

K.A.R. 28-4-113. Definitions. (a) “Applicant” means a person who has applied for a license but who has not yet been granted a license to operate a facility.

(b) “Applicant with a temporary permit” means a person who has applied for a license and who has been granted a temporary permit to operate a facility.

(c) “Care provider” and “provider” mean an individual who cares for and supervises children in a facility and has responsibility for the health, safety, and well-being of children, including the following:

(1) A primary care provider;

(2) an individual who is at least 16 years of age and who is working in the facility;

and

(3) a substitute.

~~(d) “Day care home” means the premises on which care is provided for a maximum of 10 children under 16 years of age, with a limited number of children under five years of age in accordance with K.A.R. 28-4-114(e).~~

~~(e) “Department” means Kansas department of health and environment.~~

(e) “Disinfect” means full surface application of a disinfectant solution of fragrance-free, environment protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or an alternate fragrance-free, EPA-registered disinfectant used according to the directions on the label to any inanimate object.

~~(f) “Emergency care” means care for a period not to exceed two weeks for children not regularly enrolled in a facility.~~

~~(g) “Evening care” means care after 6:00 p.m. and before 1:00 a.m. the following day for~~

children enrolled at a facility and present during operating hours.

~~(h)~~ (g) “Extended absence” means time away from a facility for a period of more than three hours in a day.

~~(h)~~ (h) “Facility” means a ~~day~~ family child care home, a day care home, or a group day care home.

(i) “Family child care home,” “day care home,” or “group day care home” means the premises on which care is provided for a maximum of 12 children under 16 years of age, with a limited number of children under five years of age as specified in K.A.R. 28-4-114(e).

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

~~(k) “Group day care home” means the premises on which care is provided for a maximum of 12 children under 16 years of age, with a limited number of children under five years of age in accordance with K.A.R. 28-4-114(f).~~

~~(h)~~ (l) “Large motor activity” means any movement involving the arms, legs, feet, or entire body, including crawling, running, and jumping.

~~(m)~~ (l) “License capacity” means the maximum number of children who are authorized to be on the premises at any one time.

~~(n)~~ (m) “Licensed physician” means an individual who is licensed to practice either medicine and surgery or osteopathy in Kansas by the Kansas state board of healing arts or who practices either medicine and surgery or osteopathy in another state and is licensed under the licensing statutes of that state.

~~(n)~~ (n) “Licensee” means a person who has been granted a license to operate a facility.

(o) “Medical record” means the immunization record, health assessment, and medical history of each child.

(p) “Overnight care” means care after 1:00 a.m. and before 6:00 a.m. the same day for children enrolled at a facility and present during operating hours.

(q) “Primary care provider” means an applicant with a temporary permit, a licensee, or the designee of an applicant with a temporary permit or a licensee. Each applicant with a temporary permit, each licensee, and each designee shall be at least 18 years of age and shall meet the requirements for a primary care provider specified in K.A.R. 28-4-114a.

(r) “Professional development training” means training approved by the secretary that is related to working with children in care.

(s) “Sanitize” means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object use for food preparation or service.

~~(t)~~ (t) “Substitute” means an individual who supervises children in the temporary absence or extended absence of the primary care provider and who meets the following requirements:

(1) In the temporary absence of the primary care provider, the substitute shall be at least 16 years of age and shall meet all of the requirements ~~for a provider~~ specified in K.A.R. 28-4-114a ~~(a)(2), (b)(4)(C), and (e).~~

(2) In the extended absence of the primary care provider, the substitute shall be at least 18 years of age and shall meet all of the requirements ~~for a primary care provider~~ specified in K.A.R. 28-4-114a.

(t) (u) “Temporary absence” means time away from a facility for a period not to exceed three hours in a day.

(v) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption, inhalation or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

(u) (w) “Use zone” means the surface under and around a piece of equipment onto which a child falling from or exiting the equipment would be expected to land.

(x) “Volunteer” means an individual 14 years of age or older who is working in the facility without compensation.

(v) (y) “Weapons” means any of the following:

- (1) Firearms;
- (2) ammunition;
- (3) air-powered guns, including BB guns, pellet guns, and paint ball guns;
- (4) hunting and fishing knives;
- (5) archery equipment; or
- (6) martial arts equipment. (Authorized by K.S.A. ~~2010 Supp.~~ 65-508; implementing

K.S.A. ~~2010 Supp.~~ 65-503 and K.S.A. ~~2010 Supp.~~ 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Feb. 26, 1990; amended Feb. 3, 2012; amended P-

_____)

K.A.R. 28-4-114. Applicant; licensee. (a) Application process.

(1) Any person desiring to operate a facility shall apply for a license on forms provided by the department.

(2) Each applicant and each licensee shall submit the fee specified in K.A.R. 28-4-92 for a license or for the renewal of a license. The applicable fee shall be submitted at the time of license application or renewal and shall not be refundable.

(3) The granting of a license to any applicant or applicant with a temporary permit may be refused by the secretary if the applicant or applicant with a temporary permit is not in compliance with the applicable requirements of the following:

(A) K.S.A. 65-504 through 65-506, and amendments thereto;

(B) K.S.A. 65-508, and amendments thereto;

(C) K.S.A. 65-512, and amendments thereto;

(D) K.S.A. 65-530 and 65-531, and amendments thereto; and

(E) all regulations governing facilities.

(4) Failure to submit the application forms and fee for renewal of a license shall result in an assessment of a late fee pursuant to K.S.A. 65-505, and amendments thereto, and may result in closure of the facility.

(b) Applicant and licensee requirements. Each applicant, if an individual, and each licensee, if an individual, shall meet the following requirements:

(1) Be at least 18 years of age;

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

(3) not be engaged in either business or social activities that interfere with the care or supervision of children.

(c) Multiple child care facilities.

(1) Each applicant with a temporary permit and each licensee who operates more than one child care facility, as defined in K.S.A. 65-503, and amendments thereto, shall maintain each child care facility as a separate entity.

(2) A license for an additional child care facility shall not be granted until all existing child care facilities for which the licensee has been granted a license are in compliance with licensing regulations.

(d) Multiple licenses. No licensee shall be licensed concurrently for or provide more than one type of child care or child and adult care on the same premises.

(e) ~~License capacity for day~~ Maximum group size for family child care homes. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this subsection are met.

(1) The maximum ~~number of children for which a day~~ group size for a family child care home ~~may be licensed~~ shall be the following:

TABLE I – ~~LICENSE CAPACITY~~ MAXIMUM GROUP SIZE, ONE PROVIDER

Maximum Number of Children Under 18 <u>12</u> Months	Maximum Number of Children at Least 18 <u>12</u> Months but Under 5 Years of Age	Maximum Number of Children at Least 5 Years but Under 11 <u>10</u> Years of Age*	License Capacity <u>Maximum Group Size</u>
0	7 <u>8</u>	3 <u>2</u>	10
1	5 <u>6</u>	4 <u>3</u>	10
2	4 <u>5</u>	3 <u>2</u>	9
3	3	2	8

*Children five years of age and ~~over~~ older may be substituted for younger children in the ~~license capacity~~ maximum group size.

~~(2) Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.~~

~~(f) Maximum capacity for group day care homes. Each applicant with a temporary permit and each licensee shall ensure that all of the requirements of this subsection are met.~~

~~(1) The maximum number of children for which a group day care home may be licensed shall be the following:~~

TABLE II – ~~LICENSE CAPACITY~~ MAXIMUM GROUP SIZE, ONE PROVIDER

<u>Age</u> <u>Ages</u> of Children Enrolled	<u>License Capacity</u> <u>Maximum Group Size</u>
At Least 2 1/2 <u>2.5</u> Years but Under 11 <u>10</u> Years of Age	9 <u>10</u>
At Least 3 Years but Under 11 <u>10</u> Years of Age	10 <u>11</u>
At Least 5 Years but Under 11 <u>10</u> Years of Age	12

TABLE III – ~~LICENSE CAPACITY~~ MAXIMUM GROUP SIZE, TWO PROVIDERS*

Maximum Number of Children Under 18 <u>12</u> Months	Maximum Number of Children at Least 18 <u>12</u> Months but Under 5 Years of Age	Maximum Number of Children at Least 5 Years but Under 11 <u>10</u> Years of Age**	<u>License Capacity</u> <u>Maximum Group Size</u> *
<u>0</u>	<u>10</u>	<u>2</u>	<u>12</u>
1	8 <u>9</u>	3 <u>2</u>	12
2	7 <u>8</u>	3 <u>2</u>	12
3	6 <u>7</u>	3 <u>2</u>	12
4	4 <u>5</u>	2 <u>3</u>	10 <u>12</u>
<u>5</u>	<u>4</u>	<u>3</u>	<u>12</u>

*A second provider shall be present when the number of children exceeds the maximum number allowed for one provider. See Table I.

**Children five years of age and ~~over~~ older may be substituted for younger children in the ~~license capacity~~ maximum group size.

~~TABLE IV—LICENSE CAPACITY, TWO PROVIDERS*~~

Maximum Number of Children Under 18 Months	Maximum Number of Children at Least 18 Months but Under 2 1/2 Years of Age	Maximum Number of Children at Least 2 1/2 Years but Under 4 1/2 Years of Age**	License Capacity*
0	5	7	12

~~*A second provider shall be present when the number of children exceeds the maximum number allowed for one provider. See Table I.~~

~~**Children five years of age and over may be substituted for younger children in the license capacity.~~

(2) If the ages of children enrolled are at least 2.5 years but under 10 years of age, the maximum group size for two providers is 12.

(3) Children at least ~~4~~ 10 years of age but under 16 years of age unrelated to the provider on the premises for the purpose of receiving child care in the facility shall be included in the license capacity maximum group size if child care for this age group as a whole exceeds ~~three~~ five hours a week.

~~(g)~~ (f) Developmental levels. Any child who does not function according to age-appropriate expectations shall be counted in the age group that reflects the developmental age level of the child.

~~(h)~~ (g) License capacity not exceeded. Each applicant with a temporary permit and each licensee shall ensure that the total number of children on the premises, including children under

~~11~~ 10 years of age related to the applicant with a temporary permit, the licensee, or any other provider, does not exceed the license capacity, except for additional children permitted in subsection ~~(j)~~ (i).

~~(j) (h) Emergency care. Emergency care may be provided if the additional children do not cause the license capacity to be exceeded. Group size not exceeded. Except as provided by subsection (i), each applicant with a temporary permit and each licensee shall ensure the following requirements are met:~~

(1) The maximum number of children in each age category, including children under 10 years of age related to the applicant with a temporary permit, the licensee, or any other provider, does not exceed the maximum number of children in each age category as specified in subsection (e).

(2) The total number of children on the premises, including children under 10 years of age related to the applicant with a temporary permit, the licensee, or any other provider, does not exceed the maximum group size based on the age of the youngest child present and the number of providers present as specified in subsection (e).

~~(j) (i)~~ (i) Additional children on the premises. In addition to the number of children permitted under the terms of the temporary permit or the license and specified in ~~subsections subsection (e) and (f)~~, other children may be permitted on the premises.

(1) Not more than two additional children ~~2-1/2~~ 2.5 years of age or older who attend part-day preschool or part-day kindergarten may be present at any time between the hours of 11:00 a.m. and 1:00 p.m. for the noon meal on days that school is in session.

(2) Not more than two additional children at least five years of age but under ~~44~~ 10 years of age may be present between the hours of 6:00 a.m. and 6:00 p.m. The additional children may be present as follows:

(A) During the academic school year before and after school, in-service days, school holidays, scheduled or emergency closures, and school breaks not to exceed two consecutive weeks; and

(B) during the two consecutive weeks before the opening of the academic school year in August or September and following the end of the academic school year in May or June.

(3) Not more than two additional children ~~44~~ 10 years of age or older, unrelated to the applicant with a temporary permit or the licensee, may be present for not more than two hours a day during child care hours if all of the following conditions are met:

(A) The additional children are not on the premises for the purpose of receiving child care in the facility.

(B) The additional children are visiting the applicant's or the licensee's own child or children.

(C) The additional children are supervised by a provider if they have access to the children in care.

