

K.A.R. 28-4-420

28-4-420 Definitions.

(a) "Administrator" means the staff member of a child care center or preschool who is responsible for the general and fiscal management of the facility.

(b) "Attendance" means the number of children present at any one time.

(c) "Basement" means an area in which all four outside walls are more than two-thirds below ground level.

(d) "Child care center" means a facility:

(1) which provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care; or

(2) which provides before and after school care for school-age children. A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations.

(e) "Child with handicaps" means a child in care who does not function according to age-appropriate expectations to such an extent that the child requires special help, program adjustment, and support services on a regular basis.

(f) "Corporal punishment" means activity directed toward modifying a child's behavior by means of physical contact such as spanking with the hand or any implement, slapping, swatting, pulling hair, yanking the arm, or any similar activity.

(g) "Discipline" means the on-going process of helping children develop inner control so that they can manage their own behavior in a socially-approved manner.

(h) "Enrollment" means the total number of children for whom services are available.

(i) "Evening care" means care provided between 6 o'clock p.m. and midnight of the same day.

(j) "Fire inspector" means a person approved by the state fire marshal to conduct fire safety inspections.

(k) "Infant" means a child who is between two weeks and 12 months of age, or a child over 12 months who has not learned to walk.

(l) "In-service training" means job-related training provided for employed staff and volunteers.

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(m) "Integrated unit" means a center or preschool program serving both handicapped and non-handicapped children, in which not less than $\frac{1}{3}$ and not more than $\frac{2}{3}$ of the children are handicapped.

(n) "License" means a document issued by the Kansas department of health and environment which authorizes a licensee to operate and maintain a child care center or preschool.

(o) "License capacity" means the maximum number of children that is allowed to attend at any one time.

(p) "Licensed physician" means a person licensed to practice medicine and surgery in Kansas as set forth in K.S.A. 65-2869 and 65-2870, and any amendments thereto.

(q) "Licensee" means a person, corporation, firm, association, educational group or other organization which operates or maintains a child care center or preschool.

(r) "Mother's day out" means a program operating more than five consecutive hours or more than one day per week and in which any one child is enrolled for not more than one session per week.

(s) "Nighttime care" means care provided after six o'clock p.m. and continuing until after midnight.

(t) "Preschool" means a facility:

(1) which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107(c) and any amendments thereto, and who are 30 months of age or older;

(2) which conducts sessions not exceeding three hours per session;

(3) which does not enroll any child more than one session per day; and

(4) which does not serve a meal. The term "preschool" shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations.

(u) "Preschool age" means a child who is between 30 months of age and the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107(c) and any amendments thereto.

(v) "Program" means a comprehensive and coordinated plan of activities providing for the education, care, protection, and development of children who attend a preschool or a child care center.

(w) "Program director" means the staff member of a child care center or preschool who meets the requirements specified in K.A.R. 28-4-429(b), (c), (d) or (e) and who is responsible for implementing and supervising the program.

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(x) "School-age" means a child who will attain the age of six years on or before the first day of September of any school year, but who is not 16 years of age or older.

(y) "Self-contained unit" means an area separated by walls or partitions not less than five feet high which contains indoor learning materials for the maximum number of children permitted in one group as specified in K.A.R. 28-4-428(a).

(z) "Sick child" means a child who has a contagious disease or shows other signs or symptoms of an acute illness.

(aa) "Special purpose unit" means a program in which more than two-thirds of the children enrolled have severe or mild handicaps.

(bb) "Summer program for school-age children" means a program in which school-age children are enrolled for more than three hours daily for more than two consecutive weeks, and shall include summer camps.

(cc) "Swimming pool" means an enclosed body of water more than 12 inches deep.

(dd) "Toddler" means a child who has learned to walk and who is between 12 and 30 months of age.

(ee) "Unit" means the number of children that may be present in one group, as specified in K.A.R. 28-4-428(a).

K.A.R. 28-4-421

28-4-421 Terms of license.

(a) License capacity shall be specified on the license.

(1) License capacity shall be determined by age of children, available space, program director qualifications, and number of self-contained units per facility.

(2) Permission for a change of license capacity, age of children to be enrolled or number of units shall be requested on forms prescribed by the Kansas department of health and environment. No change shall be made unless permission is granted in writing by Kansas department of health and environment. If granted, permission shall be posted.

(3) Permission for an overlap period of attendance to accommodate lunch time and shift changes shall be requested from the Kansas department of health and environment, and if granted, shall be posted.

(4) Children enrolled on an irregular basis shall not cause the center or preschool to exceed its license capacity.

(5) Each license shall be valid only for the licensee and the address appearing on the license.

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(b) A copy of “regulations for licensing child care centers and preschools,” provided by the Kansas department of health and environment shall be kept on the premises at all times.

K.A.R. 28-4-422

28-4-422 Procedures.

(a) General.

(1) Any person, corporation, firm, association, or other organization desiring to conduct a child care center or preschool which will operate for more than five consecutive hours or more than one day per week shall apply for a license on forms supplied by the Kansas department of health and environment.

(2) In lieu of being licensed, preschools operated on the premises of private schools providing kindergarten through grade six shall be governed by Kansas statutes applicable to private schools.

(3) Each application for a license or an application for renewal of license shall be accompanied by the license fee which shall not be refundable.

(4) Children shall not be in attendance at the center or preschool until a license has been issued by the Kansas department of health and environment.

(5) Applicants shall be 18 years of age or older at time of application.

(6) A license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 *et seq.* and amendments thereof, and the rules and regulations promulgated pursuant to those statutes, and that the applicant has made full payment of the license fee required by the provisions of K.S.A. 65-505 and amendments thereof.

(A) A license for an additional facility operated by a licensee shall not be issued until all existing facilities operated by the licensee are in compliance with licensing regulations.

(B) It shall be the responsibility of the licensee to provide the financial resources necessary to maintain compliance with licensing regulations.

(b) Statement of services offered. When making application to the Kansas department of health and environment for a license to conduct a child care center or preschool, the applicant shall state what services will be provided. Advertisements shall conform to the written statement of services. No claims as to specialized services shall be made unless the facility is staffed and equipped to offer those services. No general claim as to “state approval” shall be made unless the facility has obtained a license issued by the Kansas department of health and environment. The licensing agency shall be notified of any change in the position of program director or any change in program which effects licensure.

