homes with 6 or less children.

Linda Saad stated that the fire extinguisher requirement had only come through this summer and a lot of providers may not have known about it yet.

With reference to deficiencies in day care homes, Aaron-Leary raised the question of how deficiencies would be taken care of if city inspectors didn't go into the homes.

Saad answered that some homes are inspected when they are insured. She added that maybe something could be done in terms of awareness. Saad also stated that when it comes to the question of inspecting homes, parents feel they are the best judge for the care of their child(ren).

Gibson said there was not enough data in Kansas to be conclusive. Some data done by survey is being compiled and some information has been received from WSU, Gibson added. Gibson suggested that perhaps providers could be encouraged to take a more businesslike attitude when it came to dealing with deficiencies in the home.

Steve Ellis inquired if there had been any deaths attributed to child care facilities. Dr. Tosh answered that there had been none in Wichita. Willis Swart of the Fire Department stated that there had been two children who died in a home fire back East, but none in Wichita.

Suggestions were made as to the most successful and cost effective approach to inspection:

Gibson felt that one way this could be done was to put the responsibility back on the day care providers. She suggested a teaching tool that would allow people to carry on; identifying things people are aware of, things they can do for themselves, and things to look for.

Saad stated that all homes go through orientation at the Health Department.

Although education is not a total answer, Dr. Tosh felt that it would help some.

It was also noted that Central Inspection sends out a checklist with applications for licenses.

Leary wanted to know if people could be educated as to what to evaluate on the checklist.

Feldner replied that only a small percentage of people actually know what to look for as far as deficiencies in furnaces, water heaters, etc.

Discussion was had concerning a uniform set of guidelines with a checklist that one party could check on. Several options were discussed. It was the consensus of the Day Care Association representatives to do away with any local requirements. An option in the developmental stage would be to have a one time home occupation inspection for all family day care homes with 6 or less, and then, in subsequent years these homes be granted a home occupation license on the honor system. Homes in the 7 to 10 category would continue to have home occupation license inspections annually because of state life safety regulations. The committee decided that members who so desired should outline options for consideration to be discussed at the next meeting. Dr. Tosh asked Mary Ellen Conlee to request a two week deferral for consideration of the issues by the City Commission.

The next meeting was scheduled for Tuesday, November 9, 3:30 p.m., in the City Commission Conference Room.


Mary Ellen Conlee
Public Affairs Director

Family day Care

11-5

HUTCHINSON —

Indicated that all day care centers
in Res. areas require Special Use
permit by P.C. & C.C. — No Fee.

Not permitted as home occupation

Do not have Home Occup. License

NEWTON —

All child care facilities over 6 —
require special use permit — \$50⁰⁰ —
in 1-F or 2-F Distr. —
in M-F — outright permitted use

Child Care Home — 6 or less — no spec perm.

Do not have Home Occup. License

LAWRENCE —

Pelos

Recently amended Z.O. to comply
w/ state licensing regs. —

7 or less permitted in home —

No Home occup. License —

Spec. permit for C. Day Care Center (over 7)
in Residential Districts.

SHAWNEE —

Huggins

Spec. permit for C. Day Care C. (over 6)
in Residential Distts.

6 or less permitted in a home

No Home occup. license

NOTE

"All seem to be vague on the possible
problems of compliance w/ state regs.
vs. local regs."

AD HOC TASK FORCE ON FAMILY DAY CARE HOMES -
ORGANIZATIONAL MEETING - TUESDAY, OCTOBER 26, 1982 (1:30 P.M.)

Summary of Discussion and Action

Members Present

Robert Lakin, Don Anderson, Robert Feldner, Frankie Gibson, Linda Saad, Steve Ellis, Leigh Aaron-Leavy, Judy Reno (representing Dr. Tosh), Mary Ellen Conlee (ex-officio).

Background

There was considerable discussion by all members of the task force to determine exactly what the current inspection for family day care homes entails, how this inspection came about and what the current complaints by the day care providers are.

It was determined that Family Day Care Homes must meet both state and local regulations. The Wichita-Sedgwick County Health Department is charged with enforcing the state requirements. To comply, health department nurses inspect all homes applying for family day care licenses. This inspection is based on a checklist of regulations provided by the Kansas Department of Health and Environment.

The health department personnel also process forms for family day care homes with less than ^{or less} six children requesting state of Kansas registration. This category requires the applicant to fill out a checklist indicating voluntary compliance with certain safety requirements.

Both the state licensing and registration forms state that the family day care homes comply with all local regulations. This requirement has resulted in the Health Department sending the names of all applicants to the Central Inspection Division. This division is responsible for enforcing the zoning requirement which will allow family day care homes as a permitted use in residential zones. In addition, Central Inspection is charged with enforcing local adopted building codes and by agreement with the Fire Department enforces state life safety codes for family day care homes with seven to ten children.

Representatives of the day care providers are not requesting a review of or changes in the state requirements. They are requesting changes in the local requirements stemming from zoning regulations that activate the need for a home occupation license.

The charge of the task force is to determine:

- 1) Should local home occupation license requirements be eliminated for licensed or registered family day care homes?
- 2) If the data indicates that this regulation should be eliminated, how can that best be accomplished?

Ad Hoc Task Force
Page 2

Committee Action

The committee members designated Dr. Fred Tosh, Director of the Wichita-Sedgwick County Health Department as Chair of the Ad Hoc Task Force on Family Day Care.

Task force members were asked to compile reports so that at the next meeting there would be sufficient data to analyze the current situation and make recommendations to the City Commission. Specifically, the following information was requested.

- 1) A report from Central Inspection identifying the kind of code violations that have been found in family day care home inspections.
- 2) The specific requirements for both state licensing and local home occupation compliance.
- 3) The final report of the Wichita-Sedgwick County Child Care Task Force.
- 4) Information about the number of licensed and registered family day care homes in Wichita.

Thursday, November 4, 1982, 3:00 p.m., was set as the next meeting for the Task Force. At that time the Task Force members should be prepared to determine if agreement can be reached to recommend a change in current local regulations and procedures. If agreement cannot be reached, the policy questions to be decided by the City Commission should be identified.



Mary Ellen Conlee, Public Affairs
Director
Ex Officio to Task Force on
Family Day Care Homes

CHILD CARE TASK FORCE

Final Report

Background

Kansas, during the 1970's, competed very well with other states for new industry. In fact, state officials from the Kansas Department of Economic Development indicate that during the first six years of the decade, Kansas ranked third, behind California and Texas, in the number of manufacturing jobs created. Sedgwick County's employment increased 34% while the Sedgwick County population increased only 2% in the same time period. State officials say the greater increase in employment stems largely from the entry of many women into the work force.

Most would agree that without this influx of women in the work force, it would have been extremely difficult for our state to record the economic gains that it did during the decade of the 70's. Yet, concomitant with this progress, are problems: problems that need to be recognized and dealt with at the community level.

One out of every six families in the United States is maintained by a woman. By the end of the 1970's, more than 30 million children had mothers who were working, almost 20% more than in 1970. Possibly the most striking change in the lifestyle of this nation has been the inexorable increase of working women, single and married.

The Wall Street Journal recently reported that half of all children under 18 living in two-parent families have mothers who work, compared with 38% in 1970. Of course, the figures are dramatically higher for children living in one-parent families.

The Census Bureau reports that one-parent families have increased 79% since the 1970 census. Most one-parent families are headed by women and are found at poverty level or below three times that of two-parent families.

Locally, the City/County Enumeration data reflects nearly identical trends, clearly showing this is not someone else's problem, but must be dealt with on a local level.

But, where do these children go during their parents' work day? Who cares for them and what is the quality of that care?

The next question might perhaps be, "Is this a community concern?" The Child Care Task Force was formed as a result of the County and City Commission's positive answer to that question. This community is concerned that the composition of the work force has changed and that this change has brought about new problems which need to be dealt with, not ignored.

There are many economic advantages to providing adequate child care facilities:

1. It allows parents who want and need to work the opportunity to do so.
2. When parents go to work outside the home, new jobs are created for the care of their children.
3. It will reduce the number of welfare recipients, especially among the "female, head of household" group.
4. Children, well cared for and educated at a young age, have a significantly greater chance of success in later life, than those with poor early childhood experiences and thus require fewer social service programs later in life.
5. Research indicates 50 percent less incidence of assignment to special education classes, and 50 percent less retention in grades for children receiving quality child care which relates to a tremendous savings to taxpayers.

When the Child Care Task Force was established in January of 1980 there was a pressing need for more child care facilities in the community. Since then, 17 new child care centers have opened, including some large ones such as St. Francis, Wesley and La Petite. Five centers also closed during this period. Problems continue in the areas of adequate funding for centers, adequate and realistic subsidies for families who cannot afford the purchase of child care services on their own, and adequate resources for the care of infants.

Stated Purpose and Goals of the Task Force

By initiating resolution, some of the responsibilities of the Task Force were set forth as follows:

1. To act as coordinator between the various groups working on child care in the community.
2. To identify sources of funding for the establishment of new centers and support of existing centers.
3. To review regulations involving child care and prepare recommendations for changes if necessary.
4. To work with local business and industry and offer support services to any wishing to establish a child care program.

In response to these charges, the Task Force has focused on four major areas: 1) Codes and Regulations, 2) Business and Industry, 3) Legislation and 4) Funding. Task Force subcommittees have met on a regular basis to gather information in these areas and report back to the Task Force as a whole.

Accomplishments

The subcommittees, as well as the full group, have accomplished much during their 24 months of existence. Some of these accomplishments are not directly the result of some action by the Task Force, but indirectly the group has been a factor or acted as a catalyst for change.

- Citizen involvement in the Task Force
- Public hearings to gather information
- Provision of a forum for child care providers with specific problems
- Increased community awareness of child care issues and benefits
- Information sharing, centralizing and coordinating
- Procedural changes made by Central Inspection Division on plan review procedures
- Information and referral service expansion
- Monthly orientation programs on how to start a center or day care home
- Surveys: Commission on the Status of Women
City Employees
Greater Downtown Wichita
- Amendment of city zoning ordinance allowing maximum number in family day care homes
- Establishment of a working relationship with Greater Downtown Wichita toward expansion of downtown day care services
- Inclusion of child care centers in City's IRB policy Guidelines for considering application, including quarterly review of utilization of existing child care facilities
- Promotion of legislation establishing state tax credit for business and industry support/provision of day care services
- Thorough review of child care center regulations and recommendations for revision (revised regulations will be published in 1983)

Present Status of Child Day Care

The economic analysis found elsewhere in this report indicates that the future need for child day care, based on economic and population projections, will continue to increase. At the same time, the amount of public funds available to those least able to pay the costs of quality child care has been drastically reduced. Between June and October of 1981, the local SRS office reduced from 846 to 280 the number of income eligible and WIN clients receiving child day care assistance. It appears unlikely that any additional day care funds will be available from the federal or state level in the foreseeable future. Yet we know that, without some financial assistance, many parents are unable to secure or retain quality care for their children.

There are remaining public funds which have been designated as local donor match for purchase of child day care. Although a local match is no longer a federal requirement, the evidence strongly indicates the need to continue to retain these funds for child care subsidy to families. The Child Care Task Force would like the opportunity to participate in the decision as to the actual distribution of these child care funds.

Child Care Economic Analysis

In September, 1979, the unemployment rate for the Wichita SMSA was 2.5% less than half the national rate of 5.8%. The demand for employees was at a modern day high at a time of double digit inflation. As a result, employees were moving from company to company in search of higher wages. The need for additional employees, primarily in skilled and professional positions, and labor turnover were major issues facing the majority of Wichita area businesses.

In early 1980, the national economy entered a slowing period as double digit inflation continued and interest rates exceeded 20%. National unemployment rose to 7.8% in May of 1980 and has been 7.0% or above ever since. The Wichita economy reacted to national conditions and reached a 4.7% unemployment rate in June, 1980, and has remained at about half the national rate. For August, 1981, the most recent month for which comparable figures are available, the national unemployment rate is 7.2% and the Wichita SMSA rate is 3.9%.

The demand for additional workers in specific occupations has remained at a high level. Labor turnover has been significantly reduced to where it is not perceived, by a broad cross-section of business, as the problem it was in 1979 and early 1980. Yet there are some areas in which high turnover persists.

Expansion of the work force has been accomplished through greater utilization of the existing population, growth in city and area population, and through increased commuting. Since demand for additional employees in specific occupations remains high, training will continue to be important to further utilize the existing population and there will continue to be opportunities for economically disadvantaged citizens.

The number of births in Sedgwick County has hovered around 5,800 per year recently. The trend appears to be increasing with 7,000 expected by 1986. Assuming that children in the preschool years are the majority of the population most affected by child care issues then, 6 years x 5,800 live births per year nets 34,800 potential child care clients.

The actual number of those potential children requiring care will be dependent upon economic conditions and available employment opportunities for their guardian. Past experience would indicate that approximately 50 percent of these children will require child care due to employment of both parents or in one-parent families the employment of the single parent. Half of the number requiring care will receive private care from a relative, friend, etc., leaving approximately 8,500 as the base

minimum number of children needing professional child care services. The number could be considerably higher as more and more persons are drawn into the work force out of necessity or desire.

To forecast the future is a feat beyond even the best group of economists. A few popular scenarios must include the following (however, please note there is not a majority in agreement with any!).

1. More of the same--very slow/sluggish economy, high interest rates, only slight growth, stable but moderate unemployment \pm 5-8% range.
2. Economic Recession--negative growth, reduced demand for goods and services resulting in increased unemployment \pm 6-10%, softening of interest rates due to reduced demand.
3. Economic Depression--strong drop in demand, massive layoffs, high unemployment 10+, two-tier interest favoring the strongest (probably largest) firms, high rates of bankruptcy in smaller firms.

Day care demand will be directly correlated with the economic activity with the community.

The Chamber of Commerce is projecting an optimistic 14,000 jobs being created over the next two and one-half years. The opportunities are broken into the following categories:

- + 58% manufacturing
- + 19% medical
- + 16% wholesale/retail
- + 7% others

With only approximately 8,000 people (3.5%) unemployed currently we must assume our workforce will need to be expanded over the next two and one-half years to fill these newly created jobs. Statistically, most economists have considered 4% unemployment a static and acceptable level. Realistically, we will have to lure +14,000 new people into the labor force. Child care availability could free some existing population to meet this need.

Current statistics reveal that child care centers account for nearly 26% (+2187 spaces) of the services required to meet the needs of our total potential client population (8,500 children). The remaining children are being cared for in private homes.

Because of high capitalization requirements, scenarios #2 and #3 could cause many of the existing child care centers to close. We, in fact, are seeing evidence of this even while in scenario #1. A further loss of centers will undermine our ability to respond to rapid demand increases.

With 74% of the population potentially not receiving care through a child care center, the total impact of closures would not be overwhelming. The simplest, fastest, and cheapest means of rapid child care capacity growth rests within the private home sector.

Emphasis on training, licensing, registration, and routine assistance measures for family day care could promote rapid capacity development. Child care center capacity growth will continue to be limited by regulation requirements and high capitalization needed for the foreseeable future.

Public School Involvement

The Wichita Public Schools, Unified School District 259, have been conducting Early Childhood Programs since 1962. The Board of Education, the Superintendent and other Administrators have expressed support of the school district's role in child care. The legislative positions of the Board have also been in support of the principles of child care.

Existing programs include the Head Start, Title I Pre-Kindergarten, Colvin extended day care, BOE funded pre-Kindergartens, Latchkey Programs of care before-and-after school at four elementary school sites of identified need and child care for infants and toddlers of high school student parents at high school sites and at the Dunbar Adult Center.

The School District is willing and anxious to be a part of the community effort to meet child care needs of the Wichita community and to expand their services as the needs indicate. The Task Force recommends that the City and County Commissions support and work with school officials in this effort.

Projected Goals for the Task Force

1. Increased involvement of the public schools in day care, i.e., latchkey services.
2. Parent education and public awareness of the characteristics and benefits of quality day care.
3. Continue to collect and refine local statistical data on child care needs and services.
4. Identify and/or develop alternative funding sources for day care to help replace loss of government funding.
5. Continue to support state legislation that provides tax incentives for business and industry support or provision of day care services.
6. Complete expansion of downtown day care services in conjunction with Greater Downtown Wichita.
7. Continue to support the efforts of the existing child care programs and services in Wichita and Sedgwick County.

Future of Child Care Task Force

The establishment of a City/County Child Care Task Force was a message to the community that the Commissions recognized the importance of child day care. While the Task Force will cease to exist as an official City/County board after this year, the importance of day care continues. Now, more than ever, our community must work together to meet the needs of working families and assure that our children receive the best care possible, despite drastic state and federal budget cuts.

For this reason, the members of the Task Force plan to continue to meet, work and serve as the coordinating group for child care in Wichita and Sedgwick County. No staff time or other expense will be incurred by the City or County as a result of the Task Force's continuance. We do, however, want to be recognized by the City and County Commissions as the primary advisory group to speak on child day care issues. We plan to be aligned with the Child Care Association of Wichita/Sedgwick County, the primary agency in our community serving day care providers and families with child care needs. The proposed direction is that current members of either the City/County Child Care Task Force or the Tri-Agency Child Care Council (which has served in an advisory capacity to the Child Care Association, SRS, and the Health Department) will combine to form an ongoing group to support child care services in the community.

We also request that, based on the importance of day care to families and employers, the commissioners instruct their staff to be aware of the needs of - and the potential resources for - child day care in our community.

Call Tefcha
Lawrence
Shubert
Newton

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Defense Day - local Defense
H.O. ; State Representative.

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Family Day Care Regulations: State Policies In Transition

By Diane Adams

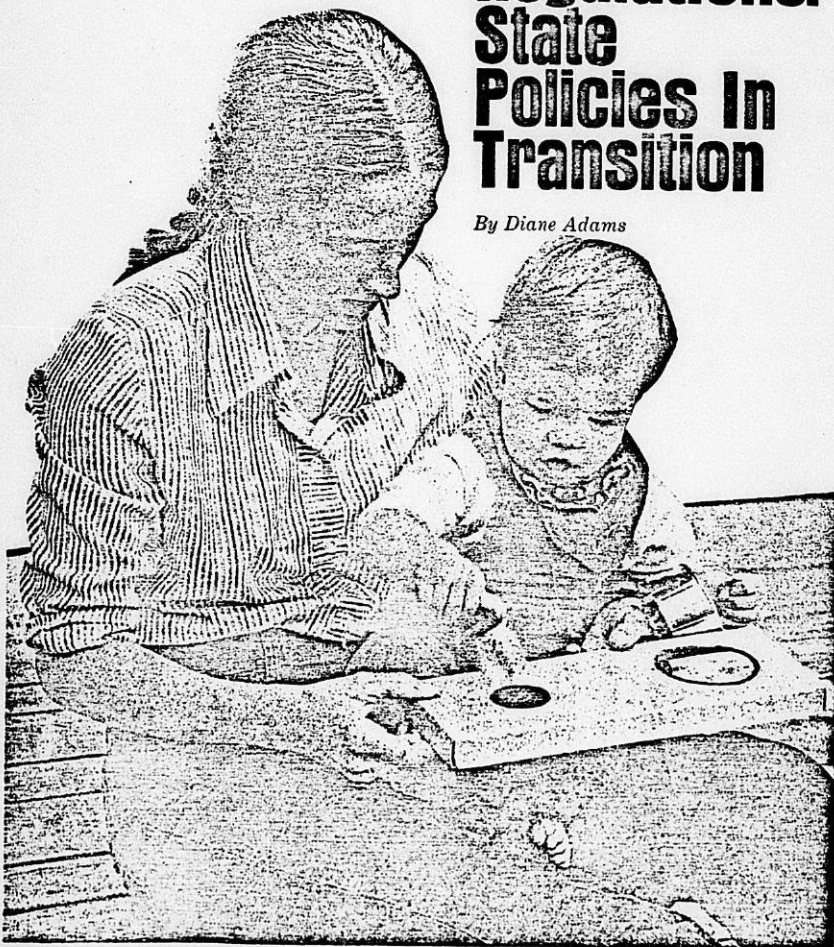


Photo by Marilyn Peterson

Attitudes toward the regulation of family day care homes have changed considerably since licensing of homes was first instituted. Today's "deregulation" mood, the declining dollars for human services, and increased professionalism of family day care providers are among the many factors affecting state policies. This article will report on a policy analysis problem — family day care regulations — and a survey of state licensing officials in the 50 states.

Family day care has emerged from the "shadows" to become recognized for its important role in American child care (Wattenberg, 1981). Providers are becoming more committed to the family day care profession, and are forming state and local associations. There are about 110 such associations at this writing (Children's Foundation, personal communication).