~~(j)~~ (j) Substitute. Each applicant with a temporary permit and each licensee shall arrange for a substitute to care for children in the event of a temporary absence or extended absence of the primary care provider.

~~(k)~~ (k) Posting of temporary permit or license and availability of regulations. Each

applicant with a temporary permit and each licensee shall post any temporary permit or license conspicuously as required by K.S.A. 65-504, and amendments thereto. A copy of the current regulations governing facilities shall be kept on the premises and shall be available to all providers at all times.

~~(m)~~ (l) Closure. Any applicant may withdraw the application for a license. Any applicant with a temporary permit and any licensee may submit, at any time, a request to close the facility. If an application is withdrawn or a facility is closed, any temporary permit or license granted to the applicant or licensee for that facility shall become void. (Authorized by K.S.A. ~~2010 Supp.~~ 65-508; implementing K.S.A. ~~2010 Supp.~~ 65-504, K.S.A. ~~2010 Supp.~~ 65-505, and K.S.A. ~~2010 Supp.~~ 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Feb. 26, 1990; amended Feb. 3, 2012; amended P-_____.)

K.A.R. 28-4-114a. Initial and ongoing professional development training. If an applicant, an applicant with a temporary permit, or a licensee is not an individual, the applicant, applicant with a temporary permit, or licensee shall designate an individual to meet the requirements of this regulation.

(a) Orientation.

(1) Each person shall, before applying for a license, complete an orientation program on the requirements for operating a facility, provided by ~~the health department or~~ the secretary's designee that serves the county in which the facility will be located.

(2) Each applicant, each applicant with a temporary permit, and each licensee shall provide orientation to each provider ~~individual who will be caring for children~~ about the policies and practices of the facility, including duties and responsibilities for the care and supervision of children enrolled. Each provider shall complete the orientation before the provider is given sole responsibility for the care and supervision of children. The orientation shall include the following:

(A) Licensing regulations;

(B) the policies and practices of the facility, including emergency procedures, behavior management, and discipline;

(C) the schedule of daily activities;

(D) care and supervision of children in care, including any special needs and known allergies;

(E) health and safety practices; and

(F) confidentiality.

(b) Health and safety training. Each applicant, each applicant with a temporary permit, each licensee, and each provider shall complete health and safety training approved by the secretary.

(1) Each applicant and each applicant with a temporary permit shall complete the training not later than 30 calendar days after submitting an application for a license.

(2) Each provider shall complete the training before the date of employment or not later than 30 calendar days after the date of employment. Each provider shall complete the training before being given sole responsibility for the care and supervision of children.

~~(3) Each licensee whose license was issued before July 1, 2017 and who has completed the training in the subject areas specified in paragraphs (b)(4)(A), (B), and (C) shall be exempt from training in the subject areas specified in paragraphs (b)(4)(D) through (I). Each provider who was employed at the facility before July 1, 2017 and who has completed the training in the subject areas specified in paragraphs (b)(4)(A), (B), and (C) shall be exempt from training in the subject areas specified in paragraphs (b)(4)(D) through (I).~~

~~(4)~~ The health and safety training shall include the following subject areas:

(A) Recognizing the signs of child abuse or neglect, including prevention of child maltreatment, shaken baby syndrome and abusive head trauma, and the reporting of suspected child abuse or neglect;

(B) basic child development, including:

(i) supervision of children;

(ii) cognitive, social, emotional, physical development; and

(iii) approaches to learning;

(C) safe sleep practices and sudden infant death syndrome;

(D) recognizing when a child is ill and prevention and control of infectious diseases, including immunizations;

(E) prevention of and response to emergencies due to food and allergic reactions;

(F) building and premises safety, including identification of and protection from hazards that could cause bodily injury, including electrical hazards, bodies of water, and vehicular traffic;

(G) emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event, including violence at a facility;

(H) handling and storage of hazardous materials and the appropriate disposal of bio-contaminants, including blood and other bodily fluids or waste; ~~and~~

(I) precautions when transporting children, if transportation is provided; and

(J) medication administration training.

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

Each applicant, each applicant with a temporary permit, each licensee, and each provider shall obtain certification in pediatric first aid and pediatric CPR as specified in this subsection.

(1) Certifications shall include a practical application component and be demonstrated in front of an instructor certified by a nationally recognized first aid and CPR training organization.

(2) Each applicant and each applicant with a temporary permit shall obtain the certifications not later than 30 calendar days after submitting an application for a license.

~~(2)~~ (3) Each provider shall obtain the certifications before the date of employment or not later than 30 calendar days after the date of employment.

~~(3)~~ (4) Each individual required to obtain the certifications shall maintain current certifications.

(5) Each applicant with a temporary permit and each licensee shall ensure that at least one provider who has current certification in pediatric first aid and current certification in pediatric CPR is present at all times.

~~(d) Medication administration training.~~

~~(1) Each of the following individuals shall complete the medication administration training as specified in this subsection:~~

~~(A) Applicant;~~

~~(B) applicant with a temporary permit;~~

~~(C) licensee; and~~

~~(D) provider designated to administer medications.~~

~~(2) The training shall be approved by the secretary.~~

~~(3) Each applicant and each applicant with a temporary permit shall complete the training not later than 30 calendar days after submitting an application for a license and before administering medication to any child.~~

~~(4) Each licensee whose license was issued before July 1, 2017 shall complete the training not later than December 31, 2017. The licensee shall not administer medications after December 31, 2017 unless the licensee has completed the training.~~

~~(5) Each provider designated to administer medications who is employed at the facility before July 1, 2017 shall complete the training not later than December 31, 2017. The~~

~~designated provider shall not administer medications after December 31, 2017 unless the designated provider has completed the training.~~

~~(6) Each provider designated to administer medications who is employed at the facility on or after July 1, 2017 shall complete the training before administering medication to any child.~~

~~(e)~~ Annual professional development training requirements.

(1) For purposes of this subsection, "licensure year" shall mean the period beginning on the effective date and ending on the expiration date of a license.

(2) In each licensure year, each ~~primary care~~ provider shall complete 16 clock hours of professional development training, as follows: Four of the 16 clock hours shall include the subject areas specified in paragraphs (b)(3)(A), (b)(3)(C) through (J), or subsection (c).

~~(A) For each licensure year ending during the 2017 calendar year, five clock hours;~~

~~(B) for each licensure year ending during the 2018 calendar year, five clock hours;~~

~~(C) for each licensure year ending during the 2019 calendar year, 12 clock hours; and~~

~~(D) for each licensure year ending during the 2020 calendar year, and for each subsequent licensure year, 16 clock hours.~~

~~(f)~~ (e) Documentation. Documentation of all orientation, training, and certifications for each individual shall be kept in that individual's file in the facility. (Authorized by and implementing K.S.A. 2016 Supp. 65-508; effective Feb. 3, 2012; amended May 12, 2017; amended P-_____.)

K.A.R. 28-4-115. Facility. (a) Water supply and sewerage systems. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that public water and sewerage systems, where available, are used. If a nonpublic source for the water supply is used, the water shall be safe for drinking and shall be tested annually by a department-certified laboratory. If a well is used, the well shall be approved by the local authority for private well permitting, the department, or a licensed water well contractor. A copy of the test results and the approval shall be kept on file at the facility. Each private sewerage system shall be maintained in compliance with all applicable state and local laws.

(b) Drinking water for children under 12 months of age. If children under 12 months of age are enrolled in a facility using water from a nonpublic source, including private well water, commercially bottled drinking water shall be purchased and used until a laboratory test confirms that the nitrate content of the private well water is not more than 10 milligrams per liter (10 mg/l) as nitrogen.

(c) General environmental requirements. Each facility shall have 25 square feet of available play space per child and shall be constructed, arranged, and maintained to provide for the health and safety of children in care. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that the facility meets the following requirements:

- (1) Has walls that are in good condition;
- (2) is skirted and anchored if a mobile home;
- (3) has a 2A 10B:C fire extinguisher;
- (4) has a working smoke detector on each level of the facility;
- (5) is uncluttered, visibly clean, and free from any evidence of vermin infestation and any

objects or materials that constitute a danger to children in care;

(6) has kitchen and outdoor trash and garbage in covered containers or in tied plastic bags;

(7) meets all of the following requirements for each heating appliance:

(A) Has a protective barrier for each freestanding heating appliance to protect from burns; and

(B) has each heating appliance using combustible fuel vented to the outside;

(8) has each electrical outlet covered or inaccessible to prevent easy access by a child when the outlet is not in use;

(9) has any power strip or extension cord positioned in a manner that prevents a tripping or shock hazard;

(10) has each stairway with more than two stairs railed;

(11) if any children under ~~2-1/2~~ 2.5 years of age are in care, meets all of the following requirements:

(A) Has each stairway equipped with balusters not more than four inches apart or guarded to prevent a child's head or body from falling through;

(B) has each stairway guarded by a secured door or gated to prevent unsupervised access by the child, including a latching device that an adult can open readily in an emergency;

(C) does not have any accordion gate in use; and

(D) does not have a pressure gate at the top of any stairway;

(12) has a readily available second means of escape from the first floor;

(13) has each lockable interior door designed to permit the door to be unlocked from

either side in case of an emergency;

(14) is maintained at a temperature of not less than 65 ~~degrees Fahrenheit~~ °F and not more than 85 ~~degrees Fahrenheit~~ °F in the play area;

(15) does not have any window coverings with strings or cords accessible to children in care; ~~and~~

(16) has at least one bathroom with at least one sink and one flush toilet. All fixtures shall be in working order at all times. An individual towel and washcloth or disposable products shall be provided for each child. The use of common towels shall be prohibited. Hand soap shall be readily accessible in each bathroom; ~~and~~

(17) has interior and exterior surfaces of the facility that are free from peeling, chipping, cracking, scaling and loose paint.

(d) Fire safety. Each facility shall be approved for fire safety by a fire inspector.

(e) Basements and other floors. A basement or a second floor used for child care in a facility shall be approved for fire safety by a fire inspector before use. A third floor shall not be used for child care.

(f) Refrigerator. A refrigerator shall be available for the storage of perishable foods. Refrigerated medications shall be in a locked box.

(g) Storage, handling, and disposal of hazardous items. The following hazardous items shall be safely stored, handled, and disposed:

(1) All household supplies, cleaning supplies, dangerous chemicals, and all bodily care products bearing warning labels to keep out of reach of children or containing alcohol shall be in

locked storage or stored out of reach of children under six years of age. Soap used for hand washing may be kept unlocked and placed on the back of the counter by a ~~bathroom or kitchen~~ sink.

(2) ~~Dangerous chemicals, household supplies with warning labels to keep out of reach of children, and~~ All medications shall be in locked storage or stored out of the reach of children under 10 years of age.

(3) Chemicals and cleaning supplies shall be used and disposed of in accordance with the product safety label.

(4) Sharp instruments shall be stored in drawers or cabinets equipped with childproof devices to prevent access by children or stored out of reach of children.

(4) (5) Tobacco products, ashtrays, lighters, and matches shall be stored out of reach of children.

(h) Storage of weapons. No child in care shall have access to weapons. All weapons shall be stored in a locked room, closet, container, or cabinet. Ammunition shall be kept in locked storage separate from other weapons.

(i) Outdoor play area. The designated area for outdoor play and large motor activities on the premises shall meet all of the following requirements:

(1) The outdoor play area shall be fenced if the play area adjoins that of another child care facility, as defined in K.S.A. 65-503, and amendments thereto, or if the area surrounding, or the conditions existing outside, the play area present hazards that could be dangerous to the safety of the children, which may include any of the following:

(A) A fish pond or a decorative pool containing water;

(B) railroad tracks; or

(C) a water hazard, including a ditch, a pond, a lake, and any standing water.

(2) Outdoor play equipment that is safely constructed and in good repair shall be available and placed in an area free of health, safety, and environmental hazards.

(3) The use of a trampoline shall be prohibited during the hours of operation of the facility. If a trampoline is on the premises, the trampoline shall be made inaccessible to children during the facility's hours of operation.

(4) Climbing equipment and swings shall be either anchored in the ground with metal straps or pins or set in cement, to prevent movement of the equipment and swings.

(5) All surfaces under and around climbing equipment and swings shall meet the following requirements:

(A) Impact-absorbent surfacing material shall be installed in each use zone under and around anchored equipment over four feet in height, including climbing equipment, slides, and swings.