(c) Initial application.

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(1) Site approval.

(A) The proposed site shall be approved by the Kansas department of health and environment, the local building inspector when required, and a fire safety inspector. Inspection reports shall accompany the application for license.

(B) When a building is to be constructed or an existing building is to be remodeled, construction or remodeling plans shall be submitted to the Kansas department of health and environment.

(C) When additional space in an existing building is to be used, prior approval shall be obtained from the Kansas department of health and environment.

(2) A working telephone shall be on the premises and available at all times for use by staff.

(d) Renewals.

(1) Before an existing license expires, the licensee shall apply for renewal of the license on forms supplied by the Kansas department of health and environment.

(2) Any application may be withdrawn at any time upon request by the applicant. The applicant shall submit a new application to the Kansas department of health and environment prior to reopening a facility.

(3) A new application and fee shall be submitted for each change of ownership, sponsorship or location.

(e) Grievance procedures.

(1) Each 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 of the right of appeal to the district court.

(2) Each applicant or licensee aggrieved by a licensing evaluation or by licensing procedures may appeal in writing to the Kansas department of health and environment.

(f) Exceptions.

(1) Any applicant or licensee may submit a written request for an exception to a regulation to the Kansas department of health and environment. An exception shall be granted if the secretary determines the exception to be in the best interest of a child or children and their families, and if statutory requirements are not violated.

(2) 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.

K.A.R. 28-4-423

28-4-423 Physical plant.

Blue &
Purple

(a) Premises.

(1) The building shall meet the legal requirements of the community as to fire protection, water supply, and sewage disposal.

(2) The designated area for children's activities shall contain a minimum of thirty-five square feet of floor space per child, exclusive of kitchen, passageways, storage areas, and bathrooms.

(3) The building shall have two exits approved by a fire inspector. One exit shall lead directly to the outside.

(4) Second floors approved by a fire inspector may be used for children 2½ years or over. Second-floor windows shall be guarded.

(5) Finished basements approved by a fire inspector may be used for children 2½ years or older. Basements shall be dry and well-ventilated, heated and cooled as specified in paragraph (a)(20) of this regulation, and lighted as specified in paragraph (a)(18) of this regulation.

(6) When mobile classroom units are used, they shall be securely anchored to the ground and shall meet all requirements for permanent structures.

(7) All stairs which have more than two steps shall be provided with sturdy handrails. When balusters are more than four inches apart, provisions shall be made to prevent a child's head or body from falling through.

(8) Landings or gates shall be provided beyond each exterior door, and any door opening onto a full-length stairway.

(9) Ceiling height shall be not less than seven feet, six inches.

(10) Windows and doors.

(A) Each window and glass door shall be screened or guarded.

(B) Each window and door opened for ventilation shall be screened.

(11) Floors shall be smooth and not slippery, free from cracks, clean and in good condition. A floor covering shall be required over concrete.

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(12) Carpeting shall be clean and in good repair. Newly-installed carpeting shall meet fire safety requirements of the state fire marshal.

(13) Walls shall be clean and free of cracks.

(14) All surfaces shall be free of toxic materials.

(15) Electrical outlets within the reach of children under five years of age shall be provided with receptacle covers when not in use.

(16) Extension cords shall not be used.

(17) Each room occupied by children shall have a minimum of 20 foot candles of light in all parts of the room. Each sleeping room shall be lighted to allow freedom of movement.

(18) The premises shall be maintained in good condition and shall be clean at all times, free from accumulated dirt and trash, and any evidence of vermin or rodent infestation. Each outdoor trash and garbage container shall be covered, and the contents shall be removed at least weekly.

(19) Each room occupied by the children shall be heated, ventilated and cooled. The temperature in each room shall not be less than 65° F. nor more than 90° F. Each area occupied by children shall be free of drafts.

(20) Each electric fan if used, shall be mounted high on the wall or shall be guarded.

(21) When a gas heater is used, it shall be approved by a fire inspector before use. Open-faced heaters shall be prohibited.

(22) All heating elements, including hot water pipes, shall be insulated or installed in such a way that children cannot come in contact with them. Asbestos insulation shall not be used. Fireplaces shall not be used when children are present.

(23) Medicines, household poisons, and other dangerous substances and instruments shall be in locked storage.

(24) Storage of firearms in any area used for children's activities shall be prohibited. Firearms stored in any other area of the premises shall be in locked storage, or shall be equipped with trigger locks.

(b) Water supply.

(1) The water supply shall be from a source approved by a health department, or by the Kansas department of health and environment.

(2) Sanitary drinking facilities shall be available to children while indoors or outdoors. One of the following methods shall be used:

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(A) Individual disposable cups and a water dispenser;

(B) individually-marked glasses or cups which shall be washed daily; or

(C) a fountain designed so that a child can get a drink of water without assistance.

(3) Drinking fountains shall not be plumbed to sinks.

(4) Water from drinking fountains shall be under pressure so that the stream is not less than three inches high.

(5) Cold water and hot water not exceeding 110° F. shall be supplied to lavatory fixtures accessible to children.

(c) Toilet and lavatory facilities.

(1) All plumbing fixtures and building sewers shall be connected to public sewers where available.

(2) When a public sewer is not available, a private sewage disposal system meeting requirements of the county health department or the Kansas department of health and environment shall be installed and connected to all plumbing fixtures.

(3) Plumbing shall be installed and maintained according to local and state plumbing codes.

(4) Bathroom facilities shall be readily accessible to the children, and shall be placed low or be provided with safety steps.

(5) There shall be one toilet and one washbasin for each fifteen children.

(6) Bathroom facilities shall be planned to assure privacy for staff.

(7) Soap, individual cloth towels or paper towels, and toilet paper shall be provided. The use of common towels and wash cloths shall be prohibited. When cloth towels and wash cloths are used, they shall be labeled with the child's name, and laundered at least weekly.

K.A.R. 28-4-424

28-4-424 Revoked.

K.A.R. 28-4-425

28-4-425 Revoked.

K.A.R. 28-4-426

28-4-426 Administration.