These are hopeful signs for a type of child care that has often been viewed as little more than an unstructured "babysitting" arrangement for neighborhood children or a substitute for center care when that was not readily available. Family day care providers may now make a choice about whether to consider themselves professionals or not, based on personal decision rather than a societal view that child care is not quite legitimate.

There is unprecedented need for, and use of, all kinds of child care services, including family day care. At the same time, federal, state, and local funds are being squeezed by an economy in trouble. It is also a political period in which states are empowered by the federal government to take on new responsibilities for social programs. One of these is the

regulation of family day care for low-income children whose care is subsidized.

The regulation of day care centers and homes has a long history, and standards were initially based on foster care licensing laws. By 1968 day care licensing was operating to some extent or as a "very well established service" in all 50 states plus the territories and Washington, D.C. (Fosburg, 1981). Family day care homes also fell under licensure in most of the states by the time of a 1971 survey. Homes where care was purchased for low-income children were also "certified" under state interpretation of the Federal Interagency Day Care Requirements (FIDCR).

The federal requirements, enacted in 1968, were the cause of heated debate for many years, until they were finally dismantled in January, 1982. People both in and out of government could not agree as to whether the federal standards were intended to help provide low-cost care for mothers on welfare who sought employment or whether the standards were intended to promote high-cost, developmental care for disadvantaged children.

Most states had enacted licensing laws that were not comparable to other states, so there seemed to be a need to have one federal standard for the purchase of care for low-income children. There might have been hope that the FIDCR would improve state licensing laws by some process of osmosis. The federal standards became rather quickly embroiled in controversy and never were satisfactorily supported for their "appropriateness." Finally, in the Omnibus Budget Reconciliation Act of 1981, the standards were eliminated. At the present time each state's day care regulations will be the standards by which care may be purchased for low-income children.

This presents an unusually interesting topic for study. What regulations are found in the states for family day care? What will states do about regulating homes when they have had no basic licensing standards? How will states deal with regulating family day care in a time when state legislatures are demanding less regulation? These questions formed the basis for a policy analysis carried out by the author, a professional fellow at the Bush Institute

for Child and Family Policy at the University of North Carolina/Chapel Hill. To obtain current information about the status of family day care regulations, state directors of day care licensing were surveyed by telephone during February, 1982. Every state (plus Puerto Rico, the Virgin Islands, and the District of Columbia) participated in the interviews, for a 100% response rate.

Directors were asked about the state's regulations for family day care, current family day care issues, and any proposed legislative changes in the state rules. Information about the number of licensed center facilities and the number of licensing workers was also obtained, and the directors ranked a list of possible policy alternatives for regulating family day care. The results of the survey reveal state policies in transition and an unclear future for family day care regulations.

The sheer number of family day care providers who are unregulated has been one impetus for proposed changes. One estimate is that no more than 10% of all family day care providers follow the regulatory law in their states (Fosburg, 1981). There are many reasons for this. Among them are complete ignorance of the law (licensing is often the "best kept secret" in a state); defiance of the law ("it doesn't apply to me"); and fear of intrusion (licensing may be accompanied by inspections from several state or county agencies).

This study verified the high number of unregulated providers. State licensing officials could document about 140,000 providers nationally, a little over 10% of the 1.3 million estimated in the National Day Care Home Study (1981). This is in contrast to day care centers, 90% of whom are licensed.

The variety of regulations for family day care is accounted for by historical plan or accident and current shifts in emphasis. There are three major forms of family day care regulations, each with distinctive features.

Regulations

Licensing amounts to a "formal permission to operate" by the state. The state agency sets the standards, inspects to make sure the provider meets the standards, and employs some enforcement measures when providers do not meet the standards.

Registration is a newer form of



Daine Adams is a Fellow at the Bush Institute for Child and Family Policy, University of North Carolina at Chapel Hill.

regulation. It may be based on state licensing standards or some other standard. Registration may not require initial inspection by the state and emphasizes education of the public and parents to help monitor the care. Typically, a small percent of homes are inspected by the state to check for compliance with the standards.

Certification (sometimes called approval) is a form of regulation for purchase of care. Certification standards are, in almost every state, some modification of FIDCR standards. Where states have high quality licensing standards or registration procedures, certification may not be present. Five states have no licensing or registration systems, and the only regulation of homes is certification for purchased care.

Licensing, in particular, may bring with it the additional regulation of local zoning, health, sanitation, and fire ordinances. This additional regulation may account for so many providers being "underground" providers (Morgan, 1980).

Serious questions have been raised about the legality of registration, and whether the state can legitimately register homes, appearing to assure the protection of children in those homes while only inspecting a small portion of the registered homes. Some providers have questioned whether registration is not really "licensing in disguise," while others have welcomed a less formal licensing process for family day care. These debates will probably continue, but for the time being it is apparent that "registration is right" for family day care, since 14 states register homes.

Currently, 31 states (plus four territories and D.C. for a total of 35) license family day care homes, 18 of them licensing providers who care for one or more children. Table 1 illustrates the regulatory methods used.

The states with the largest number of providers following the regulatory law are shown in the following chart. Currently, over half of them license family day care; four of these have proposed or pending registration bills. States with few regulated homes are not necessarily small population states: Ohio and Louisiana each have fewer than 100 regulated family day care homes.

In addition, Kansas, Maine, and South Carolina are states that use registration or licensing, depending on whether one is caring for subsidized children. South Dakota uses those same reasons for mandatory or voluntary registration.

The twelve states considering registration are California, Connecticut, Delaware, Maryland, New York, Rhode Island, Vermont,

Chart 1
Large Family Day Care States

Ten largest states in number of regulated family day care homes	Type of Regulation	Number of Homes
California	License*	23,500
Texas	Register	14,250
Michigan	Register	10,950
Minnesota	License	9,010
Illinois	License	8,680
Colorado	License*	6,353
Washington	License*	7,000
New York	License*	6,230
Massachusetts	Register	5,120
Kansas	License/Register	3,930

*Registration is under consideration or pending

The balance appears to be shifting toward registration. Twelve states have proposed or intend to propose such legislation, and at least six of these hope to have a registration law passed during 1982. The 14 states currently using registration are shown below:

Mandatory Registration
 Massachusetts (1-6 children)
 Michigan (1-6 children)
 Montana (1-6 children)
 Nebraska (1-8 children)
 North Carolina (2-5 children, no standards)
 Pennsylvania (4-6 children)
 Texas (1-6 children)

Voluntary Registration
 Georgia (3-6 children)
 Iowa (1-6 children)
 Oregon (1-6 children)

Washington, Ohio, Tennessee, plus Georgia and Iowa who are proposing mandatory rather than voluntary registration.

Some states have found it frustrating to enact a policy that calls for much public information, parent education and provider awareness, only to find they didn't have the resources allocated for anything beyond printing a new set of standards. Virginia is a state that enacted a registration system, then decided it was not the best policy because they did not have the consumer awareness/public information needed to make registration successful; they now license homes.

Licensing day care is carried out by a state department of social services or human services in all but four states: Kansas, Mississippi, New Mexico, and North Carolina. (Massachusetts' Office for Children is a separate state agency but is attached to the Human Services Secretariat).

Funding for purchase of care is carried out by the same department that regulates day care in 17 states and territories, the same department but a different unit in 27 states, and no purchase is available in Alaska, Guam, Puerto Rico or the

Table 1
Number of States** and Type of Regulation

Number when regulation starts	Number of States** and Type of Regulation		
	License*	Register	Both License & Register
One child in care	18	8	2
2-3-4 children	12	3	1
5-6 children	5	—	—
Total	35	11	3

*Includes Guam, Puerto Rico, Virgin Islands, and D.C.

**5 states have no basic family day care regulation except for purchasing standards.

Virgin Islands. In six states—Arizona, Indiana, Kansas, Massachusetts, North Carolina, and Vermont—an entirely different state department from the one regulating does the purchasing.

For family day care the impact of having regulations from two different state agencies may be 1) that there are in reality two different standards and 2) that monitoring

and inspection visits can double. When asked what standards they were using for subsidized care, 30 states reported they use their basic licensing (23 states) or registration (7 states) laws, without any additional requirements. Arkansas, California, Delaware, D.C., Nebraska, New Hampshire, South Dakota, and Tennessee use some additional standard on top of the

basic regulatory law. And 13 states have either no licensing law or impose an entirely different standard from the basic licensing law.

Two important trends emerge from the survey:

— the move from licensing to registration

— a move to exempt more people from regulations.

The first is illustrated by the amount of registration legislation proposed or in process. The second is illustrated by several states which have made recent changes to exempt some providers serving just a few children, as in the case of Pennsylvania when that state moved to registration.

For all practical purposes, then, a majority of states are able to purchase care for low-income children using their own standards. There are several major issues regarding family day care that point to the fact that state policies are by no means finally decided.

Major Issues

The ratio of caregivers to children was expressed as a major issue in 15 states, among them New Mexico, where legislation was introduced which would exempt people caring for fewer than six children from licensure, and Wisconsin, where recent rules changes limit the total number of children to six when a provider cares for infants.

Over half the states said that a major issue is the question of the appropriateness of the present regulations. The discussion in states has centered around finding a regulation for homes that is not "miniature day care center" licensing—one that is:

- "less than licensing"
- able to protect the children in care and still protect the unique nature of family day care
- acceptable in rural areas (where child care centers are still rare).

Controversy over family day care regulations has been bitter in several states. Louisiana's licensing law for both centers and homes was revoked, and the state currently licenses only those places where care is purchased.

Other prominent issues regarding family day care, as identified by the licensing officials, were:

- "competition" between day care centers and family day care (15 states)



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- child abuse and neglect in family day care (8 states)
- zoning for family day care homes (13 states)

While states report a variety of problems facing family day care, there is active negotiation between licensing officials and providers in many states to try to solve some of the issues plaguing regulations of homes.

Policy Alternatives

Regulators are committed to the protection of young children in child care. They are faced with declining regulatory budgets, legislatures which demand less regulation, providers who wish to maintain status and professionalism, and the reality that licensing has not provided protection for all the children in family day care homes.

These licensing officials were asked to rank-order a list of possible policy options, selecting them on the basis of preference, not necessarily what would be politically feasible. These options ranged from "no regulations" (that is, just let the free market operate and parents monitor their own care) to "licensing (or approving) family day care systems" (that would in turn regulate their own homes, and included licensing, registration, and certification options).

"License systems" was the first choice for 31 of the administrators. The irony is that in only 24 states can such family day care systems be licensed, and only 14 states actually have family day care systems licensed (under such designations as "child placing agencies").

Registration with standards was the option which received the fewest first place votes. This is the policy being favored in many states as an alternative to traditional licensing. One interpretation of this low ranking is that registration is still not very well understood, and the problems of implementation have been many. It is a policy receiving mixed reactions.

The first option for half of the administrators was not their current state policy. The chances of enacting their preferred policy were slim — only 10 thought it might be feasible to have their policy option enacted.

Just as there is variation among the states in regulations, the perspectives of these administrators vary greatly. One defended having

no regulations except for purchasing standards by saying: "What's the point of having the world's biggest telephone directory? Registration is risky (legally), and any attempt to license or register homes in a large urban state is futile."

Another defended traditional licensing (in a state with several thousand licensed providers) by saying: "We like our system of licensing homes and think our system works well. We believe it is a much higher standard of care."

A third outspoken proponent of registration expressed the opinion that "One of the mistakes we've made over the years, both in writing standards and regulating care, is that we have not really listened to the family day care providers who urge us to write standards relevant to providing care in homes. Registration has shifted primary regulatory responsibility to the people that choose the care — the parents. Parents are the ultimate regulators."

The licensing administrators seemed to agree that the regulations do not, in themselves, guarantee quality care for the children. Only 15 strongly agreed that their regulatory policy had a "strong effect on the quality of child care offered by family day care providers." The most frequent response was that the regulations make providers more aware of what good child care is and that by raising the level of awareness, child care in general is improved in the state.

Summary

It is apparent that states have many options when it comes to regulating family day care. They can try to improve licensing (e.g. speed up the licensing process), institute some other regulatory system (e.g., registration), deregulate family day care (e.g., exempt small numbers of children from the regulations), or use nonregulatory approaches altogether (e.g., educate parents and the public, provide training to providers, let information and referral agencies offer quality care information). The concept of offering direct services to providers, rather than spending money to regulate is another idea which could be used (Morjan, 1980). Vouchers to parents are also suggested by some, but the support services so needed for child care (training, information and referral, care for handicapped children) probably would not emerge

using a "free market" approach such as this.

This policy analysis is like many others in which there is no single policy issue. The regulation of family day care involves 1) the rights of children to be protected, 2) the rights of child care providers to carry on a legitimate home business without infringement of their rights, 3) the extent to which state laws can adequately regulate all the homes where children are in care, 4) the ability of the states to enforce their current laws, 5) the interpretation of standards to the public, parents, and potential family day care providers, and 6) the future needs of consumers of family day care who may not be able to find child care if regulations drive providers out of the business. Apparently states are coming to the conclusion that more regulations would not, in fact, improve either the quality of family day care or the supply.

On the basis of several criteria—among them equity, efficiency, preference satisfaction, and political feasibility—registration would seem to be a favored policy option. It could improve quality by widely

informing parents and providers about standards of child care, and it has already demonstrated its strength in bringing more family providers under regulatory law, thereby increasing supply.

States will need to balance several factors as they examine family day care policies:

- resources
- political feasibility
- the goals of regulation.

This survey found an average of 26 licensing workers per state, an average estimated budget of \$833,000 per state for regulating all day care, and an estimated total of \$47,000,000 nationwide. Only a small portion of that is spent regulating family day care, and in a few states the regulatory burden is shared with counties who license or register homes.

Resources (having enough licensing personnel to enforce state policies) and political feasibility (enacting what is legislatively possible) are impacted by the third factor—defining what is the goal of regulations for homes. There may be another, yet undiscovered, method besides the ones we now know that will protect children and, at the same time,

allow family day care to flourish.

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**No one wakes up thinking,
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**Abused children are helpless.
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Write:  National Committee for Prevention of Child Abuse,
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Summer 1982


Abuse is not something we think about. It's something we do. It runs against our nature, yet it comes naturally. It's a major epidemic, and a contagious one. Abused children often become abusive parents. Abuse perpetuates abuse.

Child abuse is a major cause of death for children under two. Last year in America, an estimated one million children suffered from abuse and neglect and at least 2,000 died needless, painful deaths.

What's being done about prevention? Not enough. Preventive facilities are simply inadequate. Most social agencies deal with abusers and their victims after the damage has been done.

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What will you do today that's more important?

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(9) I understand that if I am asked to give medication to children in my care I should have:

- A. Parental permission for non-prescription medicines.
- B. Prescription bottle with child's name, dosage and name of physician on bottle for prescription medicines.

(10) My home:

- A. Is reasonably clean and uncluttered.
- B. Is skirted and anchored if mobile home.
- C. Has two exits from first floor.
- D. Has floor furnace guard in place around grate when furnace is on.
- E. Has gas stoves/space heaters/woodburning equipment properly vented and guarded. (A sensor may be installed as alternative to venting).
- F. Has hot water heater properly vented and guarded.
- G. Has all electrical outlets covered with safety caps.
- H. Has guns in locked storage.

(11) If basement is used for child care I have:

- A. Two exits (one may be a window not less than 24" by 20").
- B. A smoke detector at head of basement stairs.

(12) I have the following items stored out of children's reach or locked up:

- A. Medications, prescription and non-prescription.
- B. Household poisons.
- C. Knives and sharp scissors.
- D. Inflammable materials.

(13) Our cat/dog have current rabies shots.

(14) All toys and play equipment are safe for children's use.

(15) Playground equipment is anchored as necessary.

(16) All toys and equipment are inspected regularly for defects, and repairs made or removed from service.

REV/ 6/82

- (17) The outdoor play area:
- A. Is free from broken glass, broken toys and play equipment, construction materials and dangerous adult equipment.
 - B. Has a fence separating it from the swimming pool (if pool is on premises).
- (18) I recognize the need to protect children from hazards and am aware of the children's location at all times.
- (19) I protect children from hazards such as railroad tracks, rivers and ponds, heavily traveled streets, as follows:
- A. I have a fenced yard.
 - B. I am always with the children when they play outside.
- (20) Stairways are railed and guarded by door, gate or other barrier or will be upon accepting children under age three for care.
- (21) I use disciplinary methods appropriate to the age of children in care as follows: (Please describe)
- (22) I am aware that I must not use nor allow anyone in my home to use any form of physical punishment which can harm a child.
- (23) I understand that all milk and dairy products served to children in care must be pasteurized.
- (24) Infants are or will be held for bottle feeding if they cannot hold their own bottle. (Bottles must not be propped up or left in mouth of sleeping child.)
- (25) At meal or snack time I provide or will provide milk, juice, fruit, vegetables and meat/meat substitutes to children in care.
- (26) Individual towels or paper towels and individual wash cloths will be used for children in care.
- (27) I have or agree to obtain as necessary appropriate napping or resting facilities:
- A. A crib or playpen for each child under eighteen months.
 - B. Family bed, cot, sofa, lower bunk or pad over carpet for each child over eighteen months (two children may sleep on a double bed).
 - C. Individual bedding for each child in keeping with the home temperature and security of the individual child.
(over)

REV. 6/82

(28) A. My home is connected to Public Water Supply.

Yes _____ No _____ (If no, please complete question B.)

B. Water Supply:

____ 1. I certify that I have safe water, tested for bacteria and an acceptable nitrate level on _____ (approximate date)

____ 2. If the water lab test showed my water to be unsafe, I have attached a statement certifying my alternative action which will provide a safe water supply for all children in child care. (Please contact your local or state health department for a list of approved alternate actions.)

(29) A. My home is connected to a public sewerage system.

Yes _____ No _____ (If no, please complete question B.)

B. Sewage Disposal System:

I certify that I have either:

____ 1. An approved septic tank and lateral field system that is working properly without draining sewage to the ground surface or into ditches, streams, ponds or other waterways.

____ 2. Another type of approved sewage disposal system that is not creating a health hazard.

____ (30) I understand that I am liable for the safety and health of children in my home and/or vehicle.

I certify that all information given is true and correct. I understand that falsification of information may result in denial or revocation of the Certificate of Registration. (K.S.A. 65-521)

Signature of Applicant

Date

JH:SAN:JJW:ta

SEF-KDHE-MCH Rev. 3/81

____ I am or plan to enroll with _____ Day Care Referral Agency.
Name of Agency

____ I wish information about enrolling children whose care is paid for by SRS.

REV. 6/82

NOTICE OF LIFE SAFETY REQUIREMENTS

Date: May 1, 1982
To: All Providers for Registered Family Day Care Homes
From: Edward C. Redmon, State Fire Marshal
Subject: Registered Family Day Care Homes Life Safety Requirements

1). Life Safety Code Section 11-9 paragraph 11-9.2.4.2 states, "Where children are located on a floor (basement) below the floor of exit discharge, at least one exit shall be provided directly to the outside at ground level. No facility shall be located more than one story below the ground."

2). Section 11-9 paragraph 11-9.2.11.2 states, "Every closet door latch shall be such that children can open the door from inside the closet."

3). Section 11-9 paragraph 11-9.2.11.3 states, "Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency and the opening device shall be readily accessible to the staff."

4). Section 11-9 paragraph 11-9.3.4 states, "Where the floor above the level of exit discharge is used for sleeping purposes there shall be a smoke detector at the top of the stairs in a building three stories or less with open stairways, or inside the dwelling unit used as a day-care facility in a multiple dwelling."

5). Section 11-9 paragraph 11-9.3.5 states, "A portable fire extinguisher suitable for Class B fires shall be provided for the kitchens and cooking areas."

6). Section 11-9 paragraph 11-9.5.1.3 states, "Special protective receptacle covers shall be installed in all areas occupied by children in homes for children under 5 years of age."

7). Section 11-9 paragraph 11-9.5.2.1 states, "Unvented room heaters shall not be permitted. Oil and gas-fired room heaters shall be installed in accordance with the applicable standards listed in Appendix B. A guard shall be provided to protect the children from hot surfaces and open flames."

8). Section 11-9 paragraph 11-9.5.2.2 states, "No stove or combustion heater shall be so located as to block escape in case of malfunctioning of the stove or heater."