(B) Impact-absorbent surfacing material shall consist of material intended for playground use, including shredded bark mulch, wood chips, fine sand, fine gravel, shredded rubber, unitary surfacing material, or synthetic impact material.

(C) Hard-surfacing materials, including asphalt, and concrete, ~~and hard-packed dirt~~, shall not be used in any use zone. Hard-packed dirt shall be covered with an impact-absorbent surfacing material as specified in paragraph (i)(5)(B). This requirement shall apply regardless of

the height of the climbing equipment, slides, and swings.

(D) Surfaces made of loose material shall be maintained by replacing, leveling, or raking the material.

(6) Swings shall not have wooden or metal seats.

(7) Teeter-totters and merry-go-rounds designed for school-age children shall not be used by children under five years of age.

(j) Each facility licensed on and after March 1, 2012 shall have a designated area for outdoor play and large motor activities as part of the licensed premises. (Authorized by and implementing K.S.A. ~~2010 Supp.~~ 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended Feb. 3, 2012; amended P-_____.)

K.A.R. 28-4-116. Daily care of children. (a) Daily activities.

(1) Each applicant with a temporary permit and each licensee shall provide daily activities that promote healthy growth and development, take into consideration the cultural background and traditions that are familiar to the children, and incorporate both indoor and outdoor activities that are appropriate for the ages and developmental levels of the children in care.

(2) Each child shall be offered a choice of activities and the opportunity to participate. Age-appropriate toys, play equipment, books, and other learning materials shall be available in sufficient quantities to allow each child a choice of activities.

(3) The activities, supplies, and equipment shall be designed to promote the following:

(A) Large motor and small motor development, which may include running, climbing, jumping, grasping objects, drawing, buttoning, and tying;

(B) creative expression, which may include dramatic play, music, and art;

(C) math and science skills, which may include sorting, matching, counting, and measuring; and

(D) language development and literacy, which may include reading, singing, finger plays, writing, and stories.

(4) Each child shall be given the opportunity for at least one hour of physical activity daily, either outdoors as described in paragraph (a)(7) or indoors.

(5) Each applicant with a temporary permit and each licensee shall ensure that the following requirements are met if the daily activities include any media viewing:

(A) Each media program shall be age-appropriate and, if rated, shall have a rating

appropriate for the ages and developmental levels of the children who view the program.

(B) No child shall be required to participate in media viewing. Each child not engaged in media viewing shall be offered a choice of at least one other activity for that time period.

(6) Toys and other items used by children shall meet the following requirements:

(A) Be clean, of safe construction, and in good repair;

(B) be washed and sanitized daily when used by children under 18 months of age; and

(C) be washed and sanitized before being used by another child, if contaminated by saliva or other bodily fluids.

(7) Unless prohibited by the child's medical condition or extreme weather conditions, each child in care shall be taken outdoors daily. Each child 12 months of age or older shall have the opportunity for at least one hour of outdoor play daily.

(b) Self-help and personal care. Each provider shall ensure that each child is assisted as needed with hand washing, toileting, dressing, and other personal care.

~~(c) Hand washing. Hands shall be washed using soap and warm running water and dried with a paper towel or a single-use towel. When soap and running water are not readily available, an alcohol-based hand sanitizer may be used only by adults and, under adult supervision, by children two years of age and older.~~

~~(1) Each provider shall wash that provider's hands as needed when hands are soiled and when each of the following occurs:~~

~~(A) At the start of the hours of operation or when first arriving at the facility;~~

~~(B) returning from being outdoors;~~

~~(C) after toileting, diapering, assisting a child with toileting, or handling any bodily fluids;~~

~~(D) before preparing each snack and each meal and before and after eating each snack and each meal;~~

~~(E) before and after administering any medication; and~~

~~(F) after feeding or handling any pet.~~

~~(2) Each child shall wash that child's hands or be assisted in washing that child's hands as needed when hands are soiled and when each of the following occurs:~~

~~(A) First arriving at the facility;~~

~~(B) returning from being outdoors;~~

~~(C) after toileting;~~

~~(D) before and after eating each snack and each meal; and~~

~~(E) after feeding or handling any pet.~~

~~(d) Smoking prohibited Tobacco products. No provider shall ~~smoke~~ use tobacco products while providing direct physical care to children. Smoking in any room, enclosed area, or other enclosed space on the premises shall be prohibited when children are in care pursuant to K.S.A. 65-530, and amendments thereto.~~

~~(e) (d) Nutrition and food service. Each applicant with a temporary permit and each licensee shall develop and implement menu plans for meals and snacks that contain a variety of healthful foods, including fresh fruits, fresh vegetables, whole grains, lean meats, and low-fat dairy products.~~

(1) If children under 18 months of age are in care, the following requirements shall be met:

(A) Each child shall be held when bottle-fed until the child can hold the child's own bottle.

(B) No child shall be allowed to sleep with a bottle in the child's mouth.

~~(C) Each bottle that contains prepared formula or breast milk shall be stored in the refrigerator 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 prepared formula is used, the following requirements shall be met:~~

(i) Each bottle that contains prepared formula shall be stored in the refrigerator with the nipple covered.

(ii) Each bottle shall be labeled with the child's name, the contents, and the time and date prepared, and shall be used within 24 hours of the time of preparation on the label.

(iii) If a child does not finish a bottle, the contents of the bottle shall be discarded within one hour from when the feeding from that bottle started.

~~(D) If a child does not finish a bottle, the contents of the bottle shall be discarded. If breast milk is used, the following requirements shall be met:~~

(i) All breast milk shall be labeled with the child's name and the time and date expressed.

(ii) Unfrozen breast milk shall be stored in a refrigerator and shall be used within 96 hours from the time it was expressed.

(iii) Frozen breast milk shall be stored in a freezer and shall be used within six months

from the time it was expressed and within 24 hours from the time it was thawed.

(iv) If a child does not finish the bottle of breast milk within two hours from when the feeding from that bottle started, the contents shall be discarded.

(v) Accommodations shall be provided that enables the child's parent to breastfeed their child.

(E) No formula or breast milk shall be heated in a microwave oven.

(F) Solid foods shall be offered when the provider and the parent or legal guardian of the child determine that the child is ready for solid foods. Opened containers of solid foods shall be labeled with the child's name, the contents, and the date opened. Containers shall be covered and stored in the refrigerator.

(2) Each applicant with a temporary permit and each licensee shall serve nutritious meals and snacks based on the amount of time a child is in care.

(A) Each child who is in care at least ~~2-1/2~~ 2.5 hours but under four hours shall be served at least one snack.

(B) Each child who is in care at least four hours but under eight hours shall be served at least one snack and at least one meal.

(C) Each child who is in care at least eight hours but under 10 hours shall be served at least two snacks and one meal or at least one snack and two meals.

(D) Each child who is in care for 10 or more hours shall be served at least two meals and at least two snacks.

(3) Each applicant with a temporary permit and each licensee shall include the following

items in meals and snacks:

(A) Breakfast shall include the following:

- (i) A fruit, vegetable, full-strength fruit juice, or full-strength vegetable juice;
- (ii) bread or grain product; and
- (iii) milk.

(B) Noon and evening meals shall include one item from each of the following:

- (i) Meat or a meat alternative;
- (ii) two vegetables or two fruits, or one vegetable and one fruit;
- (iii) bread or a grain product; and
- (iv) milk.

(C) Midmorning and midafternoon snacks shall include at least two of the following:

- (i) Milk;
- (ii) fruit, vegetable, full-strength fruit juice, or full-strength vegetable juice;
- (iii) meat or a meat alternative; or
- (iv) bread or grain product.

(D) For snacks, juice shall not be served when milk is served as the only other item.

(4) A sufficient quantity of food shall be prepared for each meal to allow each child to have a second portion of bread, milk, and either vegetables or fruits.

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

(6) Only pasteurized milk products shall be served.

(7) ~~Milk served to any child who is two years of age or older shall have a fat content of~~

~~one percent or less, unless a medical reason is documented in writing by a licensed physician.~~

(8) If a fruit juice or a vegetable juice is served, the juice shall be pasteurized and full-strength.

(9) (8) If any child has a food allergy or special dietary need, the provider and the parent or legal guardian of the child shall make arrangements for the provision of alternative foods or beverages.

(9) If meals are catered or delivered from an off-site location, the following requirements shall be met:

(A) Food provided from a central kitchen or vendor and delivered to the facility shall be obtained from a source licensed or inspected by the Kansas department of agriculture or equivalent food safety licensing agency in another state.

(B) 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.

(10) Meals and snacks shall be served to each child using individual tableware that is appropriate for the food or beverage being served. Food shall be served on tableware appropriate for that food and shall not be served directly on a bare surface, including a tabletop.

(11) Tableware shall be washed, rinsed, and air-dried or placed in a dishwasher after each meal.

(12) Sanitary methods of food handling and storage shall be followed.

(13) A washable or disposable ~~individual cup,~~ towel, and washcloth shall be provided for

each child.

~~(f) Recordkeeping. Each applicant with a temporary permit and each licensee shall ensure that a file is maintained for each child, including each child enrolled for emergency care.~~

~~Each file shall include the following information:~~

~~(1) The full name, home and business addresses, and telephone numbers of the child's parent or parents or legal guardian and the name, address, and telephone number of the individual to notify in case of emergency;~~

~~(2) the full name and telephone number of each individual authorized to pick up the child and to provide transportation to and from the facility;~~

~~(3) a medical record as required by K.A.R. 28-4-117 (a), except that each child enrolled for emergency care shall be exempt from K.A.R. 28-4-117 (a)(2); and~~

~~(4) written permission from the parent or legal guardian for emergency medical care and for the child to go off the premises as required by K.A.R. 28-4-124 and 28-4-127 (b)(1)(A).~~

~~(Authorized by K.S.A. 2010 Supp. 65-508; implementing K.S.A. 65-507 and K.S.A. 2010 Supp. 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended Feb. 26, 1990; amended Feb. 3, 2012; amended P-_____.)~~

K.A.R. 28-4-116a. Napping and sleeping. (a) Rest period. Each child shall have a daily, supervised rest period as needed. Each child who does not nap or sleep shall be given the opportunity for quiet play.

(b) Safe sleep practices for children in care.

(1) Each applicant with a temporary permit and each licensee shall develop a written plan for safe sleep practices and implement safe sleep practices for children in care who are napping or sleeping.

(2) Each applicant with a temporary permit and each licensee shall ensure that the safe sleep practices are ~~discussed~~ shared with the parent or legal guardian of each child before the first day of care.

(3) Each provider shall follow the safe sleep practices of the facility.

(4) Each child who is 12 months of age or older shall nap or sleep on a bed, a cot, the lower bunk of a bunk bed, or a pad over a carpet or area rug on the floor.

(5) Children under 12 months of age. Each applicant with a temporary permit and each licensee shall ensure that all of the following requirements are met for each child in care who is under 12 months of age:

(A) The child shall nap or sleep in a crib or a playpen. Stacking cribs or bassinets shall not be used. Cribs with water-bed mattresses shall not be used.

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

(C) A crib or playpen shall be provided and used for each child in attendance at any one time. The child shall not nap or sleep in the same crib or playpen ~~as that~~ occupied by another

child at the same time.

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

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

(F) The child shall sleep in a crib or a playpen that is free of any soft items, ~~which may include~~ including pillows, quilts, heavy blankets, bumpers, comforters, sheepskins, flat sheets, cloth diapers, bibs, stuffed animals, 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 child's chest. The head of the child shall remain uncovered.~~ The child may nap or sleep in sleep clothing, including sleepers and sleep sacks, ~~in place of a lightweight blanket.~~ Swaddling shall not be permitted.

(c) Napping or sleeping surfaces. Each applicant with a temporary permit and each licensee shall ensure that the following requirements are met for all napping or sleeping surfaces:

(1) Clean, individual bedding shall be provided for each child.

(2) Each surface used for napping or sleeping shall be kept clean, of safe construction, and maintained in good repair.

(3) Each crib and each playpen shall be used only for children who meet the manufacturer's recommendations for use, including any age, height, or weight limitations. The manufacturer's instructions for use, including any recommendations for use, shall be kept on file at the facility.