(a) Line of authority. There shall be a written delegation of administrative authority designating the person in charge in the facility for all hours of operation.

(b) Admission policy.

(1) Arrangements for the admission of children shall be made prior to the admission date to the center or preschool.

(2) Each admission policy shall be non-discriminatory in regard to race, color, religion, national origin, ancestry, physical handicap, or sex, in accordance with K.S.A. 44-1009. A copy of the admission policy shall be available for review.

(3) Each parent shall be informed of services offered.

(4) Each parent shall be informed when religious training is included in the program.

(c) Insurance.

(1) Accident insurance shall be carried on children.

(2) Liability insurance shall be carried by the center or preschool to provide recourse to parents of children enrolled in the event of negligence.

(3) Documentation of insurance coverage shall be on file, including the name of the insurance company or companies, policy number or numbers and dates of coverage.

(d) Staff records. The following records shall be maintained for each staff person:

(1) A record of education and experience;

(2) date of employment;

(3) a record of scheduled hours;

(4) a record of in-service training;

(5) a health certificate; and

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(6) work references.

(e) Children's records.

(1) A daily attendance record shall be maintained and kept on file at the facility.

(2) The following emergency information shall be readily accessible and near the telephone:

(A) Name, date of birth, and sex of child;

(B) name, home and business address, and phone numbers of parents or legal guardian;

(C) name, address, and telephone number of physician, hospital, and person to notify in case of emergency; and

(D) persons authorized to call for the child.

(3) A file shall be maintained for each child which includes:

(A) The application for enrollment, including beginning date and date of termination;

(B) a record of scheduled hours and days of attendance;

(C) a health assessment and immunization record;

(D) each accident report; and

(E) signed parental permission for field trips, transfer of records, and when applicable, walking to and from activities away from the facility.

(4) Children's records shall be confidential. Staff shall not disclose nor discuss personal information regarding children and their relatives with any unauthorized person.

(5) Each child's records and reports shall be made available to the child's parents on request. Children's health records shall be returned to the parents when the children are no longer enrolled.

K.A.R. 28-4-427

28-4-427 Program.

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(a) Programs shall be conducted in self-contained units with staff and children designated for each unit. Centers or preschools which cannot develop self-contained units shall present a plan for space use to the Kansas department of health and environment for approval.

(b) Equipment.

(1) Low, open shelves shall be provided for play equipment and materials so that they are readily accessible to the children.

(2) Equipment shall be scaled to the size of the children.

(3) Equipment shall be of sound construction with no sharp, rough, loose, nor pointed edges, and in good operating condition.

(4) Equipment shall be placed to avoid danger of accident or collision, and to permit freedom of movement.

(5) Equipment shall be provided in a sufficient quantity so that each child has a choice of at least three activities when all children are using equipment at the same time.

(6) Storage space located conveniently for the staff shall be provided for supplies and equipment not in use.

(7) Each child shall have individual space for the child's garments, clothing, and possessions during the session attended.

(c) Learning experiences.

(1) There shall be a written program plan which includes daily learning experiences appropriate to the developmental level of the children. Experiences shall be designed to develop:

(A) Self-esteem and positive self-image;

(B) social interaction skills;

(C) self-expression and communication skills;

(D) creative expression;

(E) large and small muscle skills; and

(F) intellectual growth.

(2) The program schedule shall be planned to provide a balance of active, quiet, individual and group activities.

(3) A written program plan shall be posted in each unit.

(d) Discipline.

(1) There shall be a written discipline policy outlining methods of guidance appropriate to the ages of the children enrolled. This policy shall be made available to staff and parents.

(2) Prohibited punishment. Punishment which is humiliating, frightening or physically harmful to the child shall be prohibited. Prohibited methods of punishment include:

(A) Corporal punishment;

(B) verbal abuse, threats, or derogatory remarks about the child or the child's family;

(C) binding or tying to restrict movement, or enclosing in a confined space such as a closet, locked room, box, or similar cubicle; and

(D) withholding or forcing foods.

K.A.R. 28-4-428

28-4-428 Staff requirements.

(a) Minimum staff/child ratio. The ratio between staff and children shall be determined by the age of children and type of service provided. The required staff/child ratio shall not fall below the minimum level at any time and no child shall be left unsupervised. Only staff who are in attendance with the children shall be counted in the minimum staff/child ratio as follows:

Age of Children	Minimum Staff/Child ratio	Maximum Number of children per unit
Infants (2 weeks to 12 months)	1 to 3	9
Infants to 6 years	1 to 4	8

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	(max. 2	(max. 4
	infants)	infants)
Toddlers (12 months to 2½		
years, if walking alone)	1 to 5	10
2 years to 3 years	1 to 7	14
2½ years to school age	1 to 10	20
3 years to school age	1 to 12	24
Kindergarten enrollees	1 to 14	28
School age	1 to 16	32

(b) Substitute staff. Each facility shall have two additional adults who are available to work in case of illness or emergency. Their names and phone numbers shall be posted, and their health certificates shall be on file.

(c) Volunteers. Volunteers shall be at least 14 years of age. Volunteers may be counted in the staff/child ratio if they are 16 years of age or older, participate in in-service training programs, and are supervised at all times by employed staff.

(d)(1) Each child care center shall have a program director who is employed full time.

(2) Each facility licensed for more than 60 children shall employ a program director who has no other assigned responsibilities.

(3) Each facility licensed for more than 60 children shall have an administrator, who may also be the program director.

(e) Staff training.

(1) The program director shall receive at least five clock-hours of approved in-service training annually. In-service training shall be conducted away from the facility.

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(2) Teaching staff shall receive at least 10 clock-hours of approved in-service training annually.

(f) References. Each staff member shall provide work references at the time of application for employment.

(g) The program director shall submit an annual program report to the Kansas department of health and environment on forms supplied by the department.

K.A.R. 28-4-428a

28-4-428a Education and training requirements.

(a) Orientation.

(1) Each person shall, before applying for a license, complete an orientation program on the requirements for operating a preschool or a child care center. If the person is not an individual, the person shall designate an individual to meet this requirement. The orientation shall be provided by the county health department or the secretary's designee that serves the county in which the preschool or child care center will be located.