The above listed fire safety requirements are for Family Day Care Homes. All providers are requested to read thoroughly and if there are any questions, please contact the State Fire Marshal's Office at 109 W. 9th, Mills Bldg., Suite 203, Topeka, Kansas 66612 or phone (913) 296-3401. If you understand the requirements, please sign below and return to the health department with your application, Safety Evaluation Form and Immunization Report

Form. (Detach and keep upper portion for your home reference)

I, _____ on _____ have read the fire safety requirements and will
name date
abide by same. Address _____ Phone _____
City _____ County _____

DETACH AND RETURN TO: Your County Health Department or Maternal and Child Health, Licensing
Bldg. 729, Forbes Field
Topeka, Kansas 66620

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE November 3, 1982




TO Mary Ellen Conley, Public Information Officer

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Day Care Homes
Inspection Report

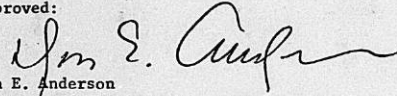
Attached is a report of Central Inspection's experience over the last few months with the inspection of day care facilities.

The summary information cites the major items checked for during the inspection of day care facilities. The major finding of the study is that items of concern to life safety are frequently noted in the course of inspections made of such facilities.


Robert B. Feldner
Superintendent of Central Inspection

RBF:pbg

Approved:


Don E. Anderson
Director of Housing and Economic Development

Family Day Care Homes

BUILDING INSPECTION REPORT

by

James H. Jorgensen
Building Code Engineer
Central Inspection Division
City of Wichita, Kansas

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Objectives:

This report has been prepared to present and analyze the types of building deficiencies to state and local codes and ordinances in family day care homes.

Conclusion:

From the data shown in Tables I and II, 78 percent of the homes do not meet the minimum requirements for day care homes when the initial inspection is made even though the applicant is provided with a checklist of the requirements prior to the inspection.

Some deficiencies can be attributed to the reluctance of the applicant to make modifications until all necessary requirements are known and explained. Others involve deficiencies of which the applicant may be untrained to detect or unaware. It is these undetected violations which present the greatest danger to the home and occupants. These include deficiencies in the furnace, hot water heater and electrical wiring which have the potential of causing a fire, explosion or allowing fumes to remain trapped in the home.

Of the homes inspected, 16 of 49 or 23 percent of the homes with 1 to 6 children and 57 percent of the homes with 7 to 10 children had building deficiencies in the furnace, hot water heater, or electrical wiring system hazardous enough to present an immediate danger to the home.

Data:

The data gathered in this report was collected from inspections made between August 6, 1982 and October 18, 1982 and includes all inspections for which reliable data was available. The sample was made from 35 homes with a capacity of from 1 to 6 children and 14 homes with a capacity of from 7 to 10 children. All homes received a copy of the attached building requirement checklist prior to calling for any inspections.

Homes for 1 to 6 children were inspected by housing inspectors. Data for these homes was obtained from recorded deficiencies written on the home occupation license or by discussion with the inspector. Since the discussions were conducted in late October, some of the homes could not be clearly recalled and were therefore not included in the sample. Plans examination personnel made the inspections on homes caring for 7 to 10 children and a written record is available of each inspection.

The requirements for the day care homes are taken from the state and local level. The requirements of 1981 NFPA Pamphlet 101 Section 11-8 and 11-9 are adopted by the State of Kansas and under the jurisdiction of the State Fire Marshal. The City of Wichita has requirements from the Uniform Building Code and Housing Code. The 1981 National Electrical Code is adopted by both the City and State.

Results:

The results of the data collected are summarized in Tables I and II. The list of building deficiencies shows the majority of items checked by the inspector but does not include all items that may be required in the Housing Code. A letter designation at the side of each deficiency shows the origin of each requirement. Homes for 7 to 10 children have more restrictive requirements and deficiencies are therefore divided into the two categories. Homes for 1 to 6 children may be registered or licensed but no distinction is made since the nature and frequency of deficiencies was similar.

Table II shows the number of building deficiencies per home for each type of home.

Analysis:

Homes caring for 1 to 6 children:

Only 11 of 35 homes (31 percent) were approved during the initial inspection. Failure to have receptacle covers on outlets occurred in 43 percent of the homes. From talking with the inspectors, many applicants were waiting for the inspector to inform them of the requirements prior to making modifications to the home. Building wiring violations involved broken outlet boxes, too many fixtures on an outlet, and using extension cords as permanent wiring. Fire extinguishers were either not charged, not mounted or not purchased.

Most applicants had not considered that their furnace or hot water heaters might have some code deficiencies. Twenty-three percent of the homes had violations of this kind which had the potential of causing a fire. These deficiencies involved such things as open cracks in chimney mortar, vent pipes near or touching combustible construction, inadequate combustion air and electrical wiring resting on vent pipes. Two homes had no gas shutoff valve to the hot water heater. These types of deficiencies have the potential of causing a fire or to permit the accumulation of hazardous gases within the home. It is doubtful that the average home owner would have recognized these hazardous conditions.

Homes caring for 7 to 10 children:

These homes had many of the same deficiencies that existed in the homes with 1 to 6 children. None of these homes were approved during the initial inspection. The larger child care homes require a fire extinguisher that will control several different types of fire. Some of these homes were expanding the number of children and had the extinguisher approved for homes with 6 or less children.

Fifty-three percent of the homes had violations to the furnace, hot water heater or electrical wiring serious enough to present a serious hazard. One home had a crack in the combustion chamber of the furnace and the furnace had to be replaced. Another home had a defective temperature and pressure regulator on the hot water heater which could

allow pressure to build up in the tank and produce a violent explosion.

Overalls:

Many of the violations are easily recognizable by the applicant and easily corrected. Others, however, such as deficiencies in the furnace and hot water heater are only detected by having a knowledgeable person inspect the equipment.

TABLE I

FAMILY DAY CARE HOMES
INSPECTION RECORD SUMMARY
6 August 1982 to 18 October 1982

INSPECTION SAMPLE: Homes Providing Care for 1-6 Children 35
Homes Providing Care for 7-10 Children 14

BUILDING DEFICIENCY (B) Building Codes (S) State Life Safety Code (H) Housing Code	FREQUENCY OF BUILDING DEFICIENCIES				% of Homes Inspected
	Homes for 1-6 Children	% of Homes Inspected	Homes for 7-10 Children	% of Homes Inspected	
EXITS					
Second Exit from the First Floor (S)	N/A	-	1		7%
Separation of Second Floor (S)	N/A	-			
Second Exit from Second Floor (S)	N/A	-			
Separation of Basement (S)	N/A	-	6		43%
Second Exit from Basement (S)	N/A	-			
Exit Door Safety Glazing			1		7%
Minimum 28 inch Door Width (S)	N/A	-			
ELECTRICAL -					
Smoke Detector (B, 5 7-10)	7	20%	5		36%
Building Wiring, Outlet Boxes, Fixtures (S,H)	8	23%	4		29%
Receptacle Covers on Outlets (S)	15	43%	1		7%
FIRE EXTINGUISHERS					
Class B (S)	5	14%	N/A		-
Class ABC (S)	N/A	-	8		57%
FURNACES					
Defective Furnace - Replacement (H)			1		7%
Clearance from Combustibles (H)	1	3%	3		21%
Separation of Heating Appliance From Children (S,B,H)			1		7%
Vent Piping Clearance and Combustion Air (B)	1	3%	2		14%
PLUMBING					
Fixtures			-		
Hot Water Heater - Gas Shut-Off Valve (H,B)	2	6%			
Temperature and Pressure Regulator (H,B)			1		7%
Venting of Combustible Gases, Combustion Air, Clearances (B,H)	5	14%	4		29%
Overflow Pipe (B,H)	2	6%			
OTHER					
Rest Room Door Unlockable From Exterior (S)	4	11%			
Hazards in Yard (H)	1	3%			

TABLE II

Frequency of Violations Per Home

Number of Children Cared For	Number of Violations						
	0	1	2	3	4	5	6
1 - 6 Children	11	9	6	6	3	0	0
7 - 10 Children	0	3	2	5	4	0	0

APPROVED
 APPLICATION
 L.P. 150
 P. CHL. & REC. OK
 APPLICATION
 DATE
 INSPECTOR

ORIGINAL DATA-SHEET

no data

			ADDRESS	VIOLATIONS	HP
X	L	9-1	825 N. ANNA	FE, FE, REAT	3
X	L	9-24	1812 S. ASH		3
X		9-12	2600 N. BELMONT	shk. work, reat, etc. in back yard, EF	3
X		9-9	3127 S. BENNETT	RE, HW-Y, RE	3
X		10-12	706 BOYD	OK	0
X		9-15	326 N. CARINGTON	RE, P	1
X	7-10	9-20	2020 S. CHAUTAUQU	F-C, HW-C, BS, and back in rear chimney	3
X		10-11	400 W. CENTRAL #1005	OK, etc.	1
			247 S. CLIFTON	L 90 not completed yet	0
	7-10	10-18	3232 S. CLIFTON	SE(2)	1
X		10-1	1038 W. DELORSE	OK	0
X	L	9-27	3176 S. DAVIDSON		0
X		9-23	3337 W. DOUGLAS		0
X	7-10	9-6	7000 DELANO	EF, FE, SD	3
X	L	10-8	845 N. EDGEWOOD	F-C, FE, BS	3
X		10-12	2656 ELLIS	OK	0
X		9-28	140 S. EDWARDS		0
			1623 N. ESTELLE	SD, HW-DUPLEX, RE	3
X		9-6	1911 EVERETT	OK	0
X	7-10	9-7	324 N. FERN	FE, BS	2
X	7-10	9-9	1740 S. FERN	SD, BS, CLIMBING IN STORE ROOM, FE	4
X	7-10	8-20	722 S. FOUNTAIN	RE, EF, TYP	3
A		9-7	3543 GORLAND	RE	1
X		9-8	2555 GORLAND	RE, shk in gar., EF	2
		10-13	2747 GENTLEY	OK not finished	0
X		10-4	3516 S. HARPLET		0
X	7-10	9-22	4249 S. HYDRAULIC	HW-C, F-C, AS, FE	4
X		3-16	410 S. ILLINOIS		0
			804 S. ILLINOIS	FE, SD	2
			3520 LEONINE	RE, SD	2
X		10-1	4801 LOOMAN	OK	0
X	7-10	7-9	1914 N. LORRAINE	OK	0
X		8-15	1126 N. MADISON	OK	0
X		9-24	305 E. MADISON RD		0
X		9-27	1330 N. MARKET	HW-shk, HW-Y, h/c in back, EF, RE, etc.	0
X		9-29	829 S. MARSHALL	EF	1
X		9-3	346 N. MT. CARMEL	FE	1
X		8-17	3115 S. MT. CARMEL		0
X		9-22	2120 E. HURDOCK		0
	7-10		326 N. MT. CARMEL	6 Polyfume	0
		10-18	1555 S. MADISON	shk. work in back	0
	7-10		159 N. MERIDIAN	" " " "	0
		10-11	214 NEW YORK	" " " "	0
X	L	9-7	727 N. NEVADA	OK not finished yet	0
X		9-2	524 S. ORANGE		0

71 list
 of 49 licenses
 in Pen
 of work

ORIGINAL DATA SHEET

APPROBATION APPROVED		LICENSE TYPE OR NUMBER OF CHILDREN	APPLICATION DATE	INSPECTOR	ADDRESS	VIOLATIONS	
	J	4-2-24		JR	317 N. OLIVER	EE, SD, RR, EF, F	3
X	R	4-17			640 N. OGDEN	OK	0
X	R	4-5-17			8049 E. ORMS	OK	0
		4-9-22			8305 E. ORMS	no inspection yet	0
X	E	9-29		HP	1716 PATTIE	OK	0
	L	10-4			2322 PATTIE	OK	0
X	L	8-8		GG	548 N. PALMER		0
X	L	9-3		GG	1138 PRAIRIE RC	RC	1
X	T-10	10-5		RR	844 N. RUTAN	EF, BS	2
	L	1-7-71			3114 S. RICHMOND	HWC, EF	2
X	E	9-7		GG	1328 S. ST. FRANCIS		0
X	L	8-28			644 N. SHEPPARD	RC	1
X	L	8-28			624 N. SHEPPARD	RC	1
✓	T-10			RR	3202 S. ST. PAUL	SD, FE, F-C, HW-C,	4
	L				1239 N. SPRECKE	HWC, F-C, SD, FE	4
	L	10-1			1753 S. TOPERA	no inspection yet	0
X	E	8-6		DM	3008 S. VINE	FE	1
X	L	8-30		GG	1609 N. WATSON	OK	0
	T-10	9-12			3332 S. VINE	SD, FE, F-C, sep heater from direct ocean	4
	L	10-7			2152 S. WICHITA	SD, EF, RC, HW-appears	4
X	L	9-28		HP	746 N. WESTLINE	OK	0
X	T-10	9-28		RR	702 S. YACB	HWC, EF, FE,	3
X	R	9-30		HP	9516 W. 9TH	OK	0
X	L	9-2		GG	5713 E. 22ND	RC, SD	2
X	L	9-3		JR	2703 E. 24TH	RC, hot water heater	2
	L	10-4			4905 E. 24TH	SD,	1
	L	10-4			2322 PATTIE	lock, RR, F-C, HWC,	3
	L	10-4			320 N. WATSON		0

✓ = unapproved info

0 included in study (1-6)
 1 not part of study sample
 7-10 ch. / down

- RC = receptacle covers
- EF = electrical fixtures, outlets, wiring etc.
- HW = hot water heater
- F = Furnace
- BS = hoseback separation
- RR dr = rad room operable from exterior
- SD = smoke detector
- FE = fan extinguisher
- SC = second exit

L = licensed (1-6)
 R = Registered (1-6)
 7-10 =

CENTRAL INSPECTION DIVISION - CITY OF WICHITA, KANSAS

FAMILY DAY CARE HOMES

All family day care homes providing day care for 10 or less children shall comply with the following Housing Code and Life Safety Code requirements.

1. All plumbing fixtures shall be in good working condition and properly connected to a water system and to an approved sewerage system.
2. Homes shall have heating facilities which are installed in an approved manner, maintained in safe and good working condition, and capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms to a temperature of at least seventy degrees Fahrenheit.
3. There shall not be any unvented or improperly vented space and/or room heaters. Space and/or room heaters shall be of a type listed for vented use, and shall be connected to a vent approved for use with such appliance. If such space and/or room heaters are equipped with a pilot light, it shall be an approved automatic safety type device. Vented free standing space and/or room heaters shall be installed with provisions for supplying sufficient combustion air and with clearance from combustible material as listed, or as specified by the Superintendent of Central Inspection.
4. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.
5. Each electric light outlet and fixture shall be properly installed, maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
6. Any serious violations of the Housing Code shall be corrected on request of the Housing Inspector.
7. Every closet door latch shall be such that children can open the door from inside the closet.
8. Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the adult in charge.
9. Smoke detectors shall be provided on each level of the home and in isolated areas that are occupied by children.
10. Special electrical covers shall be installed in all areas occupied by children under five years of age.
11. Any heaters in spaces occupied by children shall be separated from the space by partitions, screens or other acceptable means. Screens must be closely spaced wire or expanded metal, of heavy gauge, and must be securely attached to elements of the building.
12. Homes providing day care for 6 or less children shall provide a Class B fire extinguisher in the kitchen. Homes providing day care for 7 to 10 children shall provide one 5 pound ABC (All Purpose) fire extinguisher or (2A-10B:C Rating).

In addition to the above listed requirements, family day care homes providing care for 7 to 10 children shall comply with the following Life Safety Code requirements.

1. No more than 3 children shall be under two years of age.
2. Each floor level occupied by children shall have not less than two exits located in such a way that if one becomes obstructed, the other one will be available. The minimum door width is 28".
3. If a second floor or second level is used for sleeping purposes by children, at least one of the required exits shall lead directly outside or through an enclosed stairway to the outside.

4. If a basement is used for the care of children, at least one exit shall lead directly to the outside at ground level.
 5. If a second floor or second level is used for the care of children. the second floor shall be separated from the floor below by a partition containing a 20-minute door with a self-closing device and a latch.
Exception: (1) Existing self-closing 1-3/4" solid bonded wood core doors without rated frames may be accepted.

(2) Existing panel doors may be modified by applying mastic to sheetrock and bonding it to the panel insert. In addition, trim board 3/4" by 1 1/2" shall be screwed into the thick part of the door to cover the joint between the sheetrock and the door.
 6. Basements shall be separated from the floor above in the same manner as described in No. 5 above.
Exception: If a basement is used for day care of children and the floor above is "off-limits" to the children, the basement need not be separated from the floor above.
-

HOME OCCUPATION LICENSING PROCEDURE FOR FAMILY DAY CARE HOMES

FAMILY DAY CARE HOME - A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

Steps to be taken in establishing a Family Day Care Home in the City of Wichita, Kansas:

1. Contact the City/County Health Department, 1900 East Ninth Street, for licensing information. (Telephone No. 268-8241)
2. Contact Central Inspection, 455 North Main Street, for zoning and Life Safety Code requirements. (Telephone No. 268-4477)
3. Pick up an application for a Home Occupation License from Central Inspection Plans Examination. (The application, together with additional information on requirements, will be mailed on request. Call 268-4477 for such request.)
4. Complete the application and return to Central Inspection Plans Examination.
5. The application will be reviewed and an inspection of the home will be made by an inspector from Central Inspection.
6. If the home is approved, the application will be approved and sent to the Treasurer's Office. The Treasurer's Office will send the applicant a bill for the \$20 license fee. Upon receipt of the fee, the license will be mailed to the applicant.
7. Central Inspection will send the Health Department a copy of the approved application. It is the responsibility of the applicant to provide the Health Department with proof that they are licensed as a Home Occupation before the Health Department can complete the licensing process.

NOTE: For further information or clarification, call Central Inspection Plans Examination at 268-4477.

Day Care -

10/26/82

Family Day Facilities - P 1620 definition

2. Registered (6 or less) Register 1450 Life Safety
applicant + add to registration of form.

b. License -

6 or less -

+ 6 - ^{check} Life then CIDJ Fee.

~~7-10 (CIDJ does Life Safety.)~~

act

- Same Home Occupations
only to Register forms
filed affidavit as to
 - interior
 - employee if AA
 - signs
 - not in accessory structure of AA.
- Amend fee / document to
not require fee if ~~not~~ field check
is made.

check liability

11-4
3 PM

Mayor
Conf Room

5240
10
52400

THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE October 20, 1982

10/21

TO Mary Ellen Conlee, Public Affairs Director

FROM Robert G. Finch, Deputy City Manager


SUBJECT Home Occupation Requirements for
Family Day Care Facilities

On October 19, 1982, the City Commission temporarily suspended enforcement of the home occupation licensing requirements for family day care homes while an Ad Hoc Committee reviews the problem and proposes a solution to be returned to the City Commission in four weeks.

The Ad Hoc Committee is to consist of two representatives from the former Child Care Task Force, two representatives from the Wichita-Sedgwick County Child Care Association, and knowledgeable staff from the Departments of Health, Planning, Housing and Economic Development and the Central Inspection Division.

You are asked to serve as an ex officio member of the Committee. As such, you are responsible for obtaining the names of the representatives from the member groups and calling the organizational meeting at which the Ad Hoc Committee will select its chairperson and vice chairperson. Your further responsibility will include assisting in the coordination of subsequent meetings and development of the Committee's final recommendations.

The report and recommendations are scheduled for the City Commission meeting of November 16, 1982.



Robert G. Finch
Deputy City Manager

RGF/pd

cc: ~~Dr.~~ Fred Tosh, Director of Community Health
Robert A. Lakin, Director of Planning
Don E. Anderson, Director of Housing and Economic Development
Robert Feldner, Superintendent of Central Inspection

RECEIVED

OCT 20 1982

METROPOLITAN PLANNING

ROUTE

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE October 14, 1982

TO The Honorable Board of City Commissioners
FROM E. H. Denton, City Manager

SUBJECT Day Care Licensing

The Child Day Care Association of Wichita-Sedgwick County has expressed concern about local home occupation licensing requirements currently being enforced by the Central Inspection Division as a result of changes in the zoning ordinance. Two documents, "Suggestions on Home Occupation License for Family Day Care Homes" and "Events Effecting Family Day Care Homes" are attached. The changes which became effective on April 9, 1981, were designed to bring local zoning laws into conformance with existing state licensing regulations.

During the past six months, staff members and representatives of the Child Day Care Association have been in communication over the issue of local and state licensing requirements for day care providers in this community. Staff from both the Health Department and the Central Inspection Division have developed clear guidelines as to what is required.

