

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 202**

As Agreed to April 2, 2007

Brief*

SB 202 would amend the definition of child care facility to exempt from the definition those homes in which children who are in the custody of the Secretary of Social and Rehabilitation Services are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement.

Conference Committee Action

The House agrees to recede from the amendment added to the bill in the House Committee of the Whole which would exempt child care facilities operated and maintained by an accredited school from licensure requirements.

Background

The introduction of SB 202 was requested by the Department of Health and Environment whose spokesperson presented testimony in support of the bill, noting that amending the definition of "child care facility" as proposed in the bill has the effect of exempting the homes of individuals who wish to adopt children in the custody of the Secretary of Social and Rehabilitation Services and who have signed an adoptive placement agreement from licensure by the Secretary of Health

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and Environment. It was further noted differing statutory requirements governing adoption and child care facility licensure have led to a lack of clarity regarding whether placement by a court with a prospective adoptive parent or parents requires the family home to be licensed as a family foster home. SB 202 would resolve this issue. Support for the bill was also expressed by a representative of the Children's Alliance of Kansas.

The Senate Committee amendment is intended to clarify exactly which homes are not to be considered "child care facilities" for purposes of state licensing and regulation.

The House Committee of the Whole amendment would exempt child care facilities operated and maintained by an accredited school from licensure.

The Conference Committee learned the State Department of Education and the Department of Health and Environment have entered into an agreement relating to child care facility licensure requirements for programs operated by public schools or on public school grounds. Under the agreement, preschool programs operated by a local Board of Education or under an interlocal agreement to operate a preschool program are not required to be licensed as child care facilities, nor are certain summer programs operated and maintained by a local Board of Education or extraordinary school programs (certain before or after school hours programs considered to be instructional programs).

The fiscal note on SB 202 indicates there would be no fiscal effect from passage of the bill.

child care facilities