(4) Each crib and each playpen shall have a firm, tightfitting mattress and a fitted sheet.

The mattress shall be set at its lowest point when any child using the crib or playpen becomes able either to sit up or to pull up to a standing position inside the crib or playpen, whichever occurs first, to ensure that the child cannot climb out of the crib or playpen.

(5) If a crib or playpen is slatted, the slats shall be spaced not more than ~~2-3/8~~ 2.375 inches apart.

(6) ~~On and after December 28, 2012,~~ Each applicant, each applicant with a temporary permit, and each licensee shall ensure that no crib purchased before June 28, 2011 is in use in the facility.

(7) Each pad used for napping or sleeping shall be at least ~~1/2~~ 0.5 inch thick, washable or enclosed in a washable cover, and long enough so that the child's head and feet rest on the pad. Clean, individual bedding, including a bottom and a top cover, shall be provided for each child.

(8) Cribs, cots, playpens, and pads, when in use for napping or sleeping, shall be separated by at least 24 inches in all directions except when bordering on the wall.

(9) When not in use, cribs, cots, playpens, pads, and bedding shall be stored in a clean and sanitary manner.

(10) There shall be a complete change of bedding after each five uses, immediately when wet or soiled, and always upon a change in the child utilizing the sleeping surface.

(d) Consumer warning or recall. Each applicant with a temporary permit and 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.

(e) Transition from crib or playpen. The determination of when a child who is 12 months of age or older is ready to transition from a crib or a playpen to another napping or sleeping surface shall be made by the parent or legal guardian of the child and by either the applicant with a temporary permit or the licensee. The requirements of paragraphs (c)(3) and (4) for a child using a crib or playpen shall apply. (Authorized by and implementing K.S.A. ~~2010 Supp.~~ 65-508; effective Feb. 3, 2012; amended P-_____.)

K.A.R. 28-4-117. Health care requirements for children under 16 years of age and recordkeeping. (a)(1) A completed medical record on the form provided by the department shall be on file for each child under ~~4~~ 10 years of age enrolled for care and for each child under 16 years of age living in the child care facility.

(2) Each medical record shall include the results of a health assessment conducted by a nurse ~~trained~~ approved to perform health assessments or a licensed physician, or physician assistant. The health assessment shall be conducted not more than twelve ~~within six~~ months before and obtained not later than 60 calendar days after the child's initial enrollment in a child care facility.

(3) Each medical record shall include a medical history obtained from the parent or legal guardian. Each applicant with a temporary permit and each licensee shall review with each child's parent or legal guardian that child's medical history at least once every 12 months.

(b) A child under 16 years of age shall not be required to have routine tuberculin tests.

(c) Immunizations for each child, including each child of the provider under 16 years of age 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 obtained not later than 60 calendar days after the child's initial enrollment in a child care facility and shall be maintained on the child's medical record.

(d) Exceptions to the requirements 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.

(e) If an infant who has not been immunized against measles, mumps, rubella, and

varicella because of the age of that child is enrolled and there are children in care who have not had measles, mumps, rubella, and varicella immunizations due to ~~exemption~~ exception, including the children of the provider, the parents of the infant at risk shall sign a statement that the parents have been informed of the risk to their child. This statement shall be in the infant's file at the ~~day care or group day care home~~ facility.

(f) If a child is moved to a different child care facility provider, a new health assessment shall not be required if the previous ~~medical record~~ health assessment is available.

(g) Each applicant with a temporary permit and each licensee shall provide information to parents of children ~~in the licensee's program~~ about the benefits of annual well-child health assessments for children under the age of six years and biennial health assessments for children six years of age and older. Each applicant with a temporary permit and each licensee shall also provide information about the importance of seeking medical advice when children exhibit health problems. This information ~~may~~ shall be given on a form provided by the department to the parent when the child is enrolled or be posted in a conspicuous place, with copies of the form available to parents on request.

(h) Recordkeeping. Each applicant with a temporary permit and each licensee shall ensure that a file is maintained for each child. Each file shall include the following information:

(1) The full name, home and business addresses, and telephone numbers of the child's parent or parents or legal guardian and the name, address, and telephone number of the individual to notify in case of emergency;

(2) the full name and telephone number of each individual authorized to remove the child

from the facility;

(3) a medical record as required by K.A.R. 28-4-117(a); and

(4) written permission from the parent or legal guardian for emergency medical care and for the child to go off the premises as required by K.A.R. 28-4-124 and 28-4-127(b)(1)(A) and (B). (Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended, T-83-27, Sept. 22, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Feb. 26, 1990; amended July 11, 2008; amended P-_____.)

K.A.R. 28-4-118. ~~Medication administration and~~ Reporting suspected child abuse or neglect. (a)
~~Medication administration.~~

~~(1) Each applicant with a temporary permit and each licensee shall designate at least one provider to administer medications to children.~~

~~(2) If nonprescription medication is to be administered to a child, each designated provider shall meet the following requirements:~~

~~(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;~~

~~(B) require that each medication supplied by a parent or legal guardian for the child be in the original container;~~

~~(C) ensure that the container is labeled with the first and last name of the child for whom the medication is intended; and~~

~~(D) administer each medication according to the instructions on the label.~~

~~(3) If prescription medication is administered to a child, each designated provider shall meet the following requirements:~~

~~(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;~~

~~(B) keep each medication in the original container labeled by a pharmacist, with the following information:~~

~~(i) The child's first and last name;~~

~~(ii) the name of the licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) who ordered the medication;~~

~~(iii) the date the prescription was filled;~~

~~(iv) the expiration date of the medication; and~~

~~(v) specific, legible instructions for administration and storage of the medication;~~

~~(C) consider the instructions on each label to be the order from the licensed physician, PA, or APRN;~~

~~(D) administer the medication only to the child designated on the prescription label; and~~

~~(E) administer the medication in accordance with the instructions on the label.~~

~~(4) Documentation of each medication administered shall be kept on a form provided by the department and maintained in each child's file.~~

~~(5) A copy of the documentation of each medication administered shall be made available to the parent or legal guardian of the child.~~

~~(b) Reporting suspected child abuse or neglect. Each provider shall report to the Kansas department for children and families or to law enforcement any suspected child abuse or neglect within 24 hours. (Authorized by and implementing K.S.A. 2016 Supp. 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended Feb. 26, 1990; amended May 12, 2017; amended P-~~

~~_____.)~~

K.A.R. 28-4-122. ~~General regulations for family day care homes and child care facilities~~

Requirements and definitions for general regulations. (a) Requirements. The requirements of

K.A.R. 28-4-123 through ~~28-4-132~~ 28-4-133 shall apply to the following:

~~(a) Family day care home as defined in K.S.A. 65-517, and amendments thereto;~~

~~(b) (1) Day care home and group day~~ Family child care home, day care home, or group day care home as defined in K.A.R. 28-4-113;

~~(c) (2) preschool and child care center as defined in K.A.R. 28-4-420; and~~

~~(d) (3) residential center and group boarding home as defined in K.A.R. 28-4-268.~~

(b) Definitions. For the purposes of K.A.R. 28-4-123 through 28-4-133, the following definitions shall apply:

(1) "Animal" means any living creature, other than a human being, that has the ability to move voluntarily, including any mammal, rodent, fish, reptile, spider, insect, and bird.

(2) "Applicant" means a person who has applied for a license but has not yet been granted a license to operate a facility, residential center, or group boarding home.

(3) "Applicant with a temporary permit" means a person who has applied for a license and who has been granted a temporary permit to operate a facility, residential center, or group boarding home.

(4) "Department" means Kansas department of health and environment.

(5) "Disinfect" means full surface application of a disinfectant solution of fragrance-free, environment protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or an alternate fragrance-free, EPA-registered disinfectant used according to the directions on the label to any inanimate object.

(6) "Facility" means a family child care home, a preschool, or a child care center, but shall not include a residential center or group boarding home.

(7) "Licensee" means a person who has been granted a license to operate a facility, residential center, or group boarding home.

(8) "Pool" means any fixture or structure designed or utilized to hold water for swimming, wading, recreation, exercise, therapeutics, bathing, or any other purpose. The definition of pool shall not include indoor bath tubs or fully enclosed containers used to store water.

(9) "Primary care provider" means an applicant with a temporary permit, a licensee, or the designee of an applicant with a temporary permit or a licensee. Each applicant with a temporary permit, each licensee, and each designee shall be at least 18 years of age and shall meet the requirements for a primary care provider specified in K.A.R. 28-4-114a.

(10) "Provider" means an individual who cares for and supervises children in a family child care home and has responsibility for the health, safety, and well-being of children, including the following:

(A) A primary care provider;

(B) an individual who is at least 16 years of age and who is working in the family child care home; and

(C) a substitute.

(11) "Regularly volunteering" means working in a facility without compensation on a recurring basis. This term shall not apply to guest speakers or to individuals who make one or

more presentations on a specific subject.

(12) “Sanitize” means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object use for food preparation or service.

(13) “Secretary” means secretary of the Kansas department of health and environment or the secretary’s designee.

(14) “Shelter-in-place area” means a designated location in the facility to which children and others may relocate in an emergency.

(15) “Staff member” means an employee, a substitute, or a volunteer in a facility, a residential center, or a group boarding home.

(16) “Substitute” means an individual who supervises children in the temporary or extended absence of the primary care provider or staff member.

(17) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption, inhalation or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

(18) “Volunteer” means an individual 14 years of age or older who is working in the facility without compensation. (Authorized by and implementing K.S.A. 65-508 and ~~65-522~~; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended March 28, 2008; amended P-_____.)

K.A.R. 28-4-123. Parental access to ~~child care facilities~~. (a) Each parent or and each legal guardian of a child enrolled in a day care facility or preschool as defined in K.S.A. 65-517, K.A.R. 28-4-113 or K.A.R. 28-4-420 shall have access to the premises during all hours of operation. Each residential facility center and group boarding home as defined in K.A.R. 28-4-311 and K.A.R. 28-4-268 shall develop a plan for parental visitation in cooperation with the legal custodian if different from the parent.

(b) If video cameras are used in a facility for the purpose of monitoring children's activities or to provide remote visual access to parents and legal guardians, each applicant with a temporary permit and each licensee shall ensure that the following requirements are met:

(1) The parent or legal guardian of each child in care shall be informed in writing that cameras are used in the facility.

(2) All staff members shall be informed if cameras are used.

(3) The use of cameras shall not replace any requirements for supervision of children in care.

(4) Each applicant with a temporary permit and each licensee shall give the secretary's designee access to the cameras and viewing privileges. (Authorized by and implementing K.S.A. 65-508 and ~~K.S.A. 65-522~~ K.S.A. 65-512; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended P-_____.)

K.A.R. 28-4-124. Parental permission for children to go off-premises. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met.

(a) Each day care facility as defined in K.A.R. 28-4-113, K.A.R. 28-4-420 and K.S.A. 65-517, and any amendments to it shall obtain a signed parental permission on a form supplied by the department of health and environment. Residential centers and group boarding homes shall be exempt from the requirements of this regulation.

(b) Written permission on a form supplied by the department shall be obtained from the parent or legal guardian of each child who will be transported or allowed to participate in any off-premises field trip.

(c) For each location a child is transported and for each off-premises trip, the destination, the time children leave the child care facility, the adults responsible for the children while off premises, and the estimated time of return shall be posted in a place accessible provided to parents and legal guardians.

(d) The child's emergency medical treatment form and medical record shall be accessible when any child is participating in any off-premises trip or activity.

(e) Written permission on a form supplied by the department shall be obtained from the parent or legal guardian of each school age child who will be biking or walking without adult supervision to or from activities away from the facility. (Authorized by and implementing K.S.A. 65-508 and 65-522; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended Feb. 26, 1990; amended P-_____.)

K.A.R. 28-4-126. Health of ~~persons~~ individuals at least 16 years of age or older in child care facilities. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met.

(a) Health requirements.

(1) Each ~~person~~ individual caring for children shall be free from any physical, mental, or emotional handicaps as necessary conditions that prevent the individual's ability to protect the health, safety, and welfare of the children, and shall be qualified by temperament, and emotional maturity, sound judgment, and demonstrate an understanding of children, and shall act with sound judgment.