It appears that the problem cannot be solved by procedural administrative changes. If the City Commission decides that relief from local regulation is warranted, changes in the zoning ordinance and the building codes will need to be reviewed by the Metropolitan Area Planning Commission and the City Commission. Due to legal requirements, such changes could take four to six months. The attached information from the Child Day Care Association indicates a need for more immediate relief.

It is recommended that an Ad Hoc Committee with two citizen representatives from the former Child Care Task Force, two representatives of the day care providers and knowledgeable staff from the Health Department, the Planning Department, Economic Development, and Central Inspection be established to study the problem and propose policy changes to the City Commission in four weeks. It is further recommended that the City Commission temporarily suspend enforcement of the home occupation licensing requirements for family day care homes while the Ad Hoc Committee reviews the problem and proposes a solution within four weeks.

Linda Sias^{SP2}

Motion
Approved 50
E. H. Denton
City Manager

EHD:mp

Attachments

cc: Dr. Fred E. Tosh, Director of Community Health
Robert A. Lakin, Director of Planning
Don E. Anderson, Director of Housing and Economic Development

REFERENCE ITEM 85-CM
AGENDA FOR: OCT 19 1982

Suggestions on Home Occupation License for Family Day Care Homes
by the Child Care Association of Wichita/Sedgwick County

The Child Care Association suggests that the following measures be taken regarding the home occupation license requirement for family day care homes:

- As it stand now there is confusion and inconsistency that needs to be clarified quickly for the sake of the family day care homes. Homes without a license cannot receive either SRS payment for children in care or Child Care Food Program reimbursement which is crucial to their existence in many cases.
- What is currently happening is the opposite of the intention. The intention of the City County Child Care Task Force was to free Wichita homes from local restrictions and allow them to have the state licensing limit. The intention of the appeal to Central Inspection was again to free Wichita homes of local restrictions and allow homes to "legally" have ten children in care.
- The City of Wichita needs to find a way to continue what has been the practice for many years and keep Family Day Care Homes out of the home occupation licensing requirement.
- Fire inspections should be done by the fire department for those homes desiring seven to ten children and use only the requirements of the State Fire Marshall.
- Target other homes for inspection by the fire department during fire prevention week.
- Refund all fees collected for home occupation licenses (for family day care).

EVENTS EFFECTING FAMILY DAY CARE HOMES

- 1973 Family Day Care becomes defined in zoning ordinance.
- 1980 Kansas Department of Health and Environment changes the number of children cared for in a Family Day Care Home from six total to six preschool children and four school age children for before and after school care. City-County Child Care Task Force moves to change the definition of Family Day Care Home in the zoning ordinance of Wichita from six to ten in line with change in state licensing. The City County Child Care Task Force is under the impression that this removes any city ordinance that would block Wichita homes from having the state approved limit of ten children.
- Dec. 16, 1980 Request for change heard by City Commission and referred to MAPC.
- Feb. 26, 1981 Metropolitan Area Planning Commission hearing. Change approved.
- April 9, 1981 Change of ordinance became effective.
- No mention of home occupation license occurred during this change in the definition or status.
- Aug. 15, 1981 Kansas State Department of Health & Environment announces new category called Group Day Care Homes. Providers question the local health department on how to apply. First comment about Home Occupation License is heard by provider.
- Jan-Feb., 1982 Questions are raised about whether kindergarteners are to be counted as preschool or school age children in family day care home licenses. State writes license specifically for Wichita that counts kindergarteners as preschoolers based on health department comments that city ordinances require this. Check of zoning and central inspection requirements shows no age definition. But check with Central Inspection shows building code limits the number of children in homes to six. Trudie Sturdy asks for Central Inspection to check her home so she can meet Group Day Care Home Requirements and runs into limitation of six or need to meet school building requirements.
- March, 1982 Health Department presentation on Group Day Care Home requirements to Family Day Care Provider's Organization. Homes are told no way they can have Group Day Care Home because of local ordinances. Encouraged to continue as they are now.
- April 9, 1982 Linda Saad asks for an administrative interpretation in the Uniform Building Code to allow homes to enroll ten children or suggests wording of an exception.
- April 19, 1982 State Fire Marshall issues departmental policy and interpretation of life safety code for Group Day Care Homes of 7-12 children (including relative but not provider's own children).

- April 22, 1982 Child Care Association and Health Department staff discuss the counting of kindergarteners. Health insists that either local laws or State Fire Marshal is blocking. Child Care Association found no local basis but did not know of 4/19/82 release by State Fire Marshal.
- May 3, 1982 Ruling by Central Inspection Board of Examiners and Appeals to allow change to ten children with three provisions. (Ruling should have applied to more than six.)
- May 6, 1982 Letter from James Jorgensen adds another requirement for exception.
- May 22, 1982 Home Occupation License discussed by Community Advisory Council for Child Care.
- July 29, 1982 Meeting of Community Advisory Council for Child Care. Mr. Feldner is asked to explain purpose and intent of home occupation license. Health announces that it will not renew licenses without the Home Occupation license. Complaints are raised about the lack of content of the inspection. Central Inspection says it will provide additional safety check.
- July, 1982 Mailings go out to Family Day Care Homes with basic requirement, requirements for 7 to 10 children, procedure, and application.
- Providers have inspections that enforce basic Home Occupation licensing requirements.
- Providers ask Child Care Association about license. CCA asks Commissioner Wright for clarification.
- Aug. 25, 1982 Meeting with Dr. Tasch and Central Inspection, Fire Inspection, Health Department, and Child Care Association. Commissioner Wright present. New checklist presented.
- Sept. 2, 1982 Meeting with about 60-70 Family Day Care Homes (licensed and registered) about their concerns regarding Home Occupation License

REGULATIONS FOR LICENSING FAMILY DAY CARE HOMES

28-4-100. Definitions. (1) A day care home is a home in which care is given for less than 24 hours a day to a small number of children away from their own homes, who are not related to the persons giving care.

(2) A relative is legally defined as: A father, mother, grandfather, grandfather-in-law, great-grandfather, grandmother, grandmother-in-law, great-grandmother, brother, brother of half blood, brother-in-law, sister, sister of half blood, sister-in-law, step-father, step-mother, step-brother, step-sister, uncle-in-law, great uncle, aunt, aunt-in-law, great aunt, nephew, niece, and cousins of the first degree.

(3) The joint licensing committee is a committee made up of representatives designated by the state department of health and the state department of social welfare.

(4) A full license is a license granted for a term of one year, when the facility meets all requirements of the state department of health and state department of social welfare.

(5) A provisional license is a license issued to all facilities complying with the statutes but not complying with departmental regulations for a full license. This license is issued at the discretion of the state department of health and state department of social welfare, pending satisfactory compliance. A provisional license shall be granted for a period of six months, after receipt of one-half the statutory fee. Such license shall not be renewed until the applicant has submitted a detailed statement of improvements effected or efforts at improvement made during the preceding six months. (Authorized by K.S.A. 65-503, 65-508; effective Jan. 1, 1970.)

28-4-113. Definitions. (a) "Care provider" means an adult who gives care in his or her home for less than twenty-four (24) hours a day to children unrelated to him or her.

(b) "Evening care" means care for children staying with the provider after six o'clock (6:00) p.m. and leaving before one o'clock (1:00) a.m. the following day.

(c) "Inconsequential care", which shall not require a license, means care that is provided on a limited basis as follows: (1) Three (3) hours or less per day for not more than two (2) school age children;

(2) Two (2) hours or less per day for not more than two (2) pre-school children.

(d) "Infant" means a child up to eighteen (18) months of age.

28-4-113. Definitions. (cont.)

(e) "Overnight care" means care for children staying with the care provider after one o'clock (1:00) a.m.

(f) "Pre-school child" means a child between eighteen (18) months and kindergarten age.

(g) "School age" means kindergarten age or older as set forth in K.S.A. 72-1107.

(h) "Substitute care provider" means a person sixteen (16) years of age or older who supervises children in the family day care home in the temporary absence of the provider.

(i) "Temporary absence" means time away from the family day care home and children for a period not to exceed two (2) days.

(j) "Usable exit" means any opening from a basement which leads directly to the outside and which can be demonstrated to be usable for both children and adults. (Authorized by K.S.A. 1978 Supp. 65-508; effective October 17, 1979.)

28-4-114. The family day care license. (a) Any person desiring to conduct a family day care home shall apply for a license on forms provided by the Kansas department of health and environment. Inconsequential care shall not require a license.

(b) The applicant: (1) Shall be at least eighteen (18) years of age;

(2) Shall not be involved in child care or a combination of child care and other employment for more than eighteen (18) hours in a twenty-four (24) hour period.

(3) Shall not be licensed concurrently for more than one (1) type of child care or for child and adult care in the same home.

(4) Shall not be licensed if: (A) the provider's own children have been declared deprived by court action and removed from his or her care; or

(B) there is a conviction for an admission of, or substantial evidence of crimes involving intentional bodily harm, crimes against children or crimes involving moral turpitude on the part of any member or frequent visitor of the household.

(c) The maximum number of children for which a home shall be licensed is six (6) children under school age. The maximum number shall be reduced by one (1) for each infant in care in excess of one (1) as follows:

28-4-114. The family day care license. (cont.)

TABLE

Number of infants under 18 months	Total number of children under school age
1	6
2	5
3	4

In addition, a maximum of three (3) school-age children may be enrolled for care before and after school and during the summer upon request of the applicant.

(d)(1) The maximum number of children permitted shall include the family's own children under fourteen (14) years of age.

(2) The total number of children in care shall not exceed ten (10) including the day care children and the family's own children under fourteen (14) years of age.

(e) At time of obtaining the license application forms, the applicant shall receive a self-evaluation checklist which he or she shall complete and forward to the local health department or to the district office of the Kansas department of health and environment.

(f) A full license shall be issued when the secretary finds that the applicant is in substantial compliance with the regulations and has made full payment of the license fee. Full or temporary license and any written exceptions granted shall be prominently displayed as required by K.S.A. 65-504.

(g)(1) The applicant or licensee shall arrange for a substitute care provider to care for children in the event of illness, emergency or a necessary planned absence.

(2) Substitute care providers shall present a record of tuberculin test or x-ray obtained within the past two (2) years.

(h) Emergency care may be provided on a temporary basis (not more than two (2) consecutive weeks) for more children than the license permits in order to meet emergency needs of a family. The local health department shall be notified of the additional children in care. Such emergency care shall not be provided to the same family more than one (1) time during the licensed period.

(i) A copy of the "regulations for licensing family day care homes for children" shall be kept on the premises at all times.

(j) An applicant shall notify the local health department or the district office of the Kansas department of health and environment when day care service is discontinued and when care is resumed.

28-4-114. The family day care license. (cont.)

(k) An applicant or licensee receiving notice of denial or revocation of license shall be notified of the right to an administrative hearing by the Kansas department of health and environment and subsequently to the right of appeal to the district court. (Authorized by K.S.A. 1978 Supp. 65-504, 65-508; effective October 17, 1979.)

28-4-115. The family day care home. (a) Care provider's home shall meet the legal requirements of the community as to zoning, fire protection standards, water supply, and sewage disposal.

(b) The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of children in care.

(c) Basements used for play space shall have a usable exit leading directly to the outside. (K.A.R. 28-4-113, (j)).

(d) A refrigerator shall be available for the storage of perishable foods.

(e) If infants under one (1) year are enrolled in homes using private well water, commercially bottled water shall be purchased and used.

(f) All medications, dangerous chemicals, household cleaning supplies and sharp instruments shall be stored safely out of the reach of children or placed in locked storage.

(g) All guns shall be in locked storage or equipped with trigger locks.

(h) Outdoor play space, fenced if necessary, shall be available and free from hazards which might be dangerous to the life and health of the child. (Authorized by K.S.A. 1978 Supp. 65-508; effective October 17, 1979.)

28-4-116. The children in care. (a) Children in care shall be offered the opportunity to participate daily in activities which promote their healthy growth and development.

(b) There shall be indoor play space designated for the children. Age-appropriate toys and play equipment of safe construction and in good repair shall be available.

(c) Children shall have at least one (1) hour of outdoor play daily unless extreme weather conditions prevail. Children playing outdoors shall be under the supervision of an adult who is within hearing distance at all times.

(d) Each child shall have a daily supervised rest period as needed. Napping facilities or sleeping facilities for evening and overnight care

28-4-116. The children in care. (cont.)

shall be provided which are appropriate to the age of the child and which may include family beds, cribs, cots, sofas, lower bunks or pads over carpet.

(e) Children in the day care home shall receive a nutritious mid-morning and mid-afternoon snack, and if they remain in the home for longer than four (4) hours (exclusive of overnight care) they shall be served a balanced meal which provides one-third (1/3) of their daily nutritional requirements.

(f) Methods of discipline shall be appropriate to the age and developmental level of the child. Punishment shall not be humiliating, frightening or physically or mentally harmful to the child.

(g) A file shall be maintained for each child which includes: (1) Full name, home and business addresses, and home and business phone numbers of parent or guardian and person to notify in case of emergency.

(2) Full name and telephone number of persons authorized to call for the child and to provide transportation to and from the family day care home.

(3) Child's health assessment record. (K.A.R. 28-4-117.)

(4) Written parental permission for emergency medical care. (K.A.R. 28-4-118). (Authorized by K.S.A. 1978 Supp. 65-508; effective October 17, 1979.)

28-4-117. Health care policies. (a) Physical health of children in day care. (1) An annual health assessment conducted by a nurse approved to perform health assessments or by a licensed physician shall be required for each child under school age. School age children shall have health assessments as required by the school districts in which they are enrolled.

(2) Children under sixteen (16) years of age shall not be required to have routine tuberculin tests.

(3) Immunizations shall be current or in process for all children to age sixteen (16) at time license is issued.

(4) Exemptions permitted: (A) Certification from a licensed physician stating the physical condition of the child is such that the immunization would endanger the child's life or health; or

(B) A written statement signed by parent or guardian that he or she is an adherent of a religious denomination whose teachings are opposed to health assessments or immunizations.

(b) Physical health of applicant or licensee and other household members.

(1) All persons living or working in the child care facility shall have a health assessment conducted by a licensed physician or by a nurse approved

28-4-117. Health care policies. (cont.)

to perform health assessments. Family health assessments shall be renewed every three (3) years. Children under sixteen (16) living in the home shall have current immunizations.

(2) A record of tuberculin test or x-ray obtained within two (2) years prior to application shall be submitted with initial health certificate for persons sixteen (16) years of age or over. Further tuberculin testing shall not be routinely required. (Authorized by K.S.A. 1978 Supp. 65-508; effective October 17, 1979.)

28-4-118. Policies relating to illness, accident and emergency. (a) Non-prescription medications shall be administered to children only with permission of the parent or guardian. Record shall be kept of medications given.

(b) Prescription medications shall be administered only from a container labeled with the child's name, name of medication, dosage, dosage intervals, name of physician and date prescription was filled. The label shall be considered the order from the physician. A record shall be kept of medications given.

(c) The applicant or licensee shall make arrangements for emergency care at a nearby hospital or clinic and shall have written permission of the parent or guardian for such emergency care.

(d) The applicant or licensee shall develop disaster plans to provide for the safety of children in emergencies such as fire, tornado, or civil disorders. Fire drills shall be practiced with the children.

(e) The home shall have a telephone in service, and telephone numbers of community emergency services shall be posted by or near it.

(f) Persons responsible for caring for children shall know how to carry out simple first-aid procedures.

(g) The applicant or licensee shall notify the Kansas department of health and environment of any accident to children which requires hospitalization while in the provider's care, or of the death of any member of the household or child in care.

(h) The child care provider is required by law to report to the Kansas state department of social and rehabilitation services or the district court any evidence of suspected child abuse observed in children enrolled for care. (K.S.A. 1976 Supp. 38-719). (Authorized by K.S.A. 1978 Supp. 65-508; effective October 17, 1979.)

28-4-119. Compliance with regulations. (a) Applicants who applied before May 1, 1979, shall meet the revised family day care home regulations not later than May 1, 1980.

28-4-119. Compliance with regulations. (cont.)

1 (b) Exceptions to the regulations may be allowed by the Kansas department of health and environment under the following conditions: (1) Applicant shall request an exception from the Kansas department of health and environment.

(2) The exception shall meet the best interests of the day care child or children and their families.

(3) The exception shall not violate the statutory requirements nor discriminate against other licensees.

n- sion
(4) Written notice from the Kansas department of health and environment stating the nature of the exception and its duration shall be posted with the license. (Authorized by K.S.A. 1978 Supp. 65-508; effective October 17, 1979.)

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AD HOC TASK FORCE ON FAMILY DAY CARE HOMES MEETING

Tuesday, November 9, 1982, 3:30 p.m.

MEMBERS PRESENT

Chairman Dr. Tosh, Steve Ellis, Robert Feldner, Frankie Gibson, Leigh Aaron-Leary, Bob Lakin and ex-officio Mary Ellen Conlee were in attendance. Jim Harris of the Fire Department and Delores Mast of the Central Inspection Department were also in attendance. Linda Saad and Don Anderson were absent.

CORRECTIONS TO MINUTES

Page 2, next to the last paragraph, second line, should read, "It was recommended by the Day Care Association. . ." instead of "It was the consensus of the Day Care Association. . ."

COMMITTEE ACTIONS

Bob Lakin passed out options that were favorable to the Planning Department.

Frankie Gibson offered possible options that would include an optional inspection at the request of the provider; no Home Occupation License; sign off sheet to be signed by the provider; and an educational campaign.

After all options were discussed and questions concerning each were asked and answered, the following two options were recommended by the Committee for further discussion at the next meeting.

OPTION A

1. Registered and licensed homes with six or less children
 - a. Sign off by provider
Day care provider would sign a sheet to the effect that they were in compliance with Central Inspection requirements.
 - b. Visits from CID would be only at the request of the provider.
 - c. Home Occupation License requirement and the \$20 fee would still be intact.
 - d. Public Health Nurse would visit licensed homes. *annually.*
2. Licensed homes with 7 to 10 children would remain pretty much the same.
 - a. State requirement for Life Safety Code
 - b. Annual inspection by CID
 - c. Home Occupation License would be required
 - d. Public Health Nurse would make annual visit

*Group given w/ A
Mc Tosh*

OPTION B

1. Registered and licensed homes with six or less children
 - a. Initial home occupation license occupation & inspection
 - b. Sign off in subsequent years ^{for HOL}
 - c. Annual visit by PHN to licensed homes.
2. Licensed homes with 7 to 10 children
 - a. Annual visit from Public Health Nurse
 - c. Annual Home Occupation License
 - b. Annual inspection by CID
3. Licensed homes with six or less children
 - a. Annual visit by PHN
 - b. Initial LSC and Home Occupation License (inspection by CID)
 - c. In subsequent years, Home Occupation License would be issued, but there would be no other inspections.
 - d. Sign off by provider

Delete

The next meeting was scheduled for Tuesday, November 16, at 4:00 p.m., in the City Commission Conference Room.

Mary Ellen
Mary Ellen Conlee
Ex-Officio

THE CITY OF WICHITA

OFFICE OF Wichita-Sedgwick County
Health Department

DATE November 22, 1982

TO E. H. Denton, City Manager

FROM Dr. Fred Tosh, Director of Health Department

SUBJECT Ad Hoc Task Force on Family Day Care

This memo transmits the Final Report of the Ad Hoc Task Force on Family Day Care. The Committee met four times between October 26, 1982 and November 16, 1982 and reached an agreement to administratively change the procedures for complying with the Home Occupation License requirement which is activated by the zoning ordinance.

As Chair of the Task Force, I am pleased to announce that an agreement was reached which will allow voluntary compliance by the day care provider for home occupation housing code and life safety requirements in homes serving six or less children. This solution, while continuing to require safety conditions which are part of the Home Occupation License procedures, conforms to the state's legislative direction for an honor system for the small day care provider.

As Director of the Health Department, I cannot totally support the proposed solution. In a discussion of the issue at a recent Board of Health meeting, not resulting in a vote, some members expressed the thinking that we should be moving toward more regulation, rather than less for the protection of children in day care facilities sanctioned by the state. The results of the Central Inspection Division study of family day care home occupation license inspections revealed far too many life threatening deficiencies. I would be much more satisfied with a proposal that included an initial inspection for every licensed or registered home caring for six or less children and then reverted to an affidavit of compliance by the providers in subsequent years.