(2) Each licensee shall provide orientation to each program director not later than seven calendar days after the date of employment and before the program director is given sole responsibility for implementing and supervising the program.

(3) Each licensee shall ensure that orientation is completed by each staff member who will be counted in the staff-child ratio and by each volunteer who will be counted in the staff-child ratio. Each staff member and volunteer shall complete the orientation within seven calendar days after the date of employment or volunteering and before the staff member or volunteer is given sole responsibility for the care and supervision of children.

(4) Each licensee shall ensure that the orientation for each program director, staff member, and volunteer is related to work duties and responsibilities and includes the following:

(A) Licensing regulations;

(B) the policies and practices of the preschool or child care center, including emergency procedures, behavior management, and discipline;

(C) the schedule of daily activities;

(D) care and supervision of children in care;

(E) health and safety practices; and

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(F) confidentiality.

(b) Health and safety training.

(1) Each staff member who is counted in the staff-child ratio, each volunteer who is counted in the staff-child ratio, and each program director shall complete health and safety training either before employment or volunteering or not later than 30 calendar days after the date of employment or volunteering.

(2) The training shall be approved by the secretary and shall include the following:

(A) At least two clock-hours of training in recognizing the signs of child abuse or neglect, including prevention of abusive head trauma and the reporting of suspected child abuse and neglect;

(B) at least two clock-hours of training in basic child development; and

(C) at least two clock-hours of training on safe sleep practices and sudden infant death syndrome if the individual will be caring for children under 12 months of age.

(3) Each individual who is required to complete this training and who was employed in the preschool or child care center before the effective date of this regulation shall complete the training within one calendar year after the effective date of this regulation.

(c) Pediatric first aid and cardiopulmonary resuscitation (CPR) certifications.

(1) Each staff member counted in the staff-child ratio, each volunteer counted in the staff-child ratio, and each program director shall obtain certification in pediatric first aid and in pediatric CPR as specified in this subsection either before the date of employment or volunteering or not later than 30 calendar days after the date of employment or volunteering.

(2) Each individual who is required to obtain the certifications and who was employed in the preschool or child care center before the effective date of this regulation shall obtain the certifications within one calendar year after the effective date of this regulation.

(3) Each individual who is required to obtain the certifications shall maintain current certifications.

(4) Each licensee shall ensure that, for each unit in a preschool or child care center, at least one staff member or volunteer counted in the staff-child ratio who has current certification in pediatric first aid and current certification in pediatric CPR is in attendance at all times.

(d) Education requirements. Each program director shall be a high school graduate or equivalent. For each unit in a preschool or child care center, there shall be in attendance at all times at least one staff member who has a high school diploma or equivalent, as required in K.A.R. 28-4-429(h).

(e) Annual in-service training requirements.

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- (1) Each program director shall complete annual in-service training as required in K.A.R. 28-4-428(e)(1).
- (2) Each staff member counted in the staff-child ratio and each volunteer counted in the staff-child ratio shall complete annual in-service training as required in K.A.R. 28-4-428(e)(2).
- (f) Documentation. Each licensee shall ensure that documentation of all orientation, training, certifications, and education requirements is kept in each individual's file in the preschool or child care center.

K.A.R. 28-4-429

28-4-429 Staff qualifications.

- (a) Program directors shall be 18 years of age or older and shall meet the training requirements for the license capacity of the facility.
- (b) Facilities with fewer than 13 children shall have a program director who meets the training requirements by one of the following options:
 - (1) Option 1: Six months' teaching experience in licensed facilities with children of the same age as enrolled in present facility.
 - (2) Option 2:
 - (A) Five sessions of observation for not less than 2½ consecutive hours per observation in licensed facilities with children of the same age as enrolled in present facility; and
 - (B) 10 clock hours of workshops approved by the state licensing staff;
 - (3) Option 3:
 - (A) A minimum of three semester hours of academic credit or equivalent training in child development, early childhood education, and curriculum resources; and
 - (B) supervised observation in high school or college or three months' work experience with children of the same age as enrolled in present facility; or
 - (4) Option 4: A child development associate credential.
- (c) Facilities licensed for not less than 13 and not more than 24 children shall have a program director who meets the

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training requirements by one of the following options:

(1) Option 1:

(A) Five sessions of observation for not less than 2½ consecutive hours per observation in licensed preschools or child care centers. Child care center staff shall plan their observations so that daily activities during morning, lunch, nap time and late afternoon can be observed; and

(B) one year of teaching experience in licensed centers or preschools, or one year of supervised practicum in licensed centers or preschools; or

(2) Option 2:

(A) Seven to nine semester hours of academic credit or equivalent training in child development or early childhood education; and

(B) three months' teaching experience in licensed centers or preschools, or one year of supervised practicum in licensed centers or preschools; or

(3) Option 3: A child development associate credential.

(d) Facilities licensed for more than 24 children shall have a program director who meets the training requirements by one of the following options:

(1) Option 1:

(A) Twelve semester hours of academic study or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised practicum, and administration of early childhood programs; and

(B) six months' teaching experience in licensed centers or preschools;

(2) Option 2: A child development associate credential and one year of teaching experience in licensed centers or preschools, or supervised practicum in licensed centers or preschools;

(3) Option 3:

(A) An associate of arts degree or a two-year certificate in child development; and

(B) one year of teaching experience in licensed centers or preschools, or a supervised practicum in licensed centers or preschools;

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(4) Option 4:

(A) An A.B. or B.S. degree in child development or early childhood education, including a supervised practicum; and

(B) three months' teaching experience in licensed centers or preschools; or

(5) Option 5:

(A) An A.B. or B.S. degree in a related academic discipline, and 12 hours of academic study or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised practicum, and administration of early childhood programs; and

(B) six months teaching experience in licensed centers or preschools.

(e) Facilities licensed for more than one hundred children shall have a program director who meets the following requirements:

(1)(A) A degree in child development or early childhood education; or

(B) an A.B. or B.S. degree in a related academic discipline and 12 hours of academic study or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervisor practicum, and administration of early childhood programs; and

(2) one year of experience as a program director in a center licensed for more than 24 children, or one year of experience as an assistant program director in a center licensed for more than 100 children.

(f) Facilities licensed for more than 100 children shall have an assistant program director who meets the requirements for program director specified in 28-4-429(d).

