

Testimony from Bryan & Kim Engelman Regarding SB 447
February 1st, 2010

We are Bryan and Kim Engelman from Overland Park, Kansas. Senate bill 447 represents a bill that we have envisioned and worked toward for over 5 years.

In 2004, our lives were completely ripped apart when our first-born daughter, Lexie, died at the tender age of 13 months due to injuries she sustained in a Johnson County day care home. We are two educated individuals (Bryan has a Master's degree and is an organizational development consultant at Sprint; Kim has a Ph.D. and is an Assistant Professor in Preventive Medicine & Public Health at KU Medical Center) and for several months we researched quality day care options for our daughter. August 4th, 2004 was Lexie's first day in day care. On Lexie's 3rd morning there, the child care provider went up to the next floor of the home but claimed that she was within earshot of the three children in her care, all of whom were 13 months old or less. Lexie could walk and she attempted to reach the provider but was barred by a baby gate placed at the bottom of the stairs. Distraught and perplexed, Lexie continued her efforts to reach the child care provider. Upon her return to the child care area, the daycare provider reportedly found Lexie pinned between a support beam for the home and a child play pen situated against the stairwell wall— Lexie was unconscious and not breathing at the time she was first discovered. She was rushed to a pediatric intensive care unit. Lexie died the evening of August 10th and walking out of the hospital without our daughter with us still remains one of the most traumatic days of our lives.

Since this terrible tragedy we have been devoted to making some positive changes in the child care arena. Unfortunately, we have found that our journey is shared by numerous parents in Kansas. In 2009, 10 children died in Kansas day care facilities. Five children died in 2008 and 12 died in 2007. This means that just in the past several years, over 20 Kansas families have suffered the unnatural loss of their young child. Just how many children need to die needlessly before changes are made?

We believe that:

- Children need to be within sight AND hearing distance of their childcare provider. The requirements for the **supervision** of children in child care need to be more stringent than the 'hearing distance' that is currently required. If line of sight supervision was required, our daughter Lexie, and many other Kansas children still would be alive and well today.
- All Kansas child care facilities need AT LEAST an initial **inspection**. Currently in Kansas, registered day care homes do not get inspected unless a complaint is filed. Suffice it to say that anyone can register with the state, put up a home day care sign and care for children without anyone stepping foot into the premises to ensure the safety of the environment for children. This simply is preposterous!
- Current **sanctions** for child care providers whose inept 'care' leading to the serious injury or death of a child are also simply unacceptable. It should not be status quo for a provider to receive wrist slaps in the form of menial fines for severe lapses in judgment and non-adherence to state child care regulations – however this is the case in Kansas today.

Kansas ranks 47th in child care quality and much change is needed to advance our state's ranking. Many of the tragic child care deaths that have occurred in Kansas over the past several years could have been prevented. If enacted into law, SB 447 will have an immensely positive impact on the health and safety of our children in child care facilities and close the gap between Kansas and the highest performing counterpart states.

Kim & Bryan Engelman