Fred Tosh

Dr. Fred Tosh
Director of Health Department

FT:jh

cc: Ad Hoc Task Force Committee Members

RECEIVED

NOV 23 1982

METROPOLITAN PLANNING

ROUTE _____

REFERENCE: ITEM #1-0M

AGENDA FOR: NOV 30 1982

AD HOC TASK FORCE ON FAMILY DAY CARE HOMES

FINAL REPORT

BACKGROUND

Family day care homes must meet both state and local regulations. The Wichita-Sedgwick County Health Department is charged with enforcing the state requirements. Since action by the Kansas Legislature in 1981, the state provides two categories for family day care homes:

- 1) Licensure for any home caring for 10 or less children
- 2) Registration for homes caring for six or less children which choose voluntary compliance.

To comply with the state law, Health Department nurses annually inspect all homes applying for family day care licenses. This inspection is based on a checklist of health and safety regulations provided by the Kansas Department of Health and Environment.

Health Department personnel also process forms for family day care homes with six or less children requesting State of Kansas registration. This category requires the applicant to sign an affidavit of voluntary compliance with certain safety and health requirements.

Both the state licensing and registration forms state that the family day care homes comply with all local regulations. As a result, the Health Department sends the names of all applicants to the Central Inspection Division (CID). CID is responsible for enforcing the zoning requirement which allows family day care homes as a permitted use in residential zones. A home occupation license is issued to acknowledge compliance with the conditions of this permitted use. In addition, CID is charged with enforcing locally adopted housing and building codes and by agreement with the Fire Department, enforces life safety codes for family day care homes with seven to ten children.

The procedure whereby the Health Department notified CID of family day care applications for licensure or registration to determine compliance with local regulations provided CID a source of information about family day care homes. As a result of this knowledge of the existence of family day care homes, CID developed a procedure for enforcing compliance with zoning, housing, building and life safety requirements through the issuance of a home occupation license based on an on-site inspection of all homes licensed or registered.

Early in 1982, day care providers began expressing concern and confusion about the inspections being performed by Central Inspection. As advocates for the day care providers, representatives from the Wichita-Sedgwick County Child Day Care Association began working with City staff to clear up the confusion and question the authority and procedures involved in the inspection procedure. As a result, on October 19, 1982, the City Commission authorized the establishment of an Ad Hoc Task Force to study the problem and propose policy changes to the City Commission.

CHARGE OF THE TASK FORCE

During the organizational meeting, it was determined that representatives of the day care providers were requesting a review of local regulations, not state regulations. The task force members determined that the charge of the task force was:

- 1) Should local home occupation license requirements be eliminated for either licensed or registered family day care homes?
- 2) If the data indicates that this regulation should be eliminated, how can that best be accomplished?

FINDINGS

- 1) The controversy over family day care regulations is a nationwide issue as well as a local issue. Government officials are concerned about guaranteeing to the greatest degree possible that children's health and safety is not endangered when spending time in a family day care home, permitted and often authorized by government. Day care providers are challenging the regulations as inflexible and unnecessary (see attachment 2 - "Family Day Care Regulations: State Policies in Transition").
- 2) The zoning ordinance in Wichita allows family day care homes serving 10 or less children as a permitted home occupation use in residential areas. Without this identification as a permitted home occupation, family day care homes could not exist in residential areas. The zoning ordinance requires compliance with the following kinds of items:
 - a) No alteration to the premises which change the character or appearance.
 - b) No equipment shall be used which creates undue noise, electrical interference, smoke, power demands or odors.
 - c) No person other than the person occupying the residence shall be employed.
 - d) No signs are permitted.
- 3) The Central Inspection Division is charged with enforcing the home occupation license provisions of the zoning ordinance. CID is also charged with enforcing housing and building codes. By agreement with the Fire Department, CID enforces state Life Safety Code requirements in family day care homes serving seven to ten children. The State Fire Marshall, in an attempt to be consistent with the Department of Health and Environment, will accept an affidavit of compliance from family day care homes with six or less children.

To carry out its responsibilities, CID developed a checklist of basic regulations for its inspectors to use in on-site inspections of all family day care homes requesting State of Kansas licensure or registration (see Attachment 3).

- 4) In carrying out these inspections, CID has found that 78% of the homes do not meet the minimum requirements for day care homes when the initial inspection is

performed, even though the applicant is provided with a checklist of requirements prior to the inspection. Some of the deficiencies present a significant danger to the home and occupants. These include deficiencies in the furnace, hot water heater and electrical wiring which an untrained observer would have difficulty detecting. Data collected by CID shows that 23% of homes with one to six children and 57% of homes with seven to ten children had building deficiencies in these areas hazardous enough to present an immediate danger to the home (see Attachment 4 - Building Inspection Report).

- 5) Day to day enforcement of state licensing laws is provided by the Wichita-Sedgwick County Health Department. Health Department personnel feel the greatest responsibility is for protection of the children in family day care homes. Those who deal with this program on a daily basis believe that the sanction of the state through either licensure or registration should ensure to the greatest degree possible the health and safety of the children in care.
- 6) State law requires that family day care homes with seven to ten children be licensed by the state. In addition, the State Fire Marshall is charged with assuring that Life Safety Code requirements are enforced. The Health Department carries out the licensing procedure through annual inspections and response to complaints. The CID carries out the Life Safety Code requirements as part of its home occupation license procedures. Neither Health Department management or Central Inspection management believes that public health nurses should be trained in detecting serious building and safety deficiencies.

PROPOSED POLICY CHANGES

The Ad Hoc Committee has proposed changes in procedures that can be adopted administratively. Home occupation licenses will continue to be required of all family day care providers, but procedures for complying with the licensing requirements will be adjusted as follows:

- 1) For registered and licensed homes with six or fewer children, home occupation licenses will be granted based upon a signed affidavit of compliance from the provider. Homes requesting a Home Occupation License will be provided a checklist of requirements by the Central Inspection Division.
- 2) The regular \$20 fee for a Home Occupation License would be charged.
- 3) If the day care provider requests an on-site inspection, it will be provided by Central Inspection and enforced.
- 4) Family day care homes with seven to ten children will continue to be required to have annual on-site inspections by Central Inspection in order to receive a Home Occupation License. The issuing of the license will constitute compliance with State of Kansas Life Safety Code regulations.

Health Department personnel do not support the recommendations of the Ad Hoc Committee concerning registered and licensed homes with six or fewer children. Instead, the Health Department believes there should be an initial on-site inspection by Central Inspection before the first license is granted. In subsequent years an affidavit procedure would be acceptable.

One Committee member felt strongly that the annual on-site home occupation inspection should be reinstated if, in response to a complaint about conditions in a registered home, the investigation found non-compliance of life safety requirements.

ATTACHMENT #1

AD HOC TASK FORCE ON FAMILY DAY CARE

MEMBER

REPRESENTING

Dr. Fred Tosh (Chair)	Wichita-Sedgwick County Health Department
Robert Lakin	Metropolitan Area Planning Department
Don Anderson	Housing and Economic Development
Robert Feldner	Central Inspection Department
Frankie Gibson	Wichita-Sedgwick County Day Care Association
Linda Saad	" " " " " "
Steve Ellis	Child Care Task Force (Cessna Personnel Department)
Leigh Aaron-Leary	Child Care Task Force (Private practice psychologist)
Ex-Officio Mary Ellen Conlee	City Manager's Department

Representatives of the Fire Department sat in on all meetings of the Task Force and provided relevant information.

ATTACHMENT #2

Family Day Care Regulations: State Policies In Transition

By Diane Adams

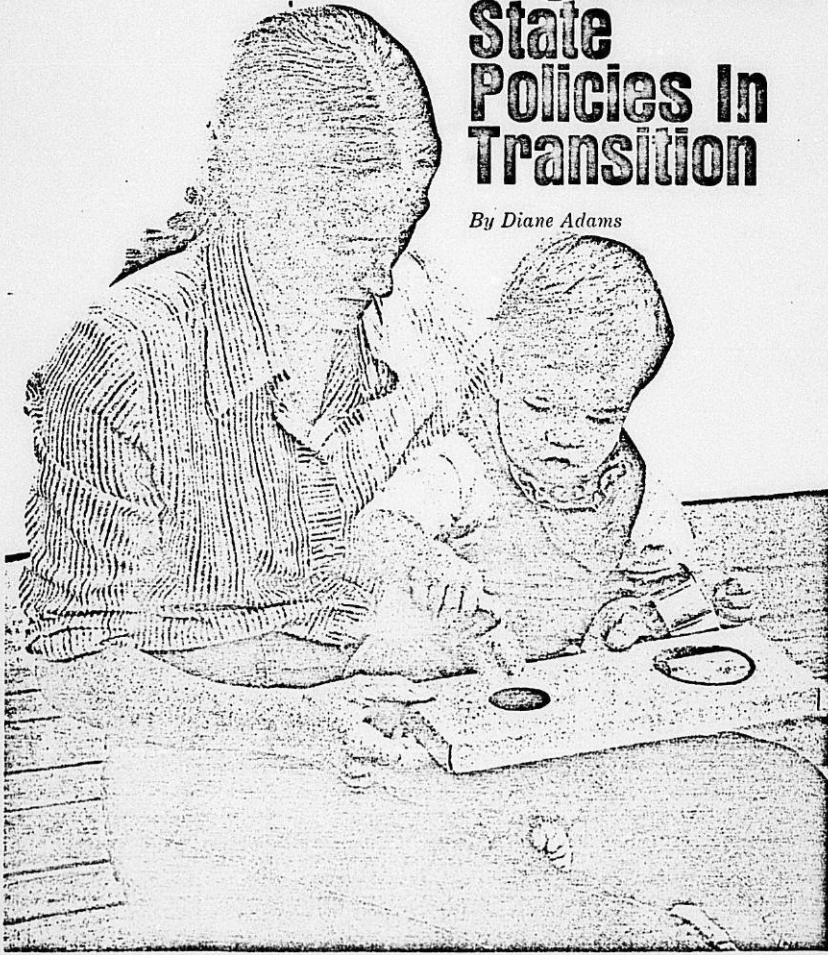


Photo by Marilyn Blumenthal

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DAY CARE JOURNAL

Attitudes toward the regulation of family day care homes have changed considerably since licensing of homes was first instituted. Today's "deregulation" mood, the declining dollars for human services, and increased professionalism of family day care providers are among the many factors affecting state policies. This article will report on a policy analysis problem — family day care regulations — and a survey of state licensing officials in the 50 states.

Family day care has emerged from the "shadows" to become recognized for its important role in American child care (Wattenberg, 1981). Providers are becoming more committed to the family day care profession, and are forming state and local associations. There are about 110 such associations at this writing (Children's Foundation, personal communication).

These are hopeful signs for a type of child care that has often been viewed as little more than an unstructured "babysitting" arrangement for neighborhood children or a substitute for center care when that was not readily available. Family day care providers may now make a choice about whether to consider themselves professionals or not, based on personal decision rather than a societal view that child care is not quite legitimate.

There is unprecedented need for, and use of, all kinds of child care services, including family day care. At the same time, federal, state, and local funds are being squeezed by an economy in trouble. It is also a political period in which states are empowered by the federal government to take on new responsibilities for social programs. One of these is the

regulation of family day care for low-income children whose care is subsidized.

The regulation of day care centers and homes has a long history, and standard were initially based on foster care licensing laws. By 1968 day care licensing was operating to some extent or as a "very well established service" in all 50 states plus the territories and Washington, D.C. (Fosburg, 1981). Family day care homes also fell under licensure in most of the states by the time of a 1971 survey. Homes where care was purchased for low-income children were also "certified" under state interpretation of the Federal Interagency Day Care Requirements (FIDCR).

The federal requirements, enacted in 1968, were the cause of heated debate for many years, until they were finally dismantled in January, 1982. People both in and out of government could not agree as to whether the federal standards were intended to help provide low-cost care for mothers on welfare who sought employment or whether the standards were intended to promote high-cost, developmental care for disadvantaged children.

Most states had enacted licensing laws that were not comparable to other states, so there seemed to be a need to have one federal standard for the purchase of care for low-income children. There might have been hope that the FIDCR would improve state licensing laws by some process of osmosis. The federal standards became rather quickly embroiled in controversy and never were satisfactorily supported for their "appropriateness." Finally, in the Omnibus Budget Reconciliation Act of 1981, the standards were eliminated. At the present time each state's day care regulations will be the standards by which care may be purchased for low-income children.

This presents an unusually interesting topic for study. What regulations are found in the states for family day care? What will states do about regulating homes when they have had no basic licensing standards? How will states deal with regulating family day care in a time when state legislatures are demanding less regulation? These questions formed the basis for a policy analysis carried out by the author, a professional fellow at the Bush Institute

for Child and Family Policy at the University of North Carolina/Chapel Hill. To obtain current information about the status of family day care regulations, state directors of day care licensing were surveyed by telephone during February, 1982. Every state (plus Puerto Rico, the Virgin Islands, and the District of Columbia) participated in the interviews, for a 100% response rate.

Directors were asked about the state's regulations for family day care, current family day care issues, and any proposed legislative changes in the state rules. Information about the number of licensed center facilities and the number of licensing workers was also obtained, and the directors ranked a list of possible policy alternatives for regulating family day care. The results of the survey reveal state policies in transition and an unclear future for family day care regulations.

The sheer number of family day care providers who are unregulated has been one impetus for proposed changes. One estimate is that no more than 10% of all family day care providers follow the regulatory law in their states (Fosburg, 1981). There are many reasons for this. Among them are complete ignorance of the law (licensing is often the "best kept secret" in a state); defiance of the law ("it doesn't apply to me"); and fear of intrusion (licensing may be accompanied by inspections from several state or county agencies).

This study verified the high number of unregulated providers. State licensing officials could document about 140,000 providers nationally, a little over 10% of the 1.3 million estimated in the National Day Care Home Study (1981). This is in contrast to day care centers, 90% of whom are licensed.

The variety of regulations for family day care is accounted for by historical plan or accident and current shifts in emphasis. There are three major forms of family day care regulations, each with distinctive features.

Regulations

Licensing amounts to a "formal permission to operate" by the state. The state agency sets the standards, inspects to make sure the provider meets the standards, and employs some enforcement measures when providers do not meet the standards.

Registration is a newer form of



Daine Adams is a Fellow at the Bush Institute for Child and Family Policy, University of North Carolina at Chapel Hill.

regulation. It may be based on state licensing standards or some other standard. Registration may not require initial inspection by the state and emphasizes education of the public and parents to help monitor the care. Typically, a small percent of homes are inspected by the state to check for compliance with the standards.

Certification (sometimes called approval) is a form of regulation for purchase of care. Certification standards are, in almost every state, some modification of FIDCR standards. Where states have high quality licensing standards or registration procedures, certification may not be present. Five states have no licensing or registration systems, and the only regulation of homes is certification for purchased care.

Licensing, in particular, may bring with it the additional regulation of local zoning, health, sanitation, and fire ordinances. This additional regulation may account for so many providers being "underground" providers (Morgan, 1980).

Serious questions have been raised about the legality of registration, and whether the state can legitimately register homes, appearing to assure the protection of children in those homes while only inspecting a small portion of the registered homes. Some providers have questioned whether registration is not really "licensing in disguise," while others have welcomed a less formal licensing process for family day care. These debates will probably continue, but for the time being it is apparent that "registration is right" for family day care, since 14 states register homes.

Currently, 31 states (plus four territories and D.C. for a total of 35) license family day care homes, 18 of them licensing providers who care for one or more children. Table 1 illustrates the regulatory methods used.

Number when regulation starts	License*	Register	Both License & Register
One child in care	18	8	2
2-3-4 children	12	3	1
5-6 children	5	—	—
Total	35	11	3

*Includes Guam, Puerto Rico, Virgin Islands, and D.C.
**5 states have no basic family day care regulation except for purchasing standards.

The states with the largest number of providers following the regulatory law are shown in the following chart. Currently, over half of them license family day care; four of these have proposed or pending registration bills. States with few regulated homes are not necessarily small population states: Ohio and Louisiana each have fewer than 100 regulated family day care homes.

In addition, Kansas, Maine, and South Carolina are states that use registration or licensing, depending on whether one is caring for subsidized children. South Dakota uses those same reasons for mandatory or voluntary registration.

The twelve states considering registration are California, Connecticut, Delaware, Maryland, New York, Rhode Island, Vermont,

Chart 1
Large Family Day Care States

Ten largest states in number of regulated family day care homes	Type of Regulation	Number of Homes
California	License*	23,500
Texas	Register	14,250
Michigan	Register	10,950
Minnesota	License	9,010
Illinois	License	8,680
Colorado	License*	8,333
Washington	License*	7,000
New York	License*	6,230
Massachusetts	Register	5,120
Kansas	License/Register	3,930

*Registration is under consideration or pending

The balance appears to be shifting toward registration. Twelve states have proposed or intend to propose such legislation, and at least six of these hope to have a registration law passed during 1982. The 14 states currently using registration are shown below:

- Mandatory Registration**
 Massachusetts (1-6 children)
 Michigan (1-6 children)
 Montana (1-6 children)
 Nebraska (1-8 children)
 North Carolina (2-5 children, no standards)
 Pennsylvania (4-6 children)
 Texas (1-6 children)
- Voluntary Registration**
 Georgia (3-6 children)
 Iowa (1-6 children)
 Oregon (1-6 children)

Washington, Ohio, Tennessee, plus Georgia and Iowa who are proposing mandatory rather than voluntary registration.

Some states have found it frustrating to enact a policy that calls for much public information, parent education and provider awareness, only to find they didn't have the resources allocated for anything beyond printing a new set of standards. Virginia is a state that enacted a registration system, then decided it was not the best policy because they did not have the consumer awareness/public information needed to make registration successful; they now license homes.

Licensing day care is carried out by a state department of social services or human services in all but four states: Kansas, Mississippi, New Mexico, and North Carolina. (Massachusetts' Office for Children is a separate state agency but is attached to the Human Services Secretariat).

Funding for purchase of care is carried out by the same department that regulates day care in 17 states and territories, the same department but a different unit in 27 states, and no purchase is available in Alaska, Guam, Puerto Rico or the

Virgin Islands. In six states — Arizona, Indiana, Kansas, Massachusetts, North Carolina, and Vermont — an entirely different state department from the one regulating does the purchasing.

For family day care the impact of having regulations from two different state agencies may be 1) that there are in reality two different standards and 2) that monitoring

and inspection visits can double. When asked what standards they were using for subsidized care, 30 states reported they use their basic licensing (23 states) or registration (7 states) laws, without any additional requirements. Arkansas, California, Delaware, D.C., Nebraska, New Hampshire, South Dakota, and Tennessee use some additional standard on top of the

basic regulatory law. And 13 states have either no licensing law or impose an entirely different standard from the basic licensing law.

Two important trends emerge from the survey:

— the move from licensing to registration

— a move to exempt more people from regulations.

The first is illustrated by the amount of registration legislation proposed or in process. The second is illustrated by several states which have made recent changes to exempt some providers serving just a few children, as in the case of Pennsylvania when that state moved to registration.

For all practical purposes, then, a majority of states are able to purchase care for low-income children using their own standards. There are several major issues regarding family day care that point to the fact that state policies are by no means finally decided.

Major Issues

The ratio of caregivers to children was expressed as a major issue in 15 states, among them New Mexico, where legislation was introduced which would exempt people caring for fewer than six children from licensure, and Wisconsin, where recent rules changes limit the total number of children to six when a provider cares for infants.

Over half the states said that a major issue is the question of the appropriateness of the present regulations. The discussion in states has centered around finding a regulation for homes that is not "miniature day care center" licensing — one that is:

- "less than licensing"
- able to protect the children in care and still protect the unique nature of family day care
- acceptable in rural areas (where child care centers are still rare).

Controversy over family day care regulations has been bitter in several states. Louisiana's licensing law for both centers and homes was revoked, and the state currently licenses only those places where care is purchased.

Other prominent issues regarding family day care, as identified by the licensing officials, were:

- "competition" between day care centers and family day care (15 states)



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— child abuse and neglect in family day care (8 states)

— zoning for family day care homes (13 states)

While states report a variety of problems facing family day care, there is active negotiation between licensing officials and providers in many states to try to solve some of the issues plaguing regulations of homes.

Policy Alternatives

Regulators are committed to the protection of young children in child care. They are faced with declining regulatory budgets, legislatures which demand less regulation, providers who wish to maintain status and professionalism, and the reality that licensing has not provided protection for all the children in family day care homes.

These licensing officials were asked to rank-order a list of possible policy options, selecting them on the basis of preference, not necessarily what would be politically feasible. These options ranged from "no regulations" (that is, just let the free market operate and parents monitor their own care) to "licensing (or approving) family day care systems" (that would in turn regulate their own homes, and included licensing, registration, and certification options).