(g) Facilities licensed for more than 160 children shall have an assistant program director who meets the requirements for program director specified in 28-4-429(d), and who has no other assigned responsibilities.

(h) Each unit shall have one staff person who is at least 18 years of age and who has a high school diploma or its equivalent. Units enrolling fewer than 13 children shall have a staff person who meets the training requirements specified in subsection (b) of this rule and regulation. Units enrolling 13 to 24 children shall have a staff person who meets the training requirements specified in subsection (c) of this rule and regulation. Units enrolling more than 24 school-age children shall have a staff person who meets the requirements specified in subsection (d) of this rule and regulation.

(i) Assistant teachers shall be at least 16 years of age and shall participate in staff orientation at time of employment.

K.A.R. 28-4-430

28-4-430 Health practices; illness and abuse; general health requirements for staff.

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(a) Children's health assessments.

(1) A preentrance health assessment conducted within six months before enrollment shall be required for each child. The assessment shall be conducted by a licensed physician or by a nurse approved to perform health assessments.

(2) The results of the health assessment shall be kept on file at the child care facility.

(3) Children transferring from one child care facility to another shall not be required to obtain a new health assessment if the previous assessment record is available.

(4) Tuberculin testing shall be required only if the child comes in contact with a new active or reactivated case of tuberculosis. The results of the examination shall become a part of the child's health record.

(5) Immunizations for each child in care shall be current as medically appropriate and shall be maintained current for protection from the diseases specified in K.A.R. 28-1-20(d). A record of each child's immunizations shall be maintained on the child's medical record form.

(6) Exceptions to the requirement for immunizations shall be permitted as specified in K.S.A. 65-508, and amendments thereto. Documentation of each exception shall be maintained on file at the child care facility.

(7) Each licensee shall provide information to the parents of children in care about the benefits of annual, well-child health assessments for children under six years of age, and biennial health assessments for children six years of age and older. Each licensee shall also provide information about the importance of seeking medical advice when a child exhibits health problems. This information may be either given on a form provided by the Kansas department of health and environment to the parent at the time the child is enrolled or posted in a conspicuous place, with copies of the form available to parents on request.

(b) Health practices.

(1) Each child's hands shall be washed with soap and water before and after eating and after toileting

(2) Children shall be allowed to go to the bathroom individually as needed.

(c) Illness and abuse.

(1) If a child is absent due to a communicable disease, staff shall inform all parents of the nature of the illness.

(2) Each communicable disease shall be reported to the county health department.

(3) Each staff member shall be trained to observe symptoms of illness, neglect, and child abuse and shall

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observe each child's physical condition daily.

(4) Symptoms of illness shall be reported upon discovery to parents.

(5) All evidence of neglect or unusual injuries, including bruises, contusions, lacerations, and burns, shall be noted on the child's record and shall be reported upon discovery to the program director or, in the absence of the program director, the person designated in charge of the child care facility.

(6) The program director or, in the absence of the program director, the person designated in charge of the child care facility shall report within 24 hours to the Kansas department of social and rehabilitation services any evidence of suspected child abuse or neglect. When the local offices of the department of social and rehabilitation services are not open, reports shall be made to local law enforcement agencies.

(7) If care of sick children is to be provided, written plans regarding the needs of a sick child and the care of a sick child shall be prepared in consultation with the public health nurse and shall be presented to the parents at the time of enrollment. The requirements for the infectious and contagious diseases specified in K.A.R. 28-1-2 and for the isolation and quarantine of individuals with the infectious and contagious diseases specified in K.A.R. 28-1-6 shall be met.

(8) A quiet area shall be provided for any sick child. Each sick child shall be supervised by an adult.

(9) Non-prescription medications shall not be administered to any child except on written order of the parent or guardian. Each order shall be renewed yearly. Each non-prescription medication shall be administered by a designated staff member.

(10) Each prescription medication shall be administered by a designated staff member, from a pharmacy container labeled with the child's name, the name of the medication, the dosage and dosage intervals, the name of the physician, and the date the prescription was filled. The label shall be considered the order from the physician.

(11) A record of the name of the designated staff member who administered the medication and the date and time the medication was given to the child shall be kept in the child's file.

d) Staff.

(1) Smoking shall be prohibited in the child care center or preschool.

(2) Alcohol, as defined in K.S.A. 41-102 and amendments thereto, and non-prescribed controlled substances, as defined in K.S.A. 65-4101 and amendments thereto, shall not be consumed on the premises during the hours of operation and shall not be consumed while children are present.

(3) Each child residing in the same location as that of a child care center or preschool shall meet the requirements specified in subsection (a).

K.A.R. 28-4-431

28-4-431 Revoked.

K.A.R. 28-4-432

28-4-432 Revoked.

K.A.R. 28-4-433

28-4-433 Revoked.

K.A.R. 28-4-434

28-4-434 Preschools.

(a) Inside area. Any building used as a residence shall be licensed as a preschool only if there is a room or rooms designated exclusively for preschool use.

(b) Nutrition.

(1) A nutritious snack shall be provided daily and shall include at least one of the following foods:

(A) Milk, milk product, or food made with milk;

(B) fruit, vegetable, or full-strength fruit or vegetable juice;

(C) meat;

(D) peanut butter; or

(E) bread or cereal product.

(2) Fluid dairy products shall be Grade A pasteurized. Solid dairy products shall be pasteurized.

(3) Refrigeration shall be provided for perishable foods.

(4) If reusable table service is used for snacks, appropriate dishwashing methods shall be followed as specified in K.A.R. 28-4-439(k).

(5) Appropriate table service shall be used for serving snacks. Children's food shall not be placed on the bare table.

(c) Outdoor play. Outdoor play space shall not be required. If outdoor play is included in the preschool program, the requirements of K.A.R. 28-4-437 shall be met.

K.A.R. 28-4-435

28-4-435 Programs serving children with handicapping conditions.

(a) Records. Written parental permission shall be on file for evaluation and placement of children.

(b) Physical plant.

(1) Programs which include non-ambulatory children shall be conducted on the ground floor. All exits and steps shall have ramps approved by a fire inspector.

(2) Facilities enrolling children who use walkers or wheelchairs shall have 50 square feet of space for each physically handicapped child.