(2) ~~Persons~~ No individual in contact with children shall ~~not~~ be in a state of impaired ability due to the use of alcohol, prescription or nonprescription drugs, or other substances.

(b) Health status forms. Each individual at least 16 years of age who is caring for children shall attest to that individual's health status on a form supplied by the department or approved by the secretary.

(1) ~~Each person regularly caring for children shall have a health assessment conducted by a licensed physician or by a nurse trained to perform health assessments. The health assessment for shall be conducted no earlier than one year before the date of employment or initial application for a license or certificate of registration, or not later than 30 days after the date of employment or initial application.~~ The health status form shall indicate if the individual has been exposed to an active case of tuberculosis or has been diagnosed with suspected or confirmed active tuberculosis.

(2) ~~Each substitute in a day care facility as defined in K.A.R. 28-4-113 or K.S.A. 65-517~~

~~shall be exempt from K.A.R. 28-4-126(b)(1).~~ Each individual shall update the health status form annually or more often if there is a change in the health status or if the individual has been exposed to an active case of tuberculosis.

(c) ~~Tuberculin~~ Tuberculosis testing.

(1) Each ~~person~~ individual at least 16 years of age who is living, working, or regularly volunteering in the facility shall have a record of a negative ~~tuberculin~~ tuberculosis test or x-ray obtained not more than two years before the date of employment or initial application for a license ~~or certificate of registration or~~ and not later than 30 days after the date of employment or initial application.

~~(2) Additional tuberculin testing shall be required if significant exposure to an active case of tuberculosis occurs, or symptoms compatible with tuberculosis develop. Proper treatment or prophylaxis shall be instituted, and results of the follow-up shall be recorded on the person's health record. The Kansas department of health and environment shall be informed of each case described within this paragraph. Compliance with the tuberculosis prevention and control program of the department shall be required following each exposure to active tuberculosis disease.~~

~~(d)~~ (e) Records. The health status form results of the health assessment and tuberculin each tuberculosis test shall be recorded on forms supplied provided by the Kansas department of health and environment and shall be kept on file in each individual's record at the facility. Health assessment records may be transferred to a new place of employment if the transfer occurs within one year of previous employment.

~~(e)~~ (f) In addition to meeting the requirements in K.A.R. 28-4-126(d) and (e), each resident 16 years or older in a residential facility center or group boarding home as defined in K.A.R. 28-4-268 shall meet the requirements in K.A.R. 28-4-126(b), (c) and (d) shall have a health assessment conducted by a licensed physician, a physician assistant, or by a nurse trained to perform health assessments. (Authorized by and implementing K.S.A. 65-508 and K.S.A. 65-522; effective May 1, 1986; amended Feb. 26, 1990; amended P-_____.)

K.A.R. 28-4-127. ~~Emergencies~~ Telephone; emergency medical treatment; reporting requirements. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met.

(a) Telephone. A working telephone shall be on the premises and available for use at all times. Emergency telephone numbers shall be readily accessible or be posted next to the telephone for the police, fire department, ambulance, hospital or hospitals, and poison control center.

(b) Emergency medical treatment.

(1) ~~Each facility shall have~~ There shall be on file at the facility for each child:

(A) ~~Written permission of the parent, or legal guardian, or legal custodian~~ for emergency medical treatment on a form that meets the requirements of the hospital or clinic where emergency medical care will be given; and

(B) ~~the name, address and telephone number of a physician and hospital preference to be called in case of emergency.~~

(2) Residential ~~facilities~~ centers and group boarding homes providing emergency care shall be exempt from K.A.R. 28-4-127(b)(1)(A).

(3) Provisions shall be made at a hospital or medical clinic for emergency treatment for children in care.

~~(e)~~ (4) The medical record health assessment forms and emergency release forms medical treatment form shall be taken to the ~~emergency room~~ hospital or medical clinic with the any child needing emergency medical treatment.

~~(d)~~ (5) When a staff member accompanies a child to ~~the source of~~ emergency care

medical treatment, that ~~person~~ individual shall remain with the child ~~unless or until a~~ the child's parent or ~~parent's designee~~ legal guardian assumes responsibility for the child. ~~Such an arrangement~~ The individual's absence shall not compromise the supervision of the other children in the facility.

~~(c)~~ (c) Reporting illnesses, and injuries, and deaths:

(1) Residential centers and group boarding homes. Each applicant with a temporary permit and each licensee for each residential center or group boarding home shall:

(A) Residential facilities shall Have on file at the facility residential center or group boarding home written policies on reporting of illnesses and injuries of adults and children.

~~(B)~~ The policies shall be approved by the Kansas department for children and families licensing agency.

(B) Report by the next working day any injury or illness which results in the death of a child in care to the Kansas department for children and families.

(2) Facilities. Each applicant with a temporary permit and each licensee for each facility shall:

(A) Day care facilities shall report immediately Report by the end of the same day to the parent or legal guardian of each illness or injury of a child which requires medical attention any first aid provided by an individual caring for children.

(B) Immediately notify the parent or legal guardian if a child becomes ill while attending the program.

(C) Report if an applicant with a temporary permit, a licensee, a staff member, or a child

in care contracts an infectious or contagious disease listed in K.A.R. 28-1-2. The report shall be made by the next working day to the secretary's designee who serves the county in which the facility is located.

(D) Cooperate fully with any investigation, disease control, or surveillance procedures initiated by the local health department or the department.

~~(3) Communicable diseases shall be reported to the county health department by the next working day.~~

~~(f) Any injury or illness which results in the death of a child in care shall be reported by the next working day to the county health department or the Kansas department of health and environment. (Authorized by and implementing K.S.A. 65-508 and 65-522; effective May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended P-
_____.)~~

K.A.R. 28-4-128. Safety and emergency procedures. (a) Emergency plans; drills. ~~Each facility shall develop an emergency plan to provide for the safety of children and staff in emergencies such as fire, tornadoes, storms, floods, and serious injury.~~

(1) Each applicant, each applicant with a temporary permit, and each licensee shall develop and implement a written emergency plan to provide for the safety of children and staff members in emergencies. The emergency plan shall include the following information:

(A) Procedures for emergencies likely to occur on or near the premises, including a fire, a weather-related event, a missing or runaway child, a chemical release, a utility failure, an intruder, an act of terrorism, a lockdown, and an unscheduled closing;

(B) a designated shelter-in-place area, a designated off-premises relocation site, and evacuation routes for each area and for each site;

(C) procedures to meet the needs of individual children, including each child with special needs and chronic medical conditions;

(D) procedures for responding to and preventing allergic reactions of individual children;

(E) procedures for notifying each parent or adult responsible for a child of any off-premises relocation;

(F) procedures for reuniting each child with each parent or adult responsible for the child;

(G) procedures for continuity of operations, including backing up or retrieving health and other required records; and

(H) procedures designating the tasks to be followed by each staff member in an emergency, including the following:

(i) As appropriate, contacting 911 or other emergency response entities;

(ii) assisting the children, including children with special needs, to move to a designated shelter-in-place area and to a designated off-premises relocation site; and

(iii) ensuring that emergency supplies are readily available.

~~(b) (2) Each emergency plan shall be posted in a conspicuous place in the facility kept on file on the premises. Staff in day care facilities~~ Each applicant with a temporary permit and each licensee shall review ensure that the plan is reviewed with parents or legal guardians of children enrolled.

~~(e) (3) Each person responsible for the children, including each substitute, staff member~~ shall be informed of and shall follow the emergency ~~plans~~ plan.

(4) Each licensee shall review the emergency plan at least annually and update it as needed.

(5) Each licensee shall ensure that each staff member practices, at least annually, the procedures for assisting the children to move to a designated shelter-in-place area and to a designated off-premises relocation site. The date and time of each practice and a list of all participating staff members shall be recorded and kept on file on the premises.

(6) Each licensee shall ensure that each staff member and child participate in the following drills:

~~(d) (A) A fire drill shall be conducted monthly and scheduled to allow participation by each child. Each date and time shall be recorded. A record of the date and time of each fire drill and a record of each evacuation time shall be kept on file on the premises for one year.~~

~~(e) (B) A tornado drill shall be conducted monthly, April through September, and~~

~~scheduled to allow participation by each child. Each date and time shall be recorded. A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file on the premises for one year.~~

~~(f) (b) Each person regularly caring for children shall have first aid training.~~

~~Documentation of the training shall be on file at the facility. Standard precautions for handling blood and other bodily fluids or waste. Each applicant, applicant with a temporary permit, and each licensee shall ensure that each staff member complies with the following standard precautions when handling blood and other bodily fluids or waste:~~

~~(1) Each staff member shall avoid coming into direct contact with blood and other bodily fluids or waste.~~

~~(2) Each staff member shall wear single-use gloves in the following situations:~~

~~(A) When cleaning contaminated surfaces or areas;~~

~~(B) before dressing a cut or sore that is leaking body fluids; and~~

~~(C) when cleaning up each spill, including urine, feces, blood, saliva, vomit, and tissue discharge.~~

~~(3) Each contaminated surface or area on which a spill occurs shall be cleaned by removing any visible spill from the surface or area with a water-saturated disposable paper towel or wipe. After the surface or area has been cleaned, the surface or area shall be sanitized by wetting the entire surface or area with a disinfectant solution of chlorine bleach mixed according to the directions on the label, or an appropriate commercial disinfectant used according to the directions on the label.~~

(4) Each mop used to clean up a contaminated area shall be cleaned and rinsed in a disinfecting solution, wrung as dry as possible, and hung to dry.

(5) Each paper towel, sponge, or other material used for cleaning up a contaminated area shall be placed in a plastic bag with a secure tie and thrown away in a covered container.

(c) Each applicant with a temporary permit and each licensee shall maintain first-aid supplies in a first-aid kit, carrying case, box, or other container. The first-aid supplies shall include the following:

(A) First-aid manual;

(B) single-use gloves;

(C) adhesive bandages of assorted sizes;

(D) adhesive tape;

(E) a roll of sterile gauze;

(F) sharp scissors;

(G) sterile gauze squares at least four inches by four inches in size;

(H) a cleansing agent or liquid soap;

(I) an elastic bandage;

(J) tweezers; and

(K) a bottle of water for washing and cleansing. (Authorized by and implementing K.S.A.

65-508 and ~~K.S.A. 65-522~~; effective May 1, 1986; amended Feb. 26, 1990; amended P-

_____.)

K.A.R. 28-4-129. Swimming and wading activities. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that the requirements of this regulation are met.

(a) ~~Swimming and wading~~ Pools, hot tubs, and spas on the premises.

(1) No child shall have unsupervised access to a pool, a hot tub, or a spa.

(4) (2) ~~If a swimming pools pool, with water over 24 inches deep, wading pools, or hot tubs are~~ a hot tub, or a spa is on the premises, ~~they~~ it shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

(2) ~~The number and ages of children using either swimming or wading pools shall be limited to allow appropriate supervision by adult staff members.~~

(3) Required ~~staff/child~~ staff-child ratios shall be maintained at all times that children are involved in swimming or wading activities.

(4) The number and ages of children using a pool shall be limited to allow supervision by each individual caring for children.

(4) (5) Legible safety rules for the use of each swimming pools pool shall be posted in a ~~conspicuous~~ clearly visible location near the pool area, and

(6) ~~shall be read and reviewed weekly by each staff member~~ Each individual responsible for the supervision of ~~children~~ any child using a pool shall review the safety rules with each child before the child participates in the activity.

(b) ~~Swimming~~ Pools on the premises. Pools containing less than 12 inches of water and not permanently affixed to the premises shall be exempt from this subsection. If a pool is on the premises, the following requirements shall be met:

(1) ~~Below-ground swimming pools~~ Each inground pool shall be enclosed by a

fence ~~not less than~~ at least five feet high, with openings no greater than 3.5 inches, and constructed and maintained in good repair to prevent chance access by discourage children and unwanted visitors from accessing the pool area. The wall of a building may be used as one side of the fence if the wall has no openings, including windows and doors, capable of providing direct access to the pool area.

(2) Each gate in the fence shall be at least five feet high, self-closing, self-locking, and kept closed and locked.