"License systems" was the first choice for 31 of the administrators. The irony is that in only 24 states can such family day care systems be licensed, and only 14 states actually have family day care systems licensed (under such designations as "child placing agencies").

Registration with standards was the option which received the fewest first place votes. This is the policy being favored in many states as an alternative to traditional licensing. One interpretation of this low ranking is that registration is still not very well understood, and the problems of implementation have been many. It is a policy receiving mixed reactions.

The first option for half of the administrators was not their current state policy. The chances of enacting their preferred policy were slim — only 10 thought it might be feasible to have their policy option enacted.

Just as there is variation among the states in regulations, the perspectives of these administrators vary greatly. One defended having

no regulations except for purchasing standards by saying: "What's the point of having the world's biggest telephone directory? Registration is risky (legally), and any attempt to license or register homes in a large urban state is futile."

Another defended traditional licensing (in a state with several thousand licensed providers) by saying: "We like our system of licensing homes and think our system works well. We believe it is a much higher standard of care."

A third outspoken proponent of registration expressed the opinion that "One of the mistakes we've made over the years, both in writing standards and regulating care, is that we have not really listened to the family day care providers who urge us to write standards relevant to providing care in homes. Registration has shifted primary regulatory responsibility to the people that choose the care — the parents. Parents are the ultimate regulators."

The licensing administrators seemed to agree that the regulations do not, in themselves, guarantee quality care for the children. Only 15 strongly agreed that their regulatory policy had a "strong effect on the quality of child care offered by family day care providers." The most frequent response was that the regulations make providers more aware of what good child care is and that by raising the level of awareness, child care in general is improved in the state.

Summary

It is apparent that states have many options when it comes to regulating family day care. They can try to improve licensing (e.g. speed up the licensing process), institute some other regulatory system (e.g., registration), deregulate family day care (e.g., exempt small numbers of children from the regulations), or use nonregulatory approaches altogether (e.g., educate parents and the public, provide training to providers, let information and referral agencies offer quality care information). The concept of offering direct services to providers, rather than spending money to regulate is another idea which could be used (Morgan, 1980). Vouchers to parents are also suggested by some, but the support services so needed for child care (training, information and referral, care for handicapped children) probably would not emerge

using a "free market" approach such as this.

This policy analysis is like many others in which there is no single policy issue. The regulation of family day care involves 1) the rights of children to be protected, 2) the rights of child care providers to carry on a legitimate home business without infringement of their rights, 3) the extent to which state laws can adequately regulate all the homes where children are in care, 4) the ability of the states to enforce their current laws, 5) the interpretation of standards to the public, parents, and potential family day care providers, and 6) the future needs of consumers of family day care who may not be able to find child care if regulations drive providers out of the business. Apparently states are coming to the conclusion that more regulations would not, in fact, improve either the quality of family day care or the supply.

On the basis of several criteria — among them equity, efficiency, preference satisfaction, and political feasibility — registration would seem to be a favored policy option. It could improve quality by widely

informing parents and providers about standards of child care, and it has already demonstrated its strength in bringing more family providers under regulatory law, thereby increasing supply.

States will need to balance several factors as they examine family day care policies:

- resources
- political feasibility
- the goals of regulation.

This survey found an average of 26 licensing workers per state, an average estimated budget of \$833,000 per state for regulating all day care, and an estimated total of \$47,000,000 nationwide. Only a small portion of that is spent regulating family day care, and in a few states the regulatory burden is shared with counties who license or register homes.

Resources (having enough licensing personnel to enforce state policies) and political feasibility (enacting what is legislatively possible) are impacted by the third factor — defining what is the goal of regulations for homes. There may be another, yet undiscovered, method besides the ones we now know that will protect children and, at the same time,

allow family day care to flourish.

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CENTRAL INSPECTION DIVISION - CITY OF WICHITA, KANSAS

FAMILY DAY CARE HOMES

All family day care homes providing day care for 10 or less children shall comply with the following Housing Code and Life Safety Code requirements.

- HOUSING
CODE*
1. All plumbing fixtures shall be in good working condition and properly connected to a water system and to an approved sewerage system.
 2. Homes shall have heating facilities which are installed in an approved manner, maintained in safe and good working condition, and capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms to a temperature of at least seventy degrees Fahrenheit.
 3. There shall not be any unvented or improperly vented space and/or room heaters. Space and/or room heaters shall be of a type listed for vented use, and shall be connected to a vent approved for use with such appliance. If such space and/or room heaters are equipped with a pilot light, it shall be an approved automatic safety type device. Vented free standing space and/or room heaters shall be installed with provisions for supplying sufficient combustion air and with clearance from combustible material as listed, or as specified by the Superintendent of Central Inspection.
 4. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.
 5. Each electric light outlet and fixture shall be properly installed, maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
 6. Any serious violations of the Housing Code shall be corrected on request of the Housing Inspector.
-
7. Every closet door latch shall be such that children can open the door from inside the closer.
 8. Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the adult in charge.
 9. Smoke detectors shall be provided on each level of the home and in isolated areas that are occupied by children.
- LIFE
SAFETY*
10. Special electrical covers shall be installed in all areas occupied by children under five years of age.
 11. Any heaters in spaces occupied by children shall be separated from the space by partitions, screens or other acceptable means. Screens must be closely spaced wire or expanded metal, of heavy gauge, and must be securely attached to elements of the building.
 12. Homes providing day care for 6 or less children shall provide a Class B fire extinguisher in the kitchen. Homes providing day care for 7 to 10 children shall provide one 5 pound ABC (All Purpose) fire extinguisher or (2A-10B:C Rating).

In addition to the above listed requirements, family day care homes providing care for 7 to 10 children shall comply with the following Life Safety Code requirements.

- LIFE
SAFETY*
1. No more than 3 children shall be under two years of age.
 2. Each floor level occupied by children shall have not less than two exits located in such a way that if one becomes obstructed, the other one will be available. The minimum door width is 28".
 3. If a second floor or second level is used for sleeping purposes by children, at least one of the required exits shall lead directly outside or through an enclosed stairway to the outside.

-2- Family Day Care Homes

4. If a basement is used for the care of children, at least one exit shall lead directly to the outside at ground level.
5. If a second floor or second level is used for the care of children, the second floor shall be separated from the floor below by a partition containing a 20-minute door with a self-closing device and a latch.
Exception: (1) Existing self-closing 1-3/4" solid bonded wood core doors without rated frames may be accepted.

(2) Existing panel doors may be modified by applying mastic to sheet rock and bonding it to the panel insert. In addition, trim board 3/4" by 1 1/2" shall be screwed into the thick part of the door to cover the joint between the sheetrock and the door.
6. Basements shall be separated from the floor above in the same manner as described in No. 5 above.
Exception: If a basement is used for day care of children and the floor above is "off-limits" to the children, the basement need not be separated from the floor above.

HOME OCCUPATION LICENSING PROCEDURE FOR FAMILY DAY CARE HOMES

FAMILY DAY CARE HOME - A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

Steps to be taken in establishing a Family Day Care Home in the City of Wichita, Kansas:

1. Contact the City/County Health Department, 1900 East Ninth Street, for licensing information. (Telephone No. 268-8241)
2. Contact Central Inspection, 455 North Main Street, for zoning and Life Safety Code requirements. (Telephone No. 268-4477)
3. Pick up an application for a Home Occupation License from Central Inspection Plans Examination. (The application, together with additional information on requirements, will be mailed on request. Call 268-4477 for such request.)
4. Complete the application and return to Central Inspection Plans Examination.
5. The application will be reviewed and an inspection of the home will be made by an inspector from Central Inspection.
6. If the home is approved, the application will be approved and sent to the Treasurer's Office. The Treasurer's Office will send the applicant a bill for the \$20 license fee. Upon receipt of the fee, the license will be mailed to the applicant.
7. Central Inspection will send the Health Department a copy of the approved application. It is the responsibility of the applicant to provide the Health Department with proof that they are licensed as a Home Occupation before the Health Department can complete the licensing process.

NOTE: For further information or clarification, call Central Inspection Plans Examination at 268-4477.

ATTACHMENT #4

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE November 3, 1982



TO Mary Ellen Conley, Public Information Officer

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Day Care Homes
Inspection Report

Attached is a report of Central Inspection's experience over the last few months with the inspection of day care facilities.

The summary information cites the major items checked for during the inspection of day care facilities. The major finding of the study is that items of concern to life safety are frequently noted in the course of inspections made of such facilities.

Robert B. Feldner
Robert B. Feldner
Superintendent of Central Inspection

RBF:pgb

Approved:

Don E. Anderson
Don E. Anderson
Director of Housing and Economic Development

Family Day Care Homes

BUILDING INSPECTION REPORT

by

James H. Jorgensen
Building Code Engineer
Central Inspection Division
City of Wichita, Kansas

OBJECTIVES	Page 1
CONCLUSION	Page 1
DATA	Page 1
Original Data Sheet	Page 6, 7
Family Day Care Homes Checklist	Page 8
RESULTS	Page 2
Table I	Page 4
Table II	Page 5
ANALYSIS	Page 2, 3

Objectives:

This report has been prepared to present and analyze the types of building deficiencies to state and local codes and ordinances in family day care homes.

Conclusion:

From the data shown in Tables I and II, 78 percent of the homes do not meet the minimum requirements for day care homes when the initial inspection is made even though the applicant is provided with a checklist of the requirements prior to the inspection.

Some deficiencies can be attributed to the reluctance of the applicant to make modifications until all necessary requirements are known and explained. Others involve deficiencies of which the applicant may be untrained to detect or unaware. It is these undetected violations which present the greatest danger to the home and occupants. These include deficiencies in the furnace, hot water heater and electrical wiring which have the potential of causing a fire, explosion or allowing fumes to remain trapped in the home.

Of the homes inspected, 16 of 49 or 23 percent of the homes with 1 to 6 children and 57 percent of the homes with 7 to 10 children had building deficiencies in the furnace, hot water heater, or electrical wiring system hazardous enough to present an immediate danger to the home.

Data:

The data gathered in this report was collected from inspections made between August 6, 1982 and October 18, 1982 and includes all inspections for which reliable data was available. The sample was made from 35 homes with a capacity of from 1 to 6 children and 14 homes with a capacity of from 7 to 10 children. All homes received a copy of the attached building requirement checklist prior to calling for any inspections.

Homes for 1 to 6 children were inspected by housing inspectors. Data for these homes was obtained from recorded deficiencies written on the home occupation license or by discussion with the inspector. Since the discussions were conducted in late October, some of the homes could not be clearly recalled and were therefore not included in the sample. Plans examination personnel made the inspections on homes caring for 7 to 10 children and a written record is available of each inspection.

The requirements for the day care homes are taken from the state and local level. The requirements of 1981 NFPA Pamphlet 101 Section 11-8 and 11-9 are adopted by the State of Kansas and under the jurisdiction of the State Fire Marshal. The City of Wichita has requirements from the Uniform Building Code and Housing Code. The 1981 National Electrical Code is adopted by both the City and State.

Results:

The results of the data collected are summarized in Tables I and II. The list of building deficiencies shows the majority of items checked by the inspector but does not include all items that may be required in the Housing Code. A letter designation at the side of each deficiency shows the origin of each requirement. Homes for 7 to 10 children have more restrictive requirements and deficiencies are therefore divided into the two categories. Homes for 1 to 6 children may be registered or licensed but no distinction is made since the nature and frequency of deficiencies was similar.

Table II shows the number of building deficiencies per home for each type of home.

Analysis:

Homes caring for 1 to 6 children:

Only 11 of 35 homes (31 percent) were approved during the initial inspection. Failure to have receptacle covers on outlets occurred in 43 percent of the homes. From talking with the inspectors, many applicants were waiting for the inspector to inform them of the requirements prior to making modifications to the home. Building wiring violations involved broken outlet boxes, too many fixtures on an outlet, and using extension cords as permanent wiring. Fire extinguishers were either not charged, not mounted or not purchased.

Most applicants had not considered that their furnace or hot water heaters might have some code deficiencies. Twenty-three percent of the homes had violations of this kind which had the potential of causing a fire. These deficiencies involved such things as open cracks in chimney mortar, vent pipes near or touching combustible construction, inadequate combustion air and electrical wiring resting on vent pipes. Two homes had no gas shutoff valve to the hot water heater. These types of deficiencies have the potential of causing a fire or to permit the accumulation of hazardous gases within the home. It is doubtful that the average home owner would have recognized these hazardous conditions.

Homes caring for 7 to 10 children:

These homes had many of the same deficiencies that existed in the homes with 1 to 6 children. None of these homes were approved during the initial inspection. The larger child care homes require a fire extinguisher that will control several different types of fire. Some of these homes were expanding the number of children and had the extinguisher approved for homes with 6 or less children.

Fifty-three percent of the homes had violations to the furnace, hot water heater or electrical wiring serious enough to present a serious hazard. One home had a crack in the combustion chamber of the furnace and the furnace had to be replaced. Another home had a defective temperature and pressure regulator on the hot water heater which could

allow pressure to build up in the tank and produce a violent explosion.

Overalls:

Many of the violations are easily recognizable by the applicant and easily corrected. Others, however, such as deficiencies in the furnace and hot water heater are only detected by having a knowledgeable person inspect the equipment.

TABLE I

FAMILY DAY CARE HOMES
INSPECTION RECORD SUMMARY
6 August 1982 to 18 October 1982

INSPECTION SAMPLE: Homes Providing Care for 1-6 Children 35
Homes Providing Care for 7-10 Children 14

BUILDING DEFICIENCY	FREQUENCY OF BUILDING DEFICIENCIES				
	(B) Building Codes (S) State Life Safety Code (H) Housing Code	Homes for 1-6 Children	% of Homes Inspected	Homes for 7-10 Children	% of Homes Inspected
EXITS					
Second Exit from the First Floor	(S)	N/A	-	1	7%
Separation of Second Floor	(S)	N/A	-	-	-
Second Exit from Second Floor	(S)	N/A	-	-	-
Separation of Basement	(S)	N/A	-	6	43%
Second Exit from Basement	(S)	N/A	-	-	-
Exit Door Safety Glazing	(S)	N/A	-	1	7%
Minimum 28 inch Door Width	(S)	N/A	-	-	-
ELECTRICAL -					
Smoke Detector	(B, 5 7-10)	7	20%	5	36%
Building Wiring, Outlet Boxes, Fixtures	(S,H)	8	23%	4	29%
Receptacle Covers on Outlets	(S)	15	43%	1	7%
FIRE EXTINGUISHERS					
Class B	(S)	5	14%	N/A	-
Class ABC	(S)	N/A	-	8	57%
FURNACES					
Defective Furnace - Replacement	(H)	-	-	1	7%
Clearance from Combustibles	(H)	1	3%	3	21%
Separation of Heating Appliance From Children	(S,B,H)	-	-	1	7%
Vent Piping Clearance and Combustion Air	(B)	1	3%	2	14%
PLUMBING					
Fixtures			-	-	-
Hot Water Heater - Gas Shut-Off Valve	(H,B)	2	6%	-	-
Temperature and Pressure Regulator	(H,B)	-	-	1	7%
Venting of Combustible Gases, Combustion Air, Clearances	(B,H)	5	14%	4	29%
Overflow Pipe	(B,H)	2	6%	-	-
OTHER					
Rest Room Door Unlocks From Exterior	(S)	4	11%	-	-
Hazards in Yard	(H)	1	3%	-	-

TABLE II

Frequency of Violations Per Home

Number of Children Cared For	Number of Violations						
	0	1	2	3	4	5	6
1 - 6 Children	11	9	6	6	3	0	0
7 - 10 Children	0	3	2	5	4	0	0

APPROVED
 LICENSE
 APPLICATION
 INSPECTOR

ORIGINAL DATA SHEET

no data

			ADDRESS	VIOLATIONS	HD	
X	L	9-1	HP	825 N. ANNA	RC, FE, REAR	3
X	L	9-24	CC	1812 S. ASH		3
X		9-12	CC	2600 N. BELMONT	not sure, rec. door, back walk, EF	3
X		9-9	"	3127 S. BENNETT	RC, HW, EF	3
X		10-12	"	706 BOYD	OK	0
X		9-15	"	326 N. CARINGTON	RC, ?	1 0
X	7-10	9-20	EA	2020 S. CHAUTAUQ	F-C, HW-C, BS, not back in rear chimney	3
X		10-11	EA	400 W. CENTRAL #1005	OK, REAR	1
		7-10	10-18	247 S. CLIFTON	not inspected yet	
				3332 S. CLIFTON	SEW	1
X		10-1	HP	1039 W. DELROSE	OK	0 0
	L	9-23	CC	3175 S. DAVIDSON		0
X		9-23	CC	5330 S. DAVIDSON		0
X	7-10	9-6	DM	7220 DELANO	EF, FE, SD	3
X	L	10-8	ER	845 N. EDELMOORE	F-C, FE, BS	3 0
X		10-22	CC	2656 ELLIS	OK	0 0
X		9-25	CC	142 S. LEWARDS		0
		7-11		1623 N. ESTELLE	SD, HW, REAR, FE	3
X		9-6	JD	1911 EVERETT	OK	0
	7-10	9-7	ER	324 N. FETEN	FE, BS	2
X		9-9	"	1740 S. FERR	SD, BS, GLAZING IN STORM DOOR, FE	4
X		8-20	"	772 S. FOUNTAIN	RC, EF, TFP	3
X		9-7	CC	2543 GARLAND	RC	1
X		9-8	"	2555 GARLAND	RC, HW in gut, EF	2
		10-17	"	2747 GENTLEY	not furnished	
X		10-4	CC	3546 S. HARVET		
X	7-10	9-24	ER	4749 S. HYDRAULIC	HW-C, F-C, BS, FE	4
X		3-16	WA	410 S. ILLINOIS		0
				804 S. ILLINOIS	FE, SD	2
				3520 ILLINOIS	RC, SD	2
				4801 LOOMAN	OK	0
X	8-6	9-9	DM	1714 N. LORRAINE	OK	0
X		5-15	CC	1126 N. MADISON	OK	0
X		9-14	CC	203 E. MADISON RD		
X		9-27	CC	1330 N. MARKET	HW-C, HW-V, hole in brick, EF, REAR	0
X		9-29	HP	829 S. MANTON	EF	1 0
X		9-23	CC	340 N. MT. CARMEL	FE	1
X		8-27	CC	7115 S. MT. CARMEL		0
X		9-22	CC	2120 E. MURDOCK		
	7-10			376 N. MT. CARMEL	Edgework	1
		10-18		1555 S. MAIN	not inspected yet	
	7-10			154 N. MERCANT		
		10-18		2110 NEW YORK	not inspected yet	0
X	L	9-7	CC	727 N. NEVADA		0
X		9-2	CC	524 S. ORANGE		0

ORIGINAL DATA - SHEET 1

APPROVAL APPROVED LICENSE TYPE OR NUMBER OF CHANGES APPLICATION DATE	INSPECTION	ADDRESS	VIOLATIONS	Points
L 4-24	JR	317 N. OLIVER	FE, SD, RC, HW, C, S	3
R 4-27		640 N. OGD MARION	OK	0
R 4-27		2049 E. ORMS	OK	0
R 4-22		8305 E. ORMS	no inspection get	
R 9-29	NR	1716 PATTIE	OK	0
L 10-10		2322 PATTIE	OK	
X L P.P	99	548 W. PALMER		0
L 9-3	99	1138 PEARLE AC	RC	10
X T-10	10-5	RR 044 N. RUTAN	EF, BS	2
L 4-27		3114 S. RICHMOND	HW, SE, EF, S	2
X R 9-7	69	1328 S. ST. FRANCIS		
L 1-65		644 N. SHEPHERD	RC	10
X L 4-22		624 N. SHEPHERD	REL	10
T-10	RR	3202 S. ST. PAUL	SD, FE, F-C, HW-C, S	4
L 10-1	20	1239 N. SPRUCE	HW-C, F-CA, SD, FE	4
L 10-1		1753 S. TOPKA	no inspection get	
X R 8-6	DM	3008 S. VINIE	FE	1
X L 8-20	69	1109 N. WILSON	OK	0
T-10	4-12	3332 S. VINIE	SD, FE, F-C, Sap heater from direct access	4
L 10-7		2152 S. WICHITA	SD, EF, RC, HW-C, S	40
X L 9-28	HP	744 N. WESTLINA	OK	00
X T-10	9-28	RR 702 S. YALE	HW-C, EF, FE, S	3
X R 9-30	HP	9516 W. 9TH	OK	00
X L 9-2	69	5713 E. 22ND	RC, SD	2
L 9-3	JR	2703 E. 24TH	RC, Gas vent off flue,	2
L 10-1		4805 E. 24TH	SD,	1
L 10-1		2322 PLOTT	Leak, RC, F-C, HW-C, S	3
L 10-1		3202 S. ST. PAUL		

included in study (1-6)
not part of study sample
T-10. ch. 1. term

- RC = receptacle covers
- EF = electrical fixtures, outlets, wiring etc
- HW = hot water heater
- F = Furnace
- BS = basement separation
- RC dr = rest room operable from exterior
- SD = smoke detector
- FE = fair, eating unit
- SE = second exit

L = licensed (1-6)
R = Registered (1-6)
T-10 =

Health Bureau of Cook County, Ill.

