

Lessons Learned from Kansas Lexie's Law to Promote Child Safety

January 2017



In 2010, the state of Kansas passed “Lexie’s Law” to promote child safety in the wake of 27 deaths that had occurred in Kansas child care settings, most in unlicensed care.

Lexie’s Law was named after Lexie Engelman, a 13 month-old toddler who died after a tragic accident at an unlicensed family child care home. Lexie’s mother, Kim Engelman, Ph.D., an associate professor at the University of Kansas Medical Center at that time, started a grassroots advocacy group and testified before the conservative Kansas state legislature to advocate for child care safety.

Key Provisions of Lexie’s Law

Prior to Lexie’s Law, Kansas did not require family child care homes to be licensed until 6 unrelated children were in the home. For providers caring for fewer children, there was a voluntary registration list. Registered care was not inspected and no training was required.

- **Lexie’s law eliminated the category of registered care.** All providers caring for unrelated children would need to obtain a license, undergo training, and have annual inspections. There was a one year transition for registered providers to become licensed.
- **Lexie’s Law required competent supervision and minimum health and safety requirements.** The law required that the Department of Health and Environment (Bureau of Child Care and Health Facilities), through the rules and regulation process, develop requirements for the competent supervision of children and additional health and safety requirements necessary for the protection of children.
- **Lexie’s law increased licensing fees to fund additional inspections and licensing functions.** Effective September 1, 2010 (four months after enactment), the state license application fee for child care homes and child care centers increased to \$75 plus \$1 per child in the license capacity. The previous fee for child care homes was \$15, and the fee for child care centers was \$35 plus \$1 per child in the license capacity to a maximum of \$75.
- **Lexie’s law required all child care programs to be inspected at least once per year.** Prior to Lexie’s law,

registered care was not inspected unless there was a complaint.

- **Lexie’s Law required an online database of child care providers with information about complaints that parents can access.**



Lexie Engelman, Kansas

Licensing staff at the Kansas Department of Health and Environment reported that some registered providers stopped providing child care. However, others opted to pursue a license, which enabled them to care for more children (10 children instead of 6). The number of providers declined by about 900, but the number of available child care slots increased from 44,600 to 45,200. Higher quality care that better protected children was the result.

The experience that Kansas had was that child care providers greatly benefited from the training – reporting that “even veteran” providers reported learning from the training.

Kansas licensing staff say, “providers are better supported, children are better protected, and families are better informed.”¹

Promoting Safety for Virginia Children in Child Care

Every week in Virginia, more than 402,000 children younger than age 6 spend some time in child care while their parents are working.² Parents depend on child care in order to obtain and retain a job. At the same time, children need a safe place to be that promotes their healthy development.

In 2014, the Washington Post reported that 60 deaths occurred in child care programs in Virginia over the past few years, 43 of those deaths were in unlicensed care.³

The Richmond Times Dispatch reported that 54 VA children have died in unlicensed care over the past few years.⁴ The Washington Post reported that 9 children in Virginia died in unlicensed care in 2014 – making it the deadliest on record.⁵

Virginia’s high licensing threshold leads to children in unlicensed care where providers may be well intentioned but not knowledgeable about basic safety or trained for emergencies.

Promoting Safety for Children

One reason that children are at risk in Virginia is that the licensing threshold (the number of children in care before a license is required) is higher than the threshold in most other states. In Virginia, a license is not required until 5 unrelated children are in the home (effective July 2016). Prior to that time, the licensing threshold in VA was 6 children. While legislation approved by the General Assembly in the spring of 2015 to reduce the licensing threshold from 6 unrelated children to 5, is progress, the licensing threshold remains higher than the national average of 3 children.

Some might say that reducing the licensing threshold will lead to some providers deciding not to offer child care. Providers who want to do the best for children will continue their programs. Others may need some training. Others may opt out. Children should be safe in child care. Whether it’s taxpayer dollars (federal or state subsidies for low income

children) or parent dollars, expectations for safety should be no less.

Some may say that reducing the licensing threshold is not a fix. Providers will operate underground, below the radar.

The reality is that these providers are already below the radar. Some may say that this will increase the cost of child care, that more inspectors will have to be hired, that more providers will need training.

There may be some increased costs for greater accountability to ensure children’s safety. The current licensing fee in Virginia for family child care homes is \$14 per year. Lowering the threshold for licensing will mean more providers will pay the licensing fee. If the funds that are raised through an expanded number of providers is not sufficient, it may be time to review whether the licensing fee is set at an appropriate level.

For 2017, Child Care Aware of Virginia recommends,

- Reducing the licensing threshold for family child care homes;
- Training for providers to promote the safety and healthy development of children; and
- Reviewing the state licensing fee to determine whether it is set at an appropriate level to promote accountability in state oversight.



Together we can make a difference!

¹ Lexie’s Law raised standards for Kansas child care, officials say. September 19, 2012. <http://www.kansas.com/news/article1096028.html>

² U.S. Census Bureau. Table B23008. Age of Own Children Under 18 Years in Families and Subfamilies by Living Arrangements by Employment Status of Parents Universe, 2015 ACS 1 Year Estimates. https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_1YR_B23008&prodType=table

³ In Virginia, Thousands of Day Care Providers Receive No Oversight, August 31, 2014; <http://wapo.st/1qVCqmf>
After a Child’s Death, Parents Grapple with Second Guesses; September 1, 2014; <http://wapo.st/1qVCqmf>

⁴ Children in Unlicensed Day Cares are 5 Times More Likely to Die; December 20, 2014; <http://bit.ly/16FJhcr>

⁵ Nine VA children died in unregulated day care in 2014, the deadliest year in a decade; December 30, 2014; <http://wapo.st/1xfK6D4>

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