(2) (3) Each ~~above-ground~~ aboveground swimming pools pool shall be have non-climbable sidewalls that are at least four feet high, or shall be enclosed with by a fence not less than at least five feet high to prevent chance access by children. The fence and the gate shall meet the requirements in paragraphs (b)(1) and (b)(2). Steps and ladders shall be removed and stored away from the pool when the pool is not in use. Each aboveground pool with a deck or berm that provides a ground-level entry on any side shall be treated as an inground pool.

(3) (4) Sensors shall not be used in lieu of a fence.

(4) (5) Water in the swimming pool shall be maintained between pH 7.2 and pH 8.2 7.8. The water shall be disinfected by free available free chlorine content shall be between 0.4 1.0 parts per million and 3.0 parts per million, by bromine between 1.0 parts per million and 6.0 parts per million, or by an equivalent agent approved by the local health department.

(6) If a stabilized chlorine compound is used, the pH shall be maintained between 7.2 and 7.7 and the free available chlorine residual shall be at least 1.5 parts per million.

(7) The pool shall be cleaned daily, and the chlorine or equivalent disinfectant level and

pH level shall be tested ~~daily~~ every two hours during periods of use. The results of these tests shall be recorded and available for review by the secretary's designee.

~~(5) A person with a life saving certificate or a person with training in CPR who can swim shall be in attendance when children are using a swimming pool.~~

~~(6)~~ (8) Each ~~swimming~~ pool more than six feet in width, length, or diameter shall be provided with a ring buoy and rope or with a shepherd's hook. ~~Such~~ The equipment shall be of sufficient length to reach the center of the pool from ~~its~~ each edge of the pool. The equipment shall be available at all times, including times when the pool is not in use.

(9) The water temperatures shall be maintained at no less than 82° F and no more than 88° F while the pool is in use.

~~(c) Wading pools on the premises.~~

~~(1) Children shall never be permitted to play without supervision in areas where there is a wading pool containing water.~~

~~(2) water in wading pools shall be emptied daily.~~

~~(d)~~ Hot tubs or spas on the premises. If a hot tub or a spa is on the premises, the following requirements shall be met:

(1) Each hot tub ~~or~~ and each spa shall be covered with an insulated, rigid cover secured by straps or locks or surrounded by a fence and gate that meets the requirements of paragraphs

(b)(1) and (b)(2).

(2) Children in ~~day care~~ facilities shall not be permitted to use a hot tubs tub or a spa. Children in residential ~~facilities~~ centers and group boarding homes shall be permitted to use hot

tubs when medically indicated.

(~~e~~) (d) Ponds and lakes. Ponds and lakes may be used for wading or swimming only ~~for~~ by children over six years of age, and shall be approved for swimming by the ~~county~~ local health department, ~~or Kansas~~ the department of health and environment, ~~or like departments in other states~~ the designated authority in the state in which the wading or swimming site is located. Required ~~staff/child~~ staff-child ratios shall be maintained at all times, and a certified life guard shall be on duty. (Authorized by and implementing K.S.A. 65-508 ~~and 65-522~~; effective May 1, 1986; amended Feb. 26, 1990; amended P-_____.)

K.A.R. 28-4-130. Transportation. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met when the facility arranges for or provides transportation for children in care.

~~(a) Facility-owned or leased vehicles.~~

~~(1) When a vehicle used for transportation of children is owned or leased by the facility, the~~ Each driver shall be at least 18 years of age or older, and.

~~(b) Each driver shall hold an operator's a valid driver's license of a type appropriate for the vehicle being used that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto. Trailers pulled by another vehicle, camper shells or truck beds shall not be used for transportation of children.~~

(c) Each driver shall be informed of the requirements of this regulation.

~~(2)(A)~~ (d) Each transporting vehicle shall be maintained in safe operating condition.

~~(B)~~ (e) The Each transporting vehicle owned or leased by the facility shall have a yearly an annual mechanical safety check of tires, lights, windshield, wipers, horn, signal lights, steering, suspension, glass, brakes, tail lights, exhaust system, and outside mirror. The safety check shall be documented on a form provided by the department. A record of the date of the annual safety check and corrections made shall be kept on file at the facility.

(f) Trailers, camper shells, or truck beds shall not be used for transportation of children.

(g) Fifteen-passenger vans shall not be used to transport children. Any 15-passenger van purchased or leased before December 31, 2023 shall be exempt from this requirement.

~~(3)~~ (h) The Each vehicle shall be covered by accident and liability insurance in amount of not less than \$100,000 for personal injury or death in any one accident, \$300,000 for injury or

death to two or more persons in any one accident; and \$50,000 for loss to property of others.

~~(4)(A) (i)~~ Emergency release forms and health assessment records shall be in the vehicle when children enrolled in residential centers or group boarding homes are transported.

~~Residential facilities shall be exempt from K.A.R. 28-4-130(a)(4)(A) unless children are being transported more than 60 miles from the facility residential center or group boarding home, or if children are in emergency medical care.~~

~~(B) (j) Each transporting vehicle owned or leased by the facility shall have a first-aid kit shall be in the transporting vehicle and shall include band-aids of all sizes; adhesive tape; a roll of gauze; scissors; one package of 4X4 inch gauze squares; a cleansing agent; and one elastic bandage; that meets the requirements in K.A.R. 28-4-128.~~

~~(5) Each vehicle shall be equipped with an individual restraint for each child as follows:~~

~~(A) An infant unable to sit up without support shall be provided with an infant car carrier which faces the rear.~~

~~(B) A child able to sit up without support shall be provided with one of the following restraints:~~

~~(i) A shield type device;~~

~~(ii) a car seat facing the front that is designed to hold a child weighing up to 40 pounds;~~

~~or~~

~~(iii) a safety harness.~~

~~(C) A child four years of age or older, or weighing 40 pounds or more, shall have a lap belt. Shoulder straps shall be used if they do not cross the child's neck or face.~~

~~(D) Not more than one child shall be restrained in each lap belt.~~

~~(E) Buses of the type used by schools shall not be required to be equipped with individual restraints if the buses are used to transport only school-age children.~~

(k) The following requirements regarding the use of seat belts and child safety seats shall apply:

(1) Each individual shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.

(2) No more than one individual shall be secured in any seat belt or child safety seat.

(3) Each seat belt shall be properly anchored to the vehicle.

(4) When a child safety seat, including a booster seat, is required, the seat shall meet the following requirements:

(A) Has current federal approval;

(B) has a label with the date of manufacture, date of expiration, and model number;

(C) according to the label, is not past the expiration date;

(D) has not been recalled;

(E) has no missing parts or cracks in the frame;

(F) has not been in a crash;

(G) is installed according to the manufacturer's instructions and vehicle owner's manual;

(H) is appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and state statutes and regulations; and

(I) is properly maintained.

(5) The manufacturer's instructions for use shall be kept on file at the facility.

(1) For each child younger than five years of age after August 31 of the current school year, each facility shall utilize an age and size-appropriate child safety restraining system when transporting a child in a school bus or a bus operated by a common carrier.

~~(6)~~ (m) The safety of ~~the children~~ each child riding in ~~the~~ each vehicle shall be protected as follows:

~~(A)~~ (1) All doors ~~except the front door on the driver's side~~ shall be locked while the vehicle is in motion.

~~(B)~~ (2) Discipline shall be maintained at all times.

~~(C)~~ (3) All parts of ~~the~~ each child's body shall remain inside the vehicle at all times.

~~(D)~~ (4) ~~Children shall neither~~ No child shall either enter nor or exit the vehicle into a lane of traffic.

~~(E)~~ (5) ~~Children under 10 years of age~~ No child shall ~~not~~ be left in a vehicle unattended by an adult.

(6) When the vehicle is vacated, the driver shall make certain no child is left in the vehicle.

~~(F)~~ (7) ~~Smoking~~ Tobacco product use in the vehicle shall be prohibited while children are being transported.

(8) No cell phone or other electronic device shall be used by the driver when the vehicle is in motion. If a cell phone or electronic device is used for navigation, it shall be in hands-free mode only.

~~(G)(i) (9) Day care facilities defined by K.S.A. 65-517, K.A.R. 28-4-113 and K.A.R. 28-4-420~~ Each facility shall maintain applicable staff/child staff-child ratios in the vehicle when children are being transported.

~~(ii) (10) Residential facilities centers and group boarding homes as defined by K.A.R. 28-4-268 and K.A.R. 28-4-311~~ shall maintain applicable staff/child staff-child ratios when children under six are being transported.

(n) A copy of the requirements in subsection (m) shall be posted in each vehicle or given to each driver.

~~(H) (o) The driver shall transport the child to the intended location, person, agency or institution as designated by the child's parent or legal guardian, or by the agency person in charge.~~ Each child shall be transported directly to the location designated by the applicant with a temporary permit or the licensee. No unauthorized stops shall be made along the way, except in an emergency.

~~(b) Vehicles owned by staff or volunteers.~~

~~(1) When a vehicle used for transportation of children is owned by staff or volunteers the vehicle shall be covered by accident and liability insurance required by K.S.A. 40-3104 and 40-3118 and any amendments to it.~~

~~(2) Each such vehicle shall meet the requirements of K.A.R. 28-4-129(a)(1); (a)(2)(A); (a)(4)(A); (a)(5); and (a)(6)(A) through (H).~~

~~(c)(1) Each driver shall be informed of the provisions of K.A.R. 28-4-130. Paragraphs (A) through (H) of subsection (a)(6) of K.A.R. 28-4-130 shall be posted in the~~

~~vehicle or given to the driver.~~ (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended P-
_____.)

K.A.R. 28-4-131. ~~Animals, birds, or fish.~~ Each applicant with a temporary permit and each licensee shall ensure that the following requirements are met for any animals on the premises.

(a) ~~When animals, birds, or fish are~~ If any animal is kept on the premises, the pet area each area in which the animal is permitted shall be maintained in a sanitary manner. There shall be no evidence of disease, flea, tick, or worm infestation.

(b) ~~No animal or bird~~ shall be in the kitchen while food is being prepared.

(c) Parents and legal guardians shall be informed whenever children in care have access to pets in animals at the child care facility.

~~(b) (d) Dogs and cats~~ Each domesticated dog and each domesticated cat shall have a current immunizations as recommended rabies vaccination given by a licensed veterinarian or a person acting under the direct supervision of a veterinarian as specified in K.S.A. 21-1213, and amendments thereto. A record of immunizations vaccinations shall be kept on file in at the facility.

~~(e) (e)~~ When animals that represent a hazard possible risk of harm to children are on the premises, children shall be protected from them.

~~(f) Pit bulldogs~~ Any wild or aggressive animal shall be prohibited. If unless the animals are displayed as part of in an animal exhibit, they shall be supervised by appropriate and are under the control of professional animal care personnel presenting the exhibit.

(g) Before handling any animal, each child in care shall be taught safety procedures to follow when handling them.

(h) Each contact between a child and an animal shall be supervised by an adult who is close enough to intervene immediately if either of the following circumstances occurs:

(1) The animal shows signs of distress or aggression; or

(2) the child shows signs of treating the animal inappropriately.

(i) Each individual shall wash that individual's hands after feeding or handling any animal. Each individual caring for children shall ensure each child washes that child's hands or be assisted in washing that child's hands after feeding or handling any animal. (Authorized by and implementing K.S.A. 65-508 and ~~65-522~~; effective May 1, 1986; amended Feb. 26, 1990; amended P-_____.)

K.A.R. 28-4-132. Child care practices. (a) Supervision. ~~Each child in day care shall be under the supervision of a person 16 years of age or older who is responsible for the child's health, safety and well-being.~~ Each applicant, each applicant with a temporary permit, and each licensee shall ensure that supervision is provided by a person 16 years of age or older who is responsible for the health, safety, and well-being of each child in care.

(b) Behavior management practices.

(1) Behavior management practices shall be consistent with the goals and purposes of the program and appropriate to the age and developmental level of the child.

(2) Each individual caring for children shall practice methods of behavior management that are designed to help each child develop inner controls and manage the child's own behavior in a socially acceptable manner. No individual caring for children shall use prohibited methods of punishment.