CITY MANAGER'S AGENDA

SECTION I

I. PROPOSED CHANGES IN PROCEDURES FOR INSPECTION OF FAMILY DAY CARE HOMES.

As a result of conflicts between family day care providers and City staff concerning the appropriateness of Home Occupation License procedures and inspections for family day care homes, the City Commission on October 19, 1982, authorized formation of an Ad Hoc Committee on Family Day Care. The Committee, made up of representatives from the Wichita-Sedgwick County Day Care Association, two citizens who served on the previous Child Care Task Force and staff representatives from Planning, Housing and Economic Development, Health, and Central Inspection, was charged with studying the conflict and proposing policy changes to the City Commission.

The Ad Hoc Committee has proposed changes in procedures that can be adopted administratively. Home Occupation licenses will continue to be required of all family day care providers, but procedures for complying with the licensing requirements will be adjusted as follows:

- 1) For registered and licensed homes with six (6) or fewer children, home occupation licenses will be granted based upon a signed affidavit of compliance from the provider. Homes requesting a Home Occupation License will be provided a checklist of requirements by the Central Inspection Division.
- 2) The regular \$20 fee for a Home Occupation License will be charged.
- 3) If the day care provider requests an on-site inspection, it will be provided by Central Inspection and enforced.
- 4) Family day care homes with 7-10 children will continue to be required to have annual on-site inspections by Central Inspection in order to receive a Home Occupation License. The issuing of the license will constitute compliance with State of Kansas Life Safety Code regulations.

Health Department personnel do not support the recommendation of the Ad Hoc Committee concerning registered and licensed homes with 6 or fewer children. Instead, the Health Department believes there should be an initial on-site inspection by Central Inspection before the first license is granted. In subsequent years an affidavit procedure would be acceptable.

Dr. Fred Tosh, Committee Chairman, will be available for comments.

ACTION:

Approve and file the report and authorize administrative staff to implement.

Nov 23
1982

April 9, 1981

Robert B. Feldner, Superintendent of Central Inspection

Glen E. Lytle, Special Assistant for Zoning

DB-61-6 - Amendment to the Zoning Ordinance
Re: Family Day Care Homes as Home Occupations

Attached hereto is a copy of the recently adopted amendment to the zoning ordinance related to family day care homes. We are in the process of preparing inserts for the zoning ordinances and will furnish you with additional copies as soon as possible.

As you will note, the main change in the ordinance is the increase in the maximum number of children in a family day care home from six to ten. The ages of the children and maximum numbers are also contingent upon the limitations set forth in the Kansas Department of Health and Environment licensing regulations.

The only problem of administration related to the zoning ordinance that I foresee is the limitation placed on a "Family Day Care Home" as a home occupation. Any operation as a child care facility will have to conform to the limitations on employees as does any other home occupation. All child care facilities in any residential district other than those located in the "B" Multiple-family District that do not conform to the limitations of a "Family Day Care Home" as a home occupation must be approved as an "exception" by the Board of Zoning Appeals.

This amendment should alleviate some of the problems that have been pointed out by the Wichita-Sedgwick County Child Care Task Force who recommended this amendment.

Glen E. Lytle

GEL:sad

cc: Don Anderson, Director of Housing & Economic Development
Joe Donnelly, Central Inspection
Sam Mobley, Central Inspection
Jim Jorgenson, Plans Examiner

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 16, 1981

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 81-6 - Possible amendment to the Wichita Zoning Ordinance
Re: Family Day Care Homes in Residential Districts

Attached hereto is a delineated copy of a proposed amendment to the City of Wichita Zoning Ordinance related to a change in the definition of "Family Day Care Homes" by increasing the number of permitted children and including such use as a home occupation permitted in all residential zoning districts. This amendment is being recommended by the Planning Commission for adoption. Please place the amendment on the agenda for City Commission consideration at their meeting of March 24, 1981.

BACKGROUND:

Over a period of ten months, the Wichita-Sedgwick County Child Care Task Force made a study of the problems related to child care facilities and presented their recommendations to the City Commission on December 16, 1980. One of the recommendations made by the task force related to the difference between the State licensing regulations and that of the local zoning regulations. The City Commission requested a public hearing on the necessary amendment.

When the present zoning regulations, related to child care facilities, were revised in 1973, a maximum number of children permitted by a Family Day Care Home was established as six. The State licensing regulations has a maximum of six, but also includes provisions for the enrollment of a maximum of (3) school age children for care before and after school. Also, the total number of children in care shall not exceed (10) which must include the family's own children under 14 years of age.

The Planning Commission considered the proposed amendment on February 26, 1981 and on a unanimous vote recommends the adoption of the ordinance. An excerpt of the planning commission minutes are attached for your information.

SUMMARY:

The proposed amendment will make the following changes in the zoning ordinance:

1. Amends the definition of Family Day Care Home to increase the permitted number of children in care from six to ten.
2. Adds "Family Day Care Home" to the permitted uses under home occupations which will permit such a use in any residence subject to compliance with the State Licensing regulations. This would be subject to the review by Health, Fire and Central Inspection as to the physical appropriateness for a proper care facility in accordance, with all applicable regulations.

RECOMMENDATION:

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Return the amendment to the Planning Commission for reconsideration. The City Commission states the following reasons for such reconsideration.



Robert A. Lakin
Director of Planning

RAL:GEL:sad
Attachment

cc: Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection
Wichita Board of Realtors, 717 North Emporia, Wichita 67214
Wichita Area Builders Association, 730 North Main, Wichita 67203
Chamber of Commerce, 350 West Douglas, Wichita 67202
Robert Lancaster, Health Department
Leola Lindahl, Health Department
Lynda Towsley, Industrial Development (Child Care Task Force)

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 26, 1981

16. Case No. DR 81-6 - Possible Amendment to the Zoning Ordinance Re: Family Day Care Homes

LAKIN stated that this is another zone text change and arises out of a task force that the City Commission received their report relative to day care facilities for children. He said that the appropriate changes had been made as recommended by the Task Force and referred by the governing bodies back to initiate the appropriate actions. He said that he had several calls from people saying that they could not be present today and all of them spoke in support of the proposed change. The change basically brings the local zoning regulation into compliance or equal to the State regulations and definition of this subject.

GLEN E. LYTLE, Special Assistant for Zoning, said that this amendment does increase the number of children that can be cared for in a residence. It will increase the number from 6 children to 10 children. This will depend upon the age of the children in care and also includes the families own children under fourteen years of age.

MRS. DENICE RYAN, 4200 East Central, stated that she works for the State Department of Social & Rehabilitation Services in the Area of Day Care, and also is the Vice Chairperson of the Wichita-Sedgwick County Child Care Task Force. She said that this amendment to the zoning ordinance was initially recommended to the City Commission by the Child Care Task Force, and they are still in support of the amendment. She said that her office receives inquiries from parents seeking child care vacancies in the City, and because of this, they are very aware of the need for day care to allow parents to work or to obtain training. Often when they do find day care, there are not enough vacancies at one day care facility to allow all siblings to be at one location. This can cause parents undue inconvenience in having to go to more than one facility for the care of their children. This amendment could help alleviate that problem. RYAN said that currently the City ordinance is more restrictive than both State and Federal regulations in this area in some case. This amendment would make the City code consistent with what is already allowed by the State regulations.

BAYOUTH asked if the number of children allowed in a day care center would reduce the cost.

RYAN said that in some case the same person would be providing the care.

MRS. CAROL McCORMICK, 212 South Lorraine, President of the Family Day Care Home Providers Association in Wichita, stated that they would like to have this change made mainly because that during the summer when they have school age siblings who need the care, they are more or less over the barrel because they have to get special permission from the Health Department causing a lot of excess paper work and a lot of time consumption. This way they can take care of the school age child at the same time.

MOTION: That the Planning Commission recommend the adoption of the proposed amendment to the zoning ordinance. Wright moved, Bayouth seconded and it carried unanimously. Jones and Lofton were absent. One vacancy.

Deletions marked thru
Additions underlined

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 28.04.020 and 28.04.040 (A-4) TO THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE DEFINITIONS OF "FAMILY DAY CARE HOME" AND "HOME OCCUPATION", AND THE PERMISSION OF A FAMILY DAY CARE HOME AS A PERMITTED USE IN THE "AA" ONE-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL DEFINITIONS OF "FAMILY DAY CARE HOME" AND "HOME OCCUPATION" IN SECTION 28.04.020; AND SAID ORIGINAL SECTION 28.04.040 (A-4).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 28.04.020 of the Code of the City of Wichita, Kansas shall be amended by replacing the respective existing definitions of "Family Day Care Home" and "Home Occupation" as follows:

"FAMILY DAY CARE HOME: A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment."

~~FAMILY-DAY-CARE-HOME--A-building-or-portion-of-a-building in-which-care-is-given-for-less-than-twenty-four-hours-a-day-to six-or-less-children-away-from-their-own-homes,-who-are-not related-to-the-persons-giving-care.~~

"Home Occupations shall consist of the following:

HOME OCCUPATIONS.

A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.

B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by Subsection C., within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

a. No alteration of the principal building or premises shall be made which changes the character or appearance.

b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966".

d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" One Family Dwelling Districts:

a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.

b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the main residential building. No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.

d. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3. In all other districts permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

d. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Subsections B. and C. of this section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3. Ministers, rabbis, priests.

4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.

5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.

6. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.

7. Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.

8. Family Day Care Home.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Animal hospitals.
2. Auto and other vehicle repair.
3. Funeral homes.
4. Kennels and stables when carried on as a business

activity and not as a hobby with coincidental occasional sales and use.

5. Medical or dental clinics or hospitals.

6. Nursery schools and child day care centers, having more than seven four students at a time. ~~unless specifically permitted by the district regulations.~~

7. Renting of trailers, cars or other equipment.

8. Restaurants.

9. Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

Center Frequency
Cycles per Second

Maximum Permitted Sound
Pressure Level Decibels

31.5	65
63	67
125	66
250	59
500	52
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966."

Section 28.04.040 (A-4) of the Code of the City of Wichita, Kansas; shall be amended to read as follows:

"4. Public schools, elementary schools and high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school, but not including private kindergartens, nursery schools or child care centers accommodating seven or more students, except family day care homes operated as home occupations and as defined and limited by Section 28.04.020."

The original definitions of "Family Day Care Home" and "Home Occupation" of Section 28.04.020 and the original Section 28.04.040 (A-4) of the Code of the City of Wichita, Kansas, are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1981.

Robert G. Knight, Mayor

ATTEST:

Donald C. Gisick, City Clerk

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

February 19, 1981

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita-Sedgwick County Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 81-6 - Possible amendment to the Wichita Zoning Ordinance
Re: Family Day Care Homes in Residential Districts

Attached is a delineated copy of a proposed amendment to the City of Wichita Zoning Ordinance that is scheduled for public hearing at the Planning Commission meeting of February 26, 1981.

BACKGROUND:

Over a period of ten months, the Wichita-Sedgwick County Child Care Task Force has made a study of problems related to child care facilities. This task force recently presented its recommendations to the governing bodies, which included a recommendation that an amendment to the zoning regulations was needed. This amendment particularly relates to Family Day Care Homes, which was recommended that it be changed to correspond to the State licensing regulations.

When the present regulations were adopted in 1973, the maximum number of children permitted by a Family Day Care Home was six. This was in conformance with and based on the then established licensing regulations of the State of Kansas. Subsequent amendments to the licensing regulations have now changed permitting a maximum of ten. This is based on the age of the children and also includes the children of the care provider under 14 years of age.

On December 16, 1980, the Board of City Commissioners considered all of the recommendations of the Wichita-Sedgwick County Child Care Task Force. It was the action of the City Commission to refer the matter pertaining to the zoning ordinance to the Metropolitan Area Planning Commission for consideration. This amendment has been prepared by the Planning Department staff and has been advertised for public hearing for the MAPC meeting of February 26, 1981.

SUMMARY:

The proposed amendment will make the following changes in the zoning ordinance:

1. Amends the definition of Family Day Care Home to permit a maximum of ten children.

2. Adds Family Day Care Home as a permitted use under home occupation which will permit a Family Day Care Home in any residence subject to compliance with the State licensing regulations which is based on the physical appropriateness for a proper care facility.

RECOMMENDATION:

Approve the proposed amendment subject to such changes as deemed appropriate and forward such recommendation to the Board of City Commissioners for their consideration.



Robert A. Lakin
Director of Planning

RAL:GEL:sad
Attachment

cc: Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection
Wichita Board of Realtors, 717 North Emporia, Wichita 67214
Wichita Area Builders Association, 730 North Main, Wichita
67203
Chamber of Commerce, 350 West Douglas, Wichita 67202
Robert Lancaster, Health Department
Leola Lindahl, Health Department
Lynda Towsley, Industrial Development (Child Care Task Force)

2-17-81

DR-81-6

Possible Amendment to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, February 26, 1981

Recommended that the definition of "Family Day Care Home" in Section 28.04.020 be amended to read as follows:

FAMILY DAY CARE HOME: A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

~~FAMILY-DAY-CARE-HOME---a-building-or-portion-of-a-building in-which-care-is-given-for-less-than-twenty-four-hours-a-day-to six-or-less-children-away-from-their-own-homes,-who-are-not related-to-the-persons-giving-care.~~

Recommended that under the definition of "Home Occupation" in Section 28.04.020 that the following use be added to (D) Home Occupations Permitted:

8. Family Day Care Home.

Recommended that under the definition of "Home Occupation" in Section 28.04.020 that the following use be amended in (E) Particular Home Occupations Prohibited:

6. Nursery schools and child day care centers, having more than seven ~~four~~ students at a time, unless specifically-permitted-by-the-district-regulations.

Recommended that Section 28.04.040 (A-4) be amended to read as follows:

4. Public schools, elementary schools and high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school, but not including private kindergartens, nursery schools or child care centers accommodating seven or more students, except family day care homes operated as home occupations and as defined and limited by Section 28.04.020.

THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE November 18, 1980

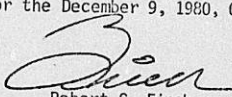
TO Distribution
FROM Robert G. Finch, Deputy City Manager

SUBJECT Interim Report of the Wichita-
Sedgwick County Child Day Care
Task Force

Attached is a copy of the captioned report. Administrators receiving a copy of this memorandum are requested to review and respond to the recommendations as follows:

- 1) The Director of Planning is requested to advise on the steps necessary to initiate the zoning change listed as the #1 recommendation.
- 2) Law and Administration are requested to comment on the recommendation for a ½ mill levy or other support for day care, particularly concerning what procedures would be necessary to initiate such a levy and whether it would fall within our tax lid.
- 3) Administration is requested to comment on #3 regarding additional state funds.
- 4) Central Inspection, Health and Fire are requested to comment on #4.
- 5) Health is requested to comment on #5.
- 6) Human Resources is requested to comment on #6.
- 7) The Legislative Affairs Coordinator is requested to comment on #7.

All responses are requested by December 2, 1980, to permit this office to assemble a consolidated response for the December 9, 1980, City Commission meeting agenda.


Robert G. Finch
Deputy City Manager

RECEIVED

NOV 18 1980

METROPOLITAN PLANNING

ROUTE _____

RGF/tpd
Attachment

cc: Robert A. Lakin, Director of Planning
John Dekker, Director of Law
Russell L. Brenner, Director of Administration
Robert Feldner, Superintendent of Central Inspection
Fred Tosh, Director of Community Health
Jim Sparr, Fire Chief
Harold Peterson, Acting Director of Human Resources
Mary Ellen Conlee, Legislative Affairs Coordinator
Don E. Anderson, Director of Housing and Economic Development

THE CITY OF WICHITA

OFFICE OF Housing and Economic
Development

DATE November 3, 1980

Handwritten initials

NOV 3 1980

Copy to _____

Send to _____

File _____

TO The Honorable Board of City Commissioners
Through: E. H. Denton, City Manager
FROM Don E. Anderson, Director of Housing and Economic Development

SUBJECT Agenda Item - Interim Report
of the Wichita-Sedgwick County
Child Care Task Force

Background

On November 13, 1979, the Board of City Commissioners adopted the initiating resolution to establish the Wichita-Sedgwick County Child Care Task Force.

The responsibilities of the task force were outlined as follows:

1. Act as a source of coordination between the various groups working on child care.
2. To identify sources of funding for the establishment of new centers and support of existing centers.
3. To review regulations involving child care and prepare recommendations for change if necessary.
4. To work with local business and industry and offer support services to any wishing to establish a child care program.

Attached is an interim report which covers the work done by the task force over the last ten months and indicates the current status of child care in Wichita. The following recommendations are presented for City and County consideration and action:

1. Initiate action for a zoning change to put local zoning in conformance with State Health Regulations which allow for a category of group day care homes with up to ten children. This was presented as a need at the public hearings and the task force concurs this is a problem which needs to be resolved.
2. It is recommended that the Board of City and County Commissioners consider utilizing their authority to fund the establishment of one or more child care centers or the support of any existing child care center or facility by the levy of a tax not to exceed one-half ($\frac{1}{2}$) mill (KSA 12-4801) or utilizing other available sources such as revenue sharing or CDBG funds.

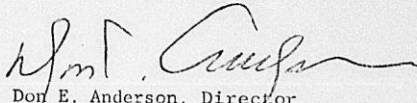
REFERENCE: ITEM #8-01X

AGENDA FOR: NOV 11 1980

3. It is recommended that the Board of City Commissioners and County Commissioners instruct their staffs that child care issues are a priority concern and to work towards securing additional state funds for child care and also to work for a state Title XX plan which eliminates the current gaps in child care services and addresses a more realistic sliding fee scale.
4. There is a need for the inspection divisions (Health Department, Fire Department, and Central Inspection Division) to coordinate and finalize requirements for the physical improvements necessary before a center is licensed. Once a plan is finalized and approved by the inspectors and the center developers, no additional requirements should be imposed which would delay opening.
5. It is recommended that a system be developed for administering the child care regulations to insure that they are applied in a fair and consistent manner. Input has been received at the public hearing, as well as from center directors and other persons addressing the task force that the regulations are at times applied in an arbitrary and inconsistent manner.
6. It is recommended that the Department of Human Resources of the City provide ongoing social planning in the area of child day care services and that they consult with the Child Care Task Force for background information already compiled.
7. It is recommended that the County and City Commissions study the feasibility of providing tax credits and incentives for businesses who support child care services.

Recommendation

It is recommended that the Commission support the efforts of the Child Care Task Force and that the City Manager be instructed to take whatever action necessary to develop the programs recommended by the Child Care Task Force.


Don E. Anderson, Director
Housing and Economic Development

DEA/st
Attachments

CHILD CARE TASK FORCE

Interim Report on Child Care

Background

Kansas, during the 1970's, competed very well with other states for new industry. In fact, state officials from the Kansas Department of Economic Development indicate that during the first six years of the decade, Kansas ranked third, behind California and Texas, in the number of manufacturing jobs created. Sedgwick County's employment increased 34% while the Sedgwick County population increased only 2% in the same time period. State officials say the greater increase in employment stems largely from the entry of many women into the work force.

Most would agree that without this influx of women in the work force, it would have been extremely difficult for our state to record the economic gains that it did during the decade of the 70's. Yet, commensurate with this progress, are problems: problems that need to be recognized and dealt with at the community level.

One out of every six families in the United States is maintained by a woman. By the end of the 1970's, more than 30 million children had mothers who were working, almost 20% more than in 1970. Possibly the most striking change in the lifestyle of this nation has been the inexorable increase of working women, single and married.

The Wall Street Journal recently reported that half of all children under 18 living in two-parent families have mothers who work, compared with 38% in 1970. Of course, the figures are dramatically higher for children living in one-parent families.

The Census Bureau reports that one-parent families have increased 79% since the 1970 census. Most one-parent families are headed by women and are found at poverty level or below three times that of two-parent families.