(3) When physically handicapped children are enrolled, toilets and washbasins shall be designed to accommodate them.

(c) Transportation. A second adult shall ride in the rear seat of the vehicle when three or more handicapped children are being transported.

(d) Staff requirements. Facilities shall have staff who meet the qualifications listed in K.A.R. 28-4-429. The following additional requirements shall be met:

(1) The parent of a child enrolled in the unit shall not be a teacher in that unit.

(2) Each unit shall have a staff person who has a minimum of six hours of academic credits or equivalent clock hours in understanding the needs of handicapped children, and in developing individual program plans.

(3) Consultants shall meet the educational requirements of their profession.

(e) Minimum staff/child ratios. If fewer than one-third of the children enrolled have handicapping conditions, the minimum staff/child ratios shall be those as specified in K.A.R. 28-4-428. If one-third or more of the children enrolled have handicapping conditions, the following minimum staff/child ratios shall be maintained:

Age of children	Integrated unit or center		Special purpose unit or center	
	Adult/child	Max. unit	Adult/child	Max. unit
Under 2½	1 to 3	9	1 to 2	6

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years

2 years to	1 to 4	12	1 to 3	9
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3 years

2½ years	1 to 6	18	1 to 4	12
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and above

(f) In-service training. All staff shall have 10 clock-hours of annual in-service training specific to handicapping conditions.

(g) Program. A written individual program plan shall be on file for each handicapped child enrolled, and in consultation with the parents, shall be reviewed and revised annually. The plan shall assign responsibility for the delivery of services, and shall indicate the anticipated change in the child's behavior, and how these changes will be measured.

K.A.R. 28-4-436

28-4-436 Child care centers: physical plant.

(a) Inside area. A building used as a residence shall be licensed as a child care center only if there is a room or rooms designated exclusively for child care use.

(b) Napping and sleeping.

(1) Children remaining at the center more than four hours shall be encouraged to nap or rest according to their individual needs. Children who do not sleep shall be permitted to have a quiet time through the use of equipment or activities which will not disturb other children.

(2) Centers shall have a crib, cot or pad for each child. Pads shall be enclosed in washable covers and shall be used only over carpet. When pads are used, they shall be long enough so that the child's head does not rest on the carpet. Bunk beds shall be prohibited.

(3) Each crib or cot shall be equipped with individually-labeled bottom sheet. Every child shall have a cover. Children shall not share bedding.

(4) There shall be a complete change of bedding after each five uses, immediately when wet or soiled, and always upon a change in occupancy. Blankets shall be laundered monthly.

(5) Cribs, cots, or pads, when in use, shall be separated from each other by at least two feet in all directions

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except when bordering on the wall. When not in use, they shall be stored in a clean and sanitary manner.

(6) Nighttime care.

(A) Movable screens shall be available to insure privacy as needed.

(B) Separate sleeping areas shall be provided for boys and girls over six years of age.

(C) A center in which children sleep for more than three consecutive hours shall be provided with a smoke detector installed in consultation with a fire inspector.

(c) Laundry facilities.

(1) If laundry is done at the center, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in such a manner as to safeguard the health and safety of the children.

(2) Separate areas shall be provided for soiled and clean items.

K.A.R. 28-4-437

28-4-437 Child care centers: outside area.

(a) There shall be at least 75 square feet of outdoor play space on the premises for each child using the space at a given time. The total outdoor space shall accommodate not less than one-half of the licensed capacity, or shall include a minimum of 750 square feet, whichever is greater.

(b) The boundaries of outdoor play space shall be enclosed with a fence not less than four feet high.

(c) The outdoor play space shall be located to provide both sunshine and shade. A hard-surfaced area or gravel shall not be used under anchored play equipment.

(d) The outdoor play space shall be well drained and free of hazards.

(e) Outdoor play equipment shall be safely constructed and in good repair. Climbing equipment and swings shall be anchored in the ground with metal straps or pins, or set in cement. Swings shall be safely located and shall have canvas or soft rubber seats. Teeter-totters and merry-go-rounds designed for school-age children shall not be used for children under six years.

(f) Sandboxes shall be maintained in a safe and sanitary condition.

(g) A rooftop used as a play area shall be enclosed with a flat board fence or a chainlink fence angled toward the

play area. The fence shall not be less than six feet high. An approved fire escape shall lead from the roof to the ground.

(h) The play area shall be arranged so that staff can provide close supervision at all times.

(i) Outdoor equipment shall be provided in sufficient quantity so that each child has access to at least one activity appropriate to the child's age level.

(j) There shall be bathroom facilities accessible to the play area.

K.A.R. 28-4-438

28-4-438 Child care centers: program.

(a) The program shall provide regularity in routines such as eating and napping, and protection from excess fatigue and overstimulation.

(b) Unless extreme weather conditions prevail, children shall have a daily period of outdoor play under the supervision of an adult. Children spending more than four consecutive hours at the center shall play outdoors for at least one hour daily.

(c) Routines such as toileting and eating, and intervals between activities shall be planned so that children do not have to wait in lines, or assemble in large groups.

(d) If television is on the premises, its use shall be limited to children's programs.

(e) Activities shall be available for children during the entire time they are in attendance, including early morning and late afternoon.

K.A.R. 28-4-439

28-4-439 Child care centers: food service.

(a) Single or multi-unit centers serving a meal prepared at the center to 13 or more children shall employ a staff person who:

(1) Has knowledge of nutritional needs of children;

(2) understands quantity food preparation and service;

(3) practices sanitary methods of food handling and storage;

(4) is sensitive to individual and cultural food tastes of children; and

(5) is willing to work with the program director in planning learning experiences for children relative to nutrition.

(b) Centers shall serve meals and snacks as follows:

Length of Time at Center

Food Served

2½ to 4 hours

1 snack

4 to 8 hours

1 snack & 1 meal

8 to 10 hours

2 snacks & 1 meal or

1 snack & 2 meals

10 hours or more

2 meals & 2 or 3 snacks

(c) Meals and snacks.

(1) Breakfasts shall include:

(A) A fruit, vegetable, or full-strength fruit or vegetable juice;

(B) bread, a bread product or cereal; and

(C) milk.