(3) Each applicant, each applicant with a temporary permit, and each licensee shall develop and implement a written discipline policy indicating the methods of guidance appropriate for the ages of the children in care. Parents and legal guardians shall be informed of the policy.

~~(b)~~ (c) Discipline Prohibited punishment.

~~(1) There shall be a written discipline policy indicating methods of guidance appropriate to the age of the children enrolled. Parents shall be informed of the policy.~~

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

(A) corporal punishment, including hitting such as spanking with the hand or any implement, slapping, swatting, shaking, pulling hair, yanking the arm, ~~or any similar activity~~ excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the child's health or safety;

(B) mental and emotional cruelty, including verbal abuse, threats, ~~or~~ derogatory remarks about the child or the child's family, or statements which tend to shame, humiliate, or frighten the child;

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

(D) confining the child in a high chair, a play yard, a crib, a closet, a locked room or area, a box, or a similar enclosure;

(E) withholding or forcing foods, toilet use, or rest; and

~~(E)~~ (F) placing substances which sting or burn on soap or any other substances that stings, burns, or has a bitter taste in the child's mouth, or on the tongue or on or in any other parts part of the child's body.

(2) Each individual who cares for children shall be prohibited from giving any child any medications, herbal or folk remedies, or drugs to control or manage behavior, unless prescribed by the licensed physician, the physician assistant, or the advanced practice registered nurse of the child.

~~(3) If isolation is used in residential facilities as defined in K.A.R. 28-4-268, the isolation policies shall be approved by the department of social and rehabilitation services before~~

implementation.

~~(4) Each staff member and care provider's discipline practices shall comply with K.A.R. 28-4-132.~~

~~(e) (d) Diapering and toileting~~ Hand washing. Hands shall be washed using soap and warm running water and dried with an individual towel or disposable product. When cloth towels and washcloths are used, they shall be labeled with the child's name, and shall be laundered at least weekly. When soap and running water are not readily available, an alcohol-based hand sanitizer may be used only by adults and, under adult supervision, by children two years of age and older.

(1) Each individual caring for children shall wash that individual's hands as needed when hands are soiled and when each of the following occurs:

(A) At the start of the hours of operation or when first arriving at the facility;

(B) returning from being outdoors;

(C) after toileting, diapering, assisting a child with toileting, or handling any bodily fluids;

(D) before preparing each snack and each meal and before and after eating each snack and each meal;

(E) before and after administrating any medication; and

(F) after feeding or handling any pet.

(2) Each individual caring for children shall ensure each child washes that child's hands or be assisted in washing that child's hands as needed when hands are soiled and when each of

the following occurs:

(A) First arriving at the facility;

(B) returning from being outdoors;

(C) after toileting, being diapered, or changing wet or soiled clothing;

(D) before and after eating each snack and each meal; and

(E) after feeding or handling any pet.

(e) Clothing, diapers, and bedding. Each applicant, each applicant with a temporary permit and each licensee shall ensure that the following requirements are met for clothing, diapers, and bedding:

(1) Each child's clothing, diaper, training pants, or bedding shall be changed without delay whenever wet or soiled. The diaper or training pants of each child shall be checked at least every two hours to determine if a change is needed.

(2) Each child under three years of age shall have at least ~~one~~ two complete ~~change~~ changes of clothing ~~at the facility~~ available.

(f) Hand washing sinks.

~~(3) (A) Handwashing facilities~~ Sinks for hand washing shall be in or readily accessible to ~~the~~ each diaper-changing area and each toileting area.

~~(B) Each person caring for children shall wash hands with soap and water after changing diapers or soiled clothing.~~

(g) Diapering. This subsection shall apply if any child in care requires diapering.

(1) Each applicant, each applicant with a temporary permit, each licensee, and each

individual caring for children shall follow the diapering procedures provided by the department.

(2) A copy of the procedures shall be posted in each diaper-changing area.

(3) Each area used for diaper changing shall meet the following requirements:

(A) Be located in an area away from the food preparation area;

(B) be located in an area that allows the individual who is changing a diaper to maintain supervision of the other children in care; and

(C) have a covered, hands-free trash container located within reach of the changing surface.

(4) ~~Children~~ Each child shall be diapered in ~~their~~ the child's own ~~cribs or playpens~~ crib or playpen, on a clean, moisture-proof, nonabsorbent pad on the floor, or on a changing table. Each infant unit and each toddler unit in a child care center ~~as defined by K.A.R. 28-4-420~~ shall have a changing table.

(5) No child shall be left unattended on a diaper-changing surface.

~~(5) (6) Changing tables and pads shall have a waterproof, undamaged surface. Tables shall be sturdy, and shall be equipped with railing or safety straps. Children shall not be left unattended on the changing table. If a changing table is used, the table shall meet the following requirements:~~

(A) Have a moisture-proof, nonabsorbent, smooth surface that is undamaged, does not trap soil, and is easily cleaned;

(B) be sturdy;

(C) be equipped with railings or with safety straps that are secured to the changing table;

and

(D) if equipped with safety straps, have straps that are easily cleaned and disinfected after each diaper change.

~~(6) Changing tables and pads 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 an appropriate commercial disinfectant.~~

~~(7) The following procedures shall be followed when washable diapers or training pants are used: (A) Day care facilities. Washable diapers or ~~and washable~~ training pants shall not be rinsed out. They shall be stored in a labeled covered container or plastic bag and returned ~~home~~ with to the parents parent or legal guardian.~~

~~(B) Residential facilities. Sanitary laundering procedures which promote infection control shall be followed.~~

(8) Disposable diapers and disposable training pants shall be placed in a covered container or plastic bag which shall be emptied daily, or more frequently as necessary for odor control. Each covered container used for disposable diapers and disposable training pants shall be cleaned and disinfected at the end of each day.

(9) Each diaper-changing surface shall be cleaned and disinfected after each use. The surface shall be cleaned by removing any visible soil from the surface with a water saturated disposable paper towel or wipe. After the surface has been cleaned, the surface shall be disinfected.

(h) Toilet training. This subsection shall apply if any child in care is learning to use the

toilet.

(1) Toilet training shall begin when the individual caring for children or program director and the parent or legal guardian of a child determine that the child is ready for toilet training.

(2) No child shall be forced to participate in toilet training if the child is not ready.

(3) No child shall be punished or shamed for toileting accidents.

(4) If a toilet training device is used, the following requirements shall be met:

(A) ~~Potty chairs~~ Each toilet training device ~~when used~~ shall be ~~left~~ used and stored in the ~~toilet room~~ bathroom.

(B) The wastes shall be disposed of immediately in a flush toilet.

(C) ~~The~~ Each toilet training device, including the container shall be ~~sanitized~~ cleaned and disinfected after each use ~~and shall be washed with soap and water daily.~~

(B) (D) ~~There shall be one potty chair or child-sized toilet for every five toddlers in a child care center as defined by K.A.R. 28-4-420. Potty chairs~~ Toilet training devices shall not be counted as toilets.

(10) ~~Diapering procedures recommended by the U.S. Department of Health and Human Services, Public Health Service, December, 1984, shall be followed in all child care facilities caring for infants and toddlers. Diapering and toileting procedures shall be posted in child care centers, group boarding homes, residential centers and group day care homes serving children under 2 1/2 years of age.~~

(i) Medication administration.

(1) Each individual caring for children shall complete medication administration training

before administering any medication to any child, as specified in K.A.R. 28-4-114a and K.A.R. 28-4-428a.

(2) If nonprescription medication is to be administered to a child, each individual caring for children shall meet the following requirements:

(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;

(B) require that each medication supplied by a parent or legal guardian for the child be in the original container;

(C) ensure that the container is labeled with the first and last name of the child for whom the medication is intended; and

(D) administer each medication according to the instructions on the label.

(3) If prescription medication is administered to a child, each individual caring for children shall meet the following requirements:

(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;

(B) keep each medication in the original container labeled by a pharmacist, with the following information:

(i) The child's first and last name;

(ii) the name of the licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) who ordered the medication;

(iii) the date the prescription was filled;

(iv) the expiration date of the medication; and

(v) specific, legible instructions for administration and storage of the medication;

(C) consider the instructions on each label to be the order from the licensed physician,

PA, or APRN;

(D) administer the medication only to the child designated on the prescription label; and

(E) administer the medication in accordance with the instructions on the label.

(4) Documentation of each medication administered shall be kept on a form provided by the department and maintained in each child's file.

(5) A copy of the documentation of each medication administered shall be made available to the parent or legal guardian of the child.

(j) Each residential center and group boarding home shall be exempt from subsections (a) through (c). (Authorized by and implementing K.S.A. 65-508 and ~~K.S.A. 65-522~~; effective Feb. 26, 1990; amended P-_____.)

28-4-133. Reporting critical incidents. This regulation shall apply to ~~all day care homes, group day care homes, preschools, and child care centers~~ each facility.

(a) Reports to parents and legal guardians. ~~In addition to meeting the reporting requirements in K.A.R. 28-4-127,~~ Each primary care provider and each program director shall ensure that each of the following critical incidents is immediately reported to the parent or legal guardian of any child affected by the critical incident:

(1) Fire damage or other damage to the facility, or any damage to the property that affects the structure of the facility or the safety of the children in care;

(2) a vehicle collision involving any child in care;

(3) a missing child;

(4) an injury to a child that requires treatment by a health care professional;

(5) an injury to a child by any animal;

~~(6)~~ the death of any of the following:

(A) A child; or

(B) a ~~provider~~ staff member in the facility; ~~a day care home or group day care home;~~

~~(C) an employee in a preschool or child care center; or~~

~~(D) a volunteer in a day care home, group day care home, preschool, or child care center;~~

and

~~(6)~~ (7) any other occurrence that jeopardizes the safety of any child in care.

(b) Written reports to the department. Each primary care provider and each program director shall ensure that a written report of any critical incident specified in subsection (a) is submitted by the next working day to the department. The report shall be submitted on a form

provided by the department. A copy of each critical incident report shall be kept on file at the facility for at least one year from the date of the critical incident. (Authorized by and implementing K.S.A. 65-508; effective Dec. 27, 2019; amended P-_____)

K.A.R. 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) “Assistant teacher” means the staff member of a child care center or preschool who meets the requirements specified in K.A.R. 28-4-429(d) and who is responsible for assisting the lead teacher in the care of children within a unit. Each assistant teacher shall demonstrate the following:

(1) Ability to carry out assigned tasks competently under the guidance of another staff member;

(2) skills and ability to implement age-appropriate activities;

(3) understanding of and the ability to respond appropriately to children’s needs;

(4) the ability to foster positive, healthy relationships with children; and

(5) interpersonal skills necessary to communicate clearly and appropriately.

(d) “Applicant” means a person who has applied for a license but who has not yet been granted a license to operate a facility.

(e) “Applicant with a temporary permit” means a person who has applied for a license and who has been granted a temporary permit to operate a facility.

~~(f)~~ (f) “Basement” means an area in which all four outside walls are more than two-thirds below ground level.

~~(g)~~ (g) “Child care center” means a facility:

(1) which ~~that~~ provides care and educational activities for ~~13 or more~~ children two weeks to 16 years of age ~~for more than~~ at least three hours ~~and less than 24 hours~~ per day including day

time, evening, ~~and nighttime care~~ and overnight care for; ~~or~~

(A) 13 or more children; or

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

(2) that may have hours of operation for more than 24 continuous hours, provided no individual child is present for 24 or more hours of continuous care.

~~(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) “Disinfect” means full surface application of a disinfectant solution of fragrance-free, environment protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or an alternate fragrance-free, EPA-registered disinfectant used according to the directions on the label to any inanimate object.

~~(h)~~ (i) “Enrollment” means the total number of children for whom services are available.

~~(i)~~ (j) “Evening care” means care provided ~~between 6 o'clock~~ after 6:00 p.m. and

~~midnight of the same day before 1:00 a.m. the following day for children enrolled at a facility and present during operating hours.~~

~~(j)~~ (k) “Fire inspector” means a person approved by the state fire marshal to conduct fire safety inspections.

~~(k)~~ (l) “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.