Locally, the City/County Enumeration data reflects nearly identical trends, clearly showing this is not someone else's problem, but must be dealt with on a local level.

But, where do these children go during their parents' work day? Who cares for them and what is the quality of that care?

The next question might perhaps be, "Is this a community concern"? The Child Care Task Force was formed as a result of the County and City Commission's positive answer to that question. This community is concerned that the composition of the work force has changed and that this change has brought about new problems which need to be dealt with, not ignored.

There are many economic advantages to providing adequate child care facilities:

1. It allows parents who want and need to work the opportunity to do so.

CHILD CARE TASK FORCE
Interim Report on Child Care

2. For every parent with children who goes to work outside the home, another job is created for the care of the children.
3. It will reduce the number of welfare recipients, especially among the "female, head of household" group.
4. Children, well cared for and educated at a young age, have a significantly greater chance of success in later life, than those with poor early childhood experiences and thus require fewer social service programs later in life.
5. Children who experience the early social and educational benefits of quality child care show up in far fewer numbers in special and remedial education programs during their school years than children receiving poor quality care.

When the Child Care Task Force was established in January of 1980 there was a pressing need for more child care facilities in the community. Today that problem has been somewhat alleviated by the addition of approximately ten new centers including some large ones such as the St. Francis, St. Joseph, and Wesley Centers. But problems continue in the areas of adequate funding for centers and adequate and realistic subsidies for families who cannot afford the purchase of child care services on their own.

Stated Purpose and Goals of the Task Force

By initiating resolution, some of the responsibilities of the Task Force were set forth as follows:

1. To identify sources of funding for the establishment of new centers and support of existing centers.
2. To review regulations involving child care and prepare recommendations for changes if necessary.
3. To work with local business and industry and offer support services to any wishing to establish a child care program.

In response to these charges, the Task Force established four subcommittees as follows:

1. Codes & Regulations
2. Business & Industry
3. Legislative
4. Funding

The subcommittees have met on a regular basis to gather and assimilate information for their particular areas of concern. On October 20, 1980, all of this information was brought together as members met in an all-day workshop to formulate an interim report and make recommendations for action to the Board of County and City Commissioners.

CHILD CARE TASK FORCE
Interim Report on Child Care

Accomplishments

The subcommittees as well as the full group have accomplished much during their 10 months of existence. Many of these accomplishments are not directly the result of some action by the Task Force, but indirectly the group may have certainly been a factor or acted as a catalyst for change.

Direct Accomplishments

- Citizen involvement in the Task Force
- Public Hearing to gather information
- Task Force has served as a forum for child care providers with specific problems
- Increased community awareness of child care problems
- Information sharing, centralizing, coordinating
- Interaction of Task Force members

Indirect Accomplishments

- Procedural changes made by Central Inspection Division on plan review procedure
- Information and referral service expansion
- Monthly orientation programs on how to start a center or day care home
- Surveys
Commission on the Status of Women
City Employees
Greater Downtown Wichita

Status of Child Care in Wichita

The attached Exhibits I and II indicate Child Care Centers by Quadrant of the City. Exhibit I reflects the number of spaces at each center, the number of vacancies on October 15, 1980, and the number of children on waiting lists. On October 15, 1980, the city-wide vacancy rate for full time day care (1st shift) was 8%. Nearly all of the vacancies are at centers which are not federally certified and therefore do not accept participants in the Title XX subsidy program. Some centers choose not to participate in the Title XX program because subsidized payments from Social Rehabilitation Services (SRS) are not competitive with private market rates and the centers feel they cannot survive financially if they accept Title XX children. They, therefore, accept the risk of not filling up to capacity, if people in their area cannot pay the full price and this is often the case. Child Care Centers are caught in a Catch 22 situation: If they accept only private-paying clients, they often don't fill to capacity and if they open their doors to Title XX children, the payments from SRS are not enough to cover expenses even when the center is full.

Exhibit II reflects the average rate per child charged by centers as being between \$40.00-\$45.00 per week. Social Rehabilitation Services currently pays \$32.75 for full time care and the centers are not allowed to charge the parents the difference. Centers that are located in low

CHILD CARE TASK FORCE
Interim Report on Child Care

income areas and are largely dependent on SRS payments, find it extremely difficult to make ends meet on \$32.75 per week, per child, when what it takes to stay in business is \$40.00-\$45.00 per week. SRS is in the process of increasing the weekly payments to \$36.00. Perhaps this increase will be adequate to retain the centers already in the program, but it certainly will not act as an incentive to encourage other centers to join the program.

Projected Goals for the Child Care Task Force for 1981

1. Work with United Way to encourage them to expand their financial support of child care in the community.
2. Give additional input to state offices regarding desired changes in licensing regulations and to consider local changes where needed.
3. Encourage and support federal legislation to provide tax credits, tax incentives for child care.
4. Continue to collect and refine local statistical data on child care needs and services.
5. Intensify private industry's involvement in child care, i.e., in-kind, supportive services, providing space, materials, etc.
6. Promote coordination of City, County, and Greater Downtown Wichita in the support of downtown child care services.
7. Continue to support the efforts of the existing child care programs and services in Wichita and Sedgwick County.

Recommendations for Commission Action or Involvement

1. Initiate action for a zoning change to put local zoning in conformance with State Health Regulations which allow for a category of group day care homes with up to ten children. This was presented as a need at the public hearings and the Task Force concurs this is a problem which needs to be resolved.
2. It is recommended that the Board of City and County Commissioners consider utilizing their authority to fund the establishment of one or more child care centers or the support of any existing child care center or facility by the levy of a tax not to exceed one-half ($\frac{1}{2}$) mill (KSA 12-4801) or utilizing other available sources such as revenue sharing or CDBG funds.

Some consideration should be given to the current distribution of the mill levy for educational purposes:

Wichita Public Schools	49.246	mills
Higher Education (WSU)	1.5	mills
Early Education & Child Care	-0-	mills

CHILD CARE TASK FORCE
Interim Report on Child Care

Even though other communities are funding early education and child care programs, no local tax money has been allocated for this function in this community. This support is especially needed to provide supplemental funding for infant and toddler care whose special costs cannot usually be borne totally by the families receiving the service.

3. It is recommended that the Board of City Commissioners and County Commissioners instruct their staffs that child care issues are a priority concern and to work towards securing additional state funds for child care and also to work for a state Title XX plan which eliminates the current gaps in child care services and addresses a more realistic sliding fee scale. The current "all or nothing" subsidy system is totally unrealistic in helping families adjust to the very real possibility of getting a raise or promotion and suddenly being cut off completely from any assistance. A more realistic system would be a sliding fee scale in which the parents are paying nearly the total cost by the time they have placed themselves in an income position so as to become ineligible for assistance. The present system invites abuse. Parents refuse raises and promotions because the increase is not enough to offset the loss of child care assistance. A ten cent an hour raise could cause a family to lose several hundred dollars a month in child care subsidy. By refusing the promotions and raises the families remain in a dependent posture and therefore, are unable to totally break away from this system of support.
4. There is a need for the inspection divisions (Health Department, Fire Department, and Central Inspection Division) to coordinate and finalize requirements for the physical improvements necessary before a center is licensed. Once a plan is finalized and approved by the inspectors and the center developers, no additional requirements should be imposed which would delay opening.
5. It is recommended that a system be developed for administering the child care regulations to insure that they are applied in a fair and consistent manner. Input has been received at the public hearing, as well as from center directors and other persons addressing the task force that the regulations are at times applied in an arbitrary and inconsistent manner.
6. It is recommended that the Department of Human Resources of the City provide ongoing social planning in the area of child day care services and that they consult with the Child Care Task Force for background information already compiled.
7. It is recommended that the County and City Commissions study the feasibility of providing tax credits and incentives for businesses who support child care services.

EXHIBIT I

WICHITA CHILD CARE CENTERS
October 15, 1980

<u>Southwest</u>			
	<u>Spaces</u>	<u>Vacancies</u>	<u>Waiting List</u>
1. Blasi Day Care	30	0	2
2. Doll House (The)	24 (1st)	2 (1st)	
" "	24 (2nd)	12 (2nd)	
3. Little Moses Day Care	48	0	7
4. Little Peoples World	48	4	
5. Mother Goose Land (20 Toddler)	78	15	4 (Toddler)
6. Noah's Ark Day Care	65	1	
7. Prince, Mildred	9	0	
8. West Wichita Children's Center	29	0	15 (Infant)
Totals	355	34	28 (Toddler)
9 1/2% Vacancy (6 1/2% 1st Shift Vacancy)			
<u>Northwest</u>			
1. Busy Bee Nursery	20	4	
2. Happy Day Group Care	15	5	
3. Humpty Dumpty	40	11	
4. Rhyme & Reason Ranch	33	2	
5. Sandcastle Child Care	(100)	(0)	(75)
6. Sandcastle #2	(28)	(0)	(50)
7. West Street Toy Box	36	0	
Totals	272	22	125
8% Vacancy			
<u>Southeast</u>			
1. Children's World	24	19	
2. Colvin Head Start	23	0	
3. Corinthian Nursery	75	0	15
4. Crestway Ciddie Care	20	4	
5. Gideon Day Care Center	24	0	
6. Grace United Methodist	32	10	
7. Hobson's Little School	23	0	5
8. King's Kids (8 Toddler)	42	7	
9. Lanning's Learning Tree	47	0	10
10. Little Red Wagon (9 Infant, 12 Toddler)	75	0	31 (21 are Infant/Toddler)
11. Redeemer Lutheran	100*	0	
12. Wee Care	65	2	
13. Wonderland II (10 Toddler)	46	4	
Totals	596	46	61
8% Vacancy			
<u>Northeast</u>			
1. Ananda Marga	24	5	
2. Claver Head Start	48	12	
3. Fairmount Children's House	32	4	
4. Grant's Kiddie Kollege	48	2	
5. Little Pals Day Care	61	2	
6. Northeast Day Care	15	0	
7. St. Paul's Child Day Care	48	7	
8. Tot's World	18	0	
9. Vaniece's Day Care	18	0	3
10. WSU Cooperative	44	5 (part-time)	
11. Wesley Children's Center	61	2	5 (Toddler)
12. Wichita Child Day Care	40	4	
13. Wonderland Nursery	36	9	
14. St. Francis Child Day Care Center	100 (1st)	0	
" " " "	30 (2nd)	6 (2nd)	35 (Infant/Toddler)
Totals	623	58	43
9% Vacancy 1st Shift/Full Time			
<u>Downtown</u>			
1. Downtown Day Care Center	38	0	5
Total	38	0	5
0% Vacancy			

* In the process of adding 20 more spaces.

Name, Address Phone Number	Days/Hours	Weekly Cost	Capacity	Reduced Rate for More Than One Per Family	QuADRANT: Southwest Ages	Federally Certified
Elasi Day Care 11202 West 39th South Wichita, KS (27) (522-8904)	M-F 6:30 am - 6:00 pm	\$ 40.00	30	Yes	2½ - 5	No
Doll House (The) 2304 West 34th South Wichita, KS (17) (942-9652)	M-F * 6:30 am - 1:00 am	47.00 1½ - 3 45.00 3 - 6 40.00 2nd Shift	24 per Shift	Yes	1½ - 12	No
Little Moses Day Care 1900 McCormick Wichita, KS (13) (264-1595)	M-F 6:30 am - 6:00 pm	42.00	48	Yes	2½ - 6	No
Little Peoples World 351 S. Broadway Wichita, KS (16) (529-2291)	M-F 6:00 am - 6:00 pm	40.00	48	Yes	2½ - 12	No
Mother Goose Land 4605 S. Seneca Wichita, KS (17) (529-2664)	M-F * 6:00 am - 1:00 am	45.00	78	Yes	1½ - 6** Includes 20	No Toddler Space
Noah's Ark Day Care 1201 S. Market Wichita, KS (11) (263-1845)	M-F 6:30 am - 6:00 pm	40.00	65	Yes	3 - 6	Yes
Prince, Mildred 818 S. Market Wichita, KS (11) (263-8674)	M-F 6:00 am - 5:45 pm	30.00	9	Yes	2½ - 12	No
West Wichita Children's Center 1840 University Wichita, KS (13) (267-3164)	M-F 6:30 am - 6:00 pm	45.00 2½ - 6 55.00 Infant/ Toddler	29	No	6 weeks - 6***	Yes

* Offers Evening Care

** Toddler Program

*** Infant/Toddler Program

Reduced
Rate for -
More Than
One Per
Family

QUADRANT: Northwest

Name, Address Phone Number	Days/Hours	Weekly Cost	Capac- ity	Reduced Rate for - More Than One Per Family	Ages	Federally Certified
Eusy Bee Nursery 2106 Park Place Wichita, KS (14) (267-4045)	M-F 6:30 am - 6:00 pm	\$40.00	20	No	3 - 12	No
Happy Day Group Care 1619 N. Market Wichita, KS (14) (267-3844)	M-F 7:30 am - 5:30 pm	38.00	15	No	3 - 12	Yes
Humpty Dumpty 3301 West 13th Wichita, KS (03) (942-1112)	M-F 6:30 am - 6:00 pm M-Th 6:30 am - 11:00 am F	45.00	40	Yes	3 - 6	No
Thyme & Reason Ranch 1501 N. Meridian Wichita, KS (03) (943-4004)	M-F 6:30 am - 6:00 pm	45.00	33	Yes	2½ - 12	Yes
Sandcastle Child Care 5226 W. Central Wichita, KS (12) (945-9601)	M-F 6:30 am - 6:00 pm	50.00	100	No	2½ - 6	No
Sandcastle #2 5226 W. Central Wichita, KS (12) (945-9601)	M-F 6:30 am - 6:00 pm	50.00	28	No	2½ - 6	No
West Street Toy Box 1312 N. West Street Wichita, KS (03) (942-7619)	M-F 6:30 am - 5:45 pm	40.00	36	Yes	3 - 12	No

Name, Address Phone Number	Days/Hours	Weekly Cost	Capacity	Reduced Rate for More Than One Per Family	Ages	Federally Certified
Children's World 1117 Lilac (Hydraulic & Lincoln) Wichita, KS (11) (264-7183)	M-F 6:40 am - 6:00 pm	\$42.50	24	Yes	2½ - 6	No
Colvin Head Start 2520 S. Roosevelt Wichita, KS (10) (683-9741)	M-F 7:00 am - 6:00 pm	34.50	23		3 - 6	Yes
Corinthian Nursery 2611 E. Pawnee Wichita, KS (11) (683-5648)	M-F 6:45 am - 6:30 pm	45.00	75	No	2½ - 6	Yes
Crestway Ciddie Care S. Crestway Wichita, KS (16) (682-3855)	M-F 7:15 am - 6:00 pm	40.00	20	Yes	2½ - 6	No
Gideon Day Care Center 2209 E. Pawnee Wichita, KS (11) (265-5203)	M-F 6:30 am - 6:00 pm	40.00	24	No	2½ - 12	Yes
Grace United Methodist 944 South Topeka Wichita, KS (11) (262-6195)	M-F 6:30 am - 6:00 pm	40.00	32	Yes	2½ - 5	No
Hobson's Little School 134 South Rutan Wichita, KS (18) (683-9221)	M-F 7:30 am - 6:00 pm	42.50	23	No	3 - 6	No
King's Kids 2937 Oaklawn Drive Wichita, KS (16) (522-5713)	M-F 6:30 am - 6:00 pm	40.00 2½ - 6 50.00 Toddlers	42 (Includes 8 Toddler	No	18 mo. - 6 Spaces)	Yes
King's Learning Tree 2621 S. Hillside Wichita, KS (11) (683-8350)	M-F 7:00 am - 6:00 pm	45.00	47	No	3 - 7	No
Little Red Wagon 205 Lulu Wichita, KS (11) (262-3201)	M-F 6:30 am - 6:00 pm	58.00 Infants 52.00 Toddlers 45.00 2½ - 12	75 (Includes 9 Infant,	Yes	6 weeks - 12 years 12 Toddlers)	Yes

Name, Address Phone Number	Days/Hours	Weekly Cost	Capacity	Reduced Rate for More Than One Per Family	Ages	Federally Certified
Redeemer Lutheran 5620 E. Kellogg Wichita, KS (18) (681-2831)	M-F 7:00 am - 6:00 pm	\$35.00	100*	Yes	3 - 6	No
Wee Care 9718 E. Harry Wichita, KS (07) (681-1681)	M-F 6:30 am - 6:00 pm	45.00	65	No	3 - 6	No
Wonderland II 1329 S. Bluffview Wichita, KS (18) (683-1274)	M-F 6:40 am - 6:00 pm	37.50 2½ - 12 45.00 Toddlers	46	No	18 mo. - 12	No

* In the Process of Adding 20 more Spaces. ** Toddler Program *** Infant/Toddler Program

EXHIBIT II

Reduced Rate for More Than One Per Family

QUADRANT: Northeast

Name, Address Phone Number	Days/Hours	Weekly Cost	Capac- ity	Reduced Rate for More Than One Per Family	Ages	Federally Certified
Ananda Marga 1204 North Topeka Wichita, KS (14) (265-7150)	M-F 7:15 am - 6:15 pm	\$35.00	24	No	2½ - 6	Yes
Claver Head Start 1209 Indiana Wichita, KS (14) (262-4733)	M-F 7:00 am - 5:30 pm	N/A Title XX	48	N/A	4 year olds only	Yes
Fairmount Children's House 1650 Fairmount Wichita, KS (08) (686-8231)	M-F 7:30 am - 5:30 pm	45.00	32	Yes	2½ - 12	No
St. Paul's Kiddie Kollege 1226 N. Volusia Wichita, KS (14) (683-0514)	M-F 6:30 am - 5:30 pm	45.00	48	No	2½ - 12	Yes
Little Pals Day Care 2739 N. Hillside Wichita, KS (19) (684-3862)	M-F * 6:30 am - 1:00 am	45.00	61	No	2½ - 12	Yes
Northeast Day Care 1836 N. Lorraine Wichita, KS (14) (681-0672)	M-F 6:30 am - 5:30 pm	40.00	15	No	2½ - 6	Yes
St. Paul's Child Day Care 1751 N. Ash Wichita, KS (14) (263-5461)	M-F 6:30 am - 6:00 pm	40.00 2½ - 3 37.50 3 - 5 35.00 6 - 12	48	Yes	2½ - 12	Yes
Tot's World 2621 E. 21st Street Wichita, KS (14) (681-3751)	M - F 6:30 am - 5:30 pm	40.00	18	No	2½ - 12	Yes
Whiece's Day Care 2042 East 9th Street Wichita, KS (14) (264-6304)	M-F 6:30 am - 6:00 pm	40.00	18	Yes	2½ - 12	Yes
WSU Cooperative 3607 Clough Wichita, KS (08) (689-3022)	M-F * 7:30 am - 10:00 pm M-Th 7:30 am - 5:30 pm F	45.00 Non- Students 40.00 Students	44	No	2½ - 6	Yes

EXHIBIT II

Reduced
Rate for
More Than
One Per
Family

QUADRANT: Northeast

Name, Address Phone Number	Days/Hours	Weekly Cost	Capac- ity	Reduced Rate for More Than One Per Family	Ages	Federally Certified
Wesley Children's Center 2225 E. Central Wichita, KS (14) (267-5017)	M-F * 6:00 am - 12:00 am	\$45.00 2½ - 6 50.00 Toddlers	61 (Includes 20 Toddler	No	18 mo. - 6 ** Spaces)	No
Wichita Child Day Care Center 1157 Piatt Wichita, KS (14) (262-3891)	M-F 6:30 am - 6:00 pm	45.00	40	No	2½ - 6	Yes
Wonderland Nursery 933 W. Oliver Wichita, KS (03) (684-4185)	M-F 7:00 am - 5:30 pm	37.50	36	No	2½ - 12	No
St. Francis Child Care Center 35 N. St. Francis (Employees only) Wichita, KS (14) (268-5070)	M-F * 6:30 am - 12:00 am	40.00	100 (1st Shift) 30 (2nd Shift) No (1st Shift includes	No	6 weeks - 5 *** 27 Infant/20 Toddler Spac	Yes

* Offers Evening Care

** Toddler Program

*** Infant-Toddler Program

(Published in The Daily Record on February 3, 1981.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED.

NOTICE IS HEREBY GIVEN, that on Thursday, February 26, 1981, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

Amendments to Sections 28.04.020 and 28.04.040 of the zoning ordinance pertaining to the definition of "Family Day Care Home" and to the permitted use of a "Family Day Care Home" in the "AA" One-family Dwelling District.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 30th day of January, 1981.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)