(2) Noon or evening meals shall include one item from each of the following:

(A) Meat, poultry, fish, egg, cheese, cooked, dried peas or beans, or peanut butter;

(B) two vegetables, 2 fruits, or one vegetable and one fruit;

(C) bread, bread product or cereal; and

(D) milk.

(3) Mid-morning and mid-afternoon snacks shall include at least two of the following:

(A) Milk, milk product or food made with milk;

(B) fruit, vegetable, or full-strength fruit or vegetable juice;

(C) meat or a meat alternate; or

(D) bread, bread product or cereal.

(d) A sufficient quantity of food shall be prepared for each meal to allow the children second portions of vegetables or fruit, bread, and milk.

(e) Food allergies or special dietary needs of specific children shall be known to cooks, staff members, child care workers, and substitutes.

(f) Menus shall be posted where parents can see them. Copies of menus served the previous month shall be kept on file.

(g) Staff shall sit at the table with the children, and socialization shall be encouraged. Children shall be encouraged to serve themselves. Spoons and forks shall be provided for each child's use. Appropriate service shall be used for meals and snacks.

(h) Children's food shall not be placed on a bare table.

(i) Toothbrushes shall be provided for each child's use. They shall be used daily after meals, and shall be stored in a sanitary manner out of children's reach.

(j) When meals are prepared on the premises, the kitchen shall be separate from the eating, play, and bathroom areas, and shall not be used as a passageway while food is being prepared.

(k) Food shall be stored as follows:

(1) Poisonous or toxic materials shall not be stored with food. Medications requiring refrigeration shall be labeled and kept in locked storage in the refrigerator.

(2) All perishables and potentially hazardous foods shall be continuously maintained at 45°F or lower in the refrigerator, or 10°F or lower in the freezer, with 0°F recommended. Each cold storage facility shall be provided with a clearly visible, accurate thermometer.

(3) All foods stored in the refrigerator shall be covered.

(4) Foods not requiring refrigeration shall be stored at least six inches above the floor in clean, dry, well-ventilated storerooms or other areas.

(5) Dry, bulk foods which are not in their original, unopened containers shall be stored in metal, glass or food-grade plastic containers with tight-fitting covers, and shall be labeled.

(l) Table service shall be maintained in sanitary condition using one of the following methods:

(1) Disposable plates and cups, and plastic utensils of food grade, medium weight; or

(2) a three-compartment sink supplied with hot and cold running water and a drainboard for washing, rinsing, sanitizing, and airdrying; or

(3) a mechanical dishwasher.

(m) Dishes shall have smooth, hard-glazed surfaces, and shall be entirely free from cracks or chips.

(n) Tables shall be washed before and after meals, and floors shall be swept after meals.

(o) If meals are catered:

(1) Food shall be obtained from sources licensed by the Kansas department of health and environment.

(2) Food shall be transported in covered and temperature-controlled containers, and shall not be allowed to stand. Hot foods shall be maintained at not less than 140°F, and cold foods shall be maintained at 45°F or less.

(p) Fluid dairy products shall be Grade A pasteurized. Solid dairy products shall be pasteurized. Dry milk shall be used only for cooking.

(q) Meat shall be from government-inspected sources.

(r) Home-canned food, food from dented, rusted, bulging, or leaking cans, or food from cans without labels shall not be used.

(s) Garbage shall be placed in covered containers inaccessible to children, and shall be removed from the kitchen daily.

K.A.R. 28-4-440

28-4-440 Infant and toddler programs.

- (a) Infant and toddler programs shall be conducted on the ground floor only.
- (b) Each unit of infants and each unit of toddlers shall be separate from each unit of older children.
- (c) Floor furnaces shall be prohibited.
- (d) A sleeping area separate from the play area shall be provided for infants.
- (e) A crib or playpen shall be provided for each infant in care at any one time. Cribs and playpens shall be maintained in good condition. Clean individual bedding shall be provided.
- (f) Each licensee shall ensure that the following requirements are met:
 - (1) The use of stacking cribs, cribs with water mattresses, or bassinets shall be prohibited.
 - (2) Cribs and playpens shall have slats not more than 23/8 inches apart.
 - (3) All sides of each crib or playpen shall be up while the crib or playpen is in use.
 - (4) On and after December 28, 2012, each licensee shall ensure that no crib purchased before June 28, 2011 is in use in the facility.
- (g) Each licensee shall make any necessary changes to follow the recommendations of any consumer warning or recall of a crib or a playpen as soon as the warning or recall is known.
- (h) Each licensee shall develop and implement safe sleep policies and practices for infants and toddlers and shall ensure that the policies and practices are discussed with the parent or legal guardian of each child before the first day of care. The safe sleep policies and practices shall include the following requirements:
 - (1) Each staff member who cares for children and each volunteer who cares for children shall follow the safe sleep policies and practices of the child care center.
 - (2) Each staff member who cares for infants and each volunteer who cares for infants shall ensure that all of the following requirements are met:
 - (A) Each infant shall nap or sleep in a crib or a playpen.

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(B) An infant shall not nap or sleep in the same crib or playpen as that occupied by another infant or child at the same time.

(C) If an infant falls asleep on a surface other than a crib or playpen, the infant shall be moved to a crib or playpen.

(D) Each infant shall be placed on the infant's back to nap or sleep.

(E) When an infant is able to turn over independently, the infant shall be placed on the infant's back but then shall be allowed to remain in a position preferred by the infant. Wedges or infant positioners shall not be used.

(F) Each infant shall sleep in a crib or a playpen that is free of any soft items, which may include pillows, quilts, heavy blankets, bumpers, and toys.

(G) If a lightweight blanket is used, the blanket shall be tucked along the sides and foot of the mattress. The blanket shall not be placed higher than the infant's chest. The head of the infant shall remain uncovered. Any infant may nap or sleep in sleep clothing, including sleepers and sleep sacks, in place of a lightweight blanket.

(i) When children are awake, they shall not be left unattended in cribs or other confinement for more than 30 minutes.

(j) An adult-size rocking chair shall be provided for each unit of infants.

(k) Children not held for feeding shall have low chairs and tables, infant seats with trays, or high chairs with a wide base and a safety strap.

(l) Either individually labeled towels and washcloths or disposable products shall be provided.

(m) Items that children can place in their mouths shall be washed and sanitized daily and shall be washed and sanitized before being used by another child, if contaminated by saliva or other bodily fluids.

(n) Each licensee shall ensure that at least one staff member who meets one of the following staff requirements is present for each unit of infants and each unit of toddlers:

(1) Option 1: An individual who meets the qualifications of K.A.R. 28-4-429(b) and has at least three months' experience caring for infants and toddlers;

(2) option 2: a licensed L.P.N. or R.N. with three months' experience in pediatrics or in licensed child care centers enrolling infants and toddlers; or

(3) option 3: a child development associate credential in infant and toddler care.

(o) Each licensee shall ensure that the following program requirements are met:

(1) Daily activities shall contribute to the following:

(A) Gross and fine motor development;

(B) visual-motor coordination;

(C) language stimulation; and

(D) social and personal growth.

(2) Infants and toddlers shall spend time outdoors daily unless extreme weather conditions prevail.

(p) Each licensee shall ensure that the following food service requirements are met:

(1) The nitrate content of water for children under one year of age shall not exceed 10 milligrams per liter (10 mg/l) as nitrogen.

(2) Drinking water shall be available to each child at all times when the child is in care.

(3) Infants shall be held when bottle-fed until they can hold their own bottles.

(4) Infants and toddlers shall not be allowed to sleep with bottles in their mouths.

(5) Each bottle that contains prepared formula or breast milk shall be refrigerated with the nipple covered. The bottle shall be labeled with the child's name, the contents, and the date received and shall be used within 24 hours of the date on the label. If a child does not finish a bottle, the contents of the bottle shall be discarded. No formula or breast milk shall be heated in a microwave oven.

(6) Solid foods shall be offered when the program director and the parent or legal guardian of a child determine that the child is ready for solid foods. Opened containers of solid foods shall be labeled with child's name, the contents, and the date opened. Containers shall be covered and refrigerated. The food shall be used within three calendar days of the date opened. Food in previously opened containers shall be reheated only once and shall not be served to another child.

(q) Each licensee shall ensure that the following toileting requirements are met:

(1) Children's clothing shall be changed whenever wet or soiled.

(2) Each child shall have at least two complete changes of clothing.

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- (3) Handwashing facilities shall be in or adjacent to the diaper-changing area.
 - (4) A changing table shall be provided for each unit of infants and each unit of toddlers.
 - (5) Each changing table shall have an impervious, undamaged surface. Each table shall be sturdy and shall be equipped with railings or safety straps.
 - (6) Changing tables shall be sanitized after each use by washing with a disinfectant solution of 1/4 cup of chlorine bleach to one gallon of water or with an appropriate commercial disinfectant.
 - (7) Wet or soiled washable diapers or training pants shall be stored in a labeled, covered container or plastic bag and shall be returned home with the parent.
 - (8) Wet or soiled disposable diapers shall be placed in a covered container or plastic bag, which shall be emptied daily.
 - (9) There shall be one potty chair or child-sized toilet for every five toddlers. When a potty chair is used, the following requirements shall be met:
 - (A) Potty chairs shall be left in the toilet room.
 - (B) The wastes shall be disposed of immediately in a flush toilet.
 - (C) The container shall be sanitized after each use and shall be washed with soap and water daily.
 - (D) Potty chairs shall not be counted as toilets.
 - (10) Each individual shall wash that individual's hands after diapering, assisting a child with toileting, or changing a child's wet or soiled clothing.
 - (11) Changing and toileting procedures shall be posted.
- (r) There shall be daily communication between the parent, parents, or legal guardian and the staff about each child's behavior and development.

K.A.R. 28-4-441

28-4-441 Programs for school-age children.

- (a) Physical plant. Centers shall have a minimum of 35 foot candles of light in each area used for reading, study, and other close work.

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(b) Staffing. (1) Single or multi-unit centers shall employ teaching staff who meet the requirements under one of the following options:

Option 1: As specified in K.A.R. 28-4-429; or

Option 2: An A.B. or B.S. degree in elementary education, physical education, child development or a related academic discipline, and three months' experience with school-age children.

(2) Each unit for school-age children shall be separate from units for younger children, except for periods not to exceed two hours before and after school. Staff/child ratios and unit size shall conform to the provisions of K.A.R. 28-4-428 and shall be based on the age of the youngest child in the group.

(c) Program.

(1) Educational and recreational activities shall meet the individual needs of the children.

(2) Children shall be provided the opportunity to plan activities appropriate to their age.

(3) Activities shall include arts, crafts, music, reading, table games, and sports.

(4) Program plans shall be written and posted.

(5) Written parental permission shall be obtained for children to participate in activities away from the center.

(d) Summer programs for school-age children.

(1) License applications or application renewals for summer programs shall be submitted to the Kansas department of health and environment not later than April 15.

(2) Summer programs shall be based in facilities which meet license requirements.

(3) Sack lunches may be served. Sack lunches and beverages shall be refrigerated.

K.A.R. 28-4-442

28-4-442.

(a) Definitions. (1) "Adult" means a person 18 years of age or older.

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(2) "Child" means a person as defined in K.A.R. 28-4-420(u), (x) and (dd).

(3) "Infant" means a person as defined in K.A.R. 28-4-420(k).

(b) When adults are cared for in the same premises as children, adults shall have space, staff and equipment separate from the children. Intergenerational activities shall be permitted when the facility is in compliance with K.A.R. 28-4-442.

(c) Each adult shall sign a consent form indicating willingness to participate in intergenerational activities.

(d) Written parental permission shall be on file for each child participating in intergenerational activities.

(e) No infant shall participate in intergenerational activities.

(f) There shall be an intergenerational activities program coordinator.

(g) There shall be a written activity plan which includes program objectives, space to be used and staffing patterns. Special needs of both adults and children shall be addressed.

(h) A weekly schedule of activities and participants shall be posted in both adult and child care facilities.

(i) A staff person from the adult care unit shall be in attendance while adults are with children.

(j) Adults from the intergenerational program who volunteer in the child care center shall not be counted in the child/staff ratio.

K.A.R. 28-4-443 to 28-4-500

28-4-443 to 28-4-500 Reserved.