~~(m)~~ “Integrated unit” means a center or preschool program serving both handicapped and non-handicapped children, in which not less than 1/3 and not more than 2/3 of the children are handicapped. “Lead teacher” means the staff member of a child care center or preschool who meets the requirements specified in K.A.R. 28-4-429(c) and who is responsible for the care and supervision of children within a unit. Each lead teacher shall demonstrate the following:

- (1) Knowledge of licensing regulations applicable to their duties;
- (2) knowledge of child development, early childhood education, and indicators that a child may not be meeting developmental milestones;
- (3) skills and availability to implement age-appropriate activities;
- (4) the ability to recognize signs and illnesses, safety and injury hazards, and respond with prevention interventions;
- (5) understanding of and ability to respond appropriately to children’s needs;
- (6) the ability to foster positive, healthy relationships with children; and

(7) interpersonal skills necessary to communicate clearly and appropriately.

~~(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.~~

~~(n)~~ (n) “License capacity” means the maximum number of children that is allowed to attend a facility at any one time.

~~(p) (o) “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 means an individual who is licensed to practice either medicine and surgery or osteopathy in Kansas by the Kansas state board of healing arts or who practices either medicine and surgery or osteopathy in another state and is licensed under the licensing statutes of that state.~~

~~(p) (p) “Licensee” means a person, corporation, firm, association, educational group or other organization which operates or maintains a child care center or preschool who has been granted to operate a facility.~~

(q) “Media” means cable and broadcast television, internet streaming, or other similar digital entertainment.

~~(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~~ “Medical record” means the immunization record, health assessment and medical history of each child.

~~(s) “Nighttime care” means care provided after six o'clock p.m. and continuing until after midnight~~ “Overnight care” means care provided after 1:00 a.m. and before 6:00 a.m. the same

day for children enrolled at a facility and present during operating hours.

(t) “Preschool” means a facility:

(1) ~~which~~ that provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. ~~72-1107(e)~~ 72-3118(c), and ~~any~~ amendments thereto, and who are 30 months of age or older;

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

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

(4) ~~which~~ that 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(e)~~ 72-3118(c), and ~~any~~ amendments thereto.

(v) “Professional development training” means training approved by the secretary that is related to working with children in care.

~~(w)~~ (w) “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)~~ (x) “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), ~~(e)~~, ~~(d)~~ or ~~(e)~~ and who is

responsible for implementing and supervising the program. Each program director shall demonstrate the following:

(1) Knowledge of child development, early childhood education, and indicators that a child may not be meeting developmental milestones;

(2) knowledge of licensing regulations applicable to child care centers and preschools;

(3) administrative, leadership, and management skills in facility operations;

(4) interpersonal skills necessary to communicate clearly and appropriately;

(5) capability in curriculum design and implementation; and

(6) knowledge of community resources available to families, children and children with special health care needs.

(y) "Sanitize" means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object use for food preparation or service.

(z) "School-age" means a child who will attain the age of eligibility to enter kindergarten as specified in K.S.A. 72-3118(c), and amendments thereto 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.

(aa) "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).

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

~~(cc) "Special purpose unit" means a program in which more than two thirds of the~~

~~children enrolled have severe or mild handicaps.~~ “Substitute” means an individual who supervises children in the absence of the staff member.

~~(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) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption, inhalation or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.~~

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

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

~~(gg) “Volunteer” means an individual 14 years of age or older who is working in the facility without compensation and meets the requirements specified in K.A.R. 28-4-428a.~~

~~(hh) “Weapons” means any of the following:~~

~~(1) Firearms;~~

~~(2) ammunition;~~

~~(3) air-powered guns, including BB guns, pellet guns, and paint ball guns;~~

~~(4) hunting and fishing knives;~~

~~(5) archery equipment; or~~

(6) martial arts equipment. (Authorized by and implementing K.S.A. 65-508; effective
May 1, 1983; amended May 1, 1984;
amended May 1, 1985; amended May 1, 1987; amended P-_____)

28-4-421. Terms of temporary permit or license. (a) ~~License~~ The license capacity for each child center and each preschool shall be specified on the temporary permit or 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~~ Each applicant with a temporary permit and each licensee shall ensure that the license capacity as stated on the temporary permit or license is not exceeded.

(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~~ No change to the terms of the license, including a change in the license capacity, age of children enrolled or the number of units, shall be made unless written approval is granted by the secretary.

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

(b) Validity of the temporary permit or license.

(5) (1) Each temporary permit or license shall be valid only for the licensee person and the address ~~appearing~~ specified on the temporary permit or license.

(2) When an initial or amended license becomes effective, all previous temporary permits or licenses issued to the applicant with a temporary permit or license shall become invalid.

~~(b) (c) 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~~
Posting the temporary permit or license and the availability of regulations. Each applicant with a temporary permit and each licensee shall post each temporary permit or license in a conspicuous place on the premises that is visible to parents. A copy of the current regulations governing child care centers and preschools shall be readily available to all staff. (Authorized by K.S.A. 65-508; implementing K.S.A. 1983 Supp. 65-504 and K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; P-_____.)

K.A.R. 28-4-422. ~~Procedures~~ Applicant requirements; exclusions; application process; amended license; renewal; exceptions; advertising. (a) ~~General~~ Applicant requirements. Each person operating a child care center or preschool shall have a temporary permit or license to operate a child care center or preschool before children are in attendance.

~~(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~~ Each individual applying for a license shall be 18 years of age or older at the time of application.

~~(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~~ Each corporation applying for a license shall be in good standing with the Kansas secretary of state.

~~(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. Exclusions. The following shall not be considered child care facilities:~~

~~(1) A pre-kindergarten program that is operated by an accredited non-public school when all of the following conditions are met:~~

~~(A) The program is on the premises of an accredited non-public school;~~

~~(B) The program operates only during the academic school year, during academic school hours, and follows the academic school calendar of the accredited non-public school; and~~

~~(C) The program services exclusively children who attained the age of four years on or before August 31 of the academic school year.~~

~~(2) A program operating less than five consecutive hours or less than two days a week~~

and which does not enroll any child more than one session per day.

(c) ~~Initial application~~ Site approval.

(1) ~~Site approval.~~ Each applicant shall submit for review by the secretary or designee a detailed building and site plan designating the premises to be licensed and showing the following:

(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.~~ Each entrance and exit;

(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.~~ the location and measurements for each room to be used by children;

(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.~~ the location and layout of the kitchen and laundry facilities;

(D) each bathroom designated for use by children, including the number of toilets and hand sinks;

(E) each hand sink not located in a bathroom that will be used for handwashing;

(F) any other rooms on the premises and labeled for intended use;

(G) the location, relative to the building of each outdoor play area, including the measurements of the space to be used, the means of access to the area from the building, and the placement of anchored equipment;

(H) the style, height and location of any fence on the premises; and

(I) additional documentation as determined necessary by the secretary.

~~(2) A working telephone shall be on the premises and available at all times for use by staff~~ Each applicant shall obtain approval of the building and site plan from the secretary before beginning new construction or the renovation of an existing building. If changes to the approved plan are made following the secretary's approval, the applicant shall submit a description of the proposed changes to the secretary for approval before construction work begins.

~~(d) Renewals.~~ Application process. Each person desiring to conduct a child care center or preschool shall submit a complete application on forms supplied by the department and shall include the following:

~~(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. A statement of services including the following:~~

(A) The number and ages of children to be served;

(B) the number of units and anticipated license capacity;

(C) a description of any specialized services; and

(D) the anticipated opening date and projected hours, days, and months of operation.

~~(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. the nonrefundable fee specified in K.A.R. 28-4-92;~~

~~(3) A new application and fee shall be submitted for each change of ownership,~~

~~sponsorship or location.~~ a request for background checks specified in K.A.R. 28-4-125;

(4) a copy of the detailed building and site plan specified in subsection (c);

(5) fire safety approval, including occupancy, from the State fire marshal; and

(6) local city or county code approval, including sanitarian approval when the building is not connected to a public water or sewer system.

~~(e) Grievance procedures~~ Provisions for issuing a license. The granting of a license to any applicant or applicant with a temporary permit may be denied by the secretary if the applicant or applicant with a temporary permit is not in compliance with the following applicable requirements:

~~(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. K.S.A. 65-504 through 65-506, and amendments thereto;~~

~~(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. K.S.A. 65-508, and amendments thereto;~~

(3) K.S.A. 65-512, and amendments thereto;

(4) K.S.A. 65-531, and amendments thereto;

(5) all regulations governing child care centers and preschools.

~~(f) Exceptions~~ Multiple child care facilities.

~~(1) Any~~ Each applicant with a temporary permit 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~~ who operates more than one child care facility, as defined in K.S.A. 65-503, and amendments thereto, shall maintain each child care facility as a separate entity.

~~(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~~ A license for an additional child care facility shall not be granted until all existing child care facilities for which the licensee has been granted a license are in compliance with child care regulations.

~~(g) Multiple licenses. No licensee shall be licensed concurrently for or provide more than one type of child care or child and adult care on the same premises.~~

~~(h) New temporary permit or license required. Each applicant with a temporary permit and each licensee shall submit a new application, the required forms, and the license fee, and shall obtain a new temporary permit or license from the secretary, as follows:~~

~~(1) Before a child care center or preschool that has been closed is reopened;~~

~~(2) if there is a change in the location of the program; or~~

~~(3) if there is a change of ownership of the program.~~

~~(i) Amended license.~~

~~(1) Each licensee who intends to change the terms of the license, including the license capacity, age of children enrolled, or number of units shall submit an application for an amended license on a form provided by the department.~~

(2) If the physical structure of the building changes due to new construction or remodeling or a change in use of space affects the terms of the license, each applicant with a temporary permit or licensee shall submit a building and site plan as specified in subsection (c) of this regulation and fire safety approval from the State fire marshal.

(3) The licensee shall not consider the amendment granted until the amended license is issued by the secretary.

(j) Notification requirements. Each applicant, applicant with a temporary permit and each licensee shall notify the secretary in writing before withdrawing an application, closing the child care center or preschool, or changing the program director;

(k) Annual renewal.

(1) Before the annual renewal date, each licensee desiring to renew the license shall submit the annual nonrefundable renewal license fee and shall complete and submit an application to renew the license, on forms supplied by the department, to the secretary:

(2) Failure to submit the application forms and fee for the renewal of a license shall result in an assessment of a late fee pursuant to K.S.A. 65-505, and amendments thereto, and may result in closure of the facility.

(l) Exceptions.

(1) Each applicant and licensee may submit a written request for an exception to a regulation on a form supplied by the department.

(2) An exception may be granted if the secretary determines that the exception is in the best interest of the child or children and their families and does not violate statutory

requirements.

(3) If an exception is granted each applicant and licensee shall receive written notice of the approval of the exception and its duration. The approval shall be posted next to the license. The exception shall not be considered granted until approval is given by the secretary.

(m) Advertising. If an applicant, applicant with a temporary permit or licensee advertises the availability of services, the advertisement shall not contradict the written description of services submitted with the application. The applicant, applicant with a temporary permit or licensee shall not make of claim of specialized services unless the unless the facility is staffed and equipped to offer those services. No generalized claim of “state approval” shall be made until the secretary issues a temporary permit or license. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, 65-504, 65-505 and 65-508; effective May 1, 1983; amended May 1, 1984; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended P-_____.)

K.A.R. 28-4-423. Physical plant. (a) Premises.

(1) ~~The~~ Each building in which child care is provided shall meet the legal requirements of the community as to fire protection, water supply, and sewage disposal.

(2) 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.

(2) (3) ~~The~~ Each area designated ~~area~~ for children's activities shall contain a minimum of ~~thirty five~~ 35 square feet of floor space per child, exclusive of kitchen, passageways, storage areas, and bathrooms.

(3) (4) ~~The~~ Each building in which child care is provided shall have two exits approved by a fire inspector. One exit shall lead directly to the outside.

(4) (5) Second floors approved by a fire inspector may be used for children ~~2-1/2~~ 2.5 years or over. Second-floor windows shall be guarded unless used as a means of egress.

(5) (6) Finished basements approved by a fire inspector may be used for children ~~2-1/2~~ 2.5 years or older. Basements shall be dry and well-ventilated, heated and cooled as specified in paragraph ~~(a)(20)~~ (a)(19) of this regulation, and lighted as specified in paragraph ~~(a)(18)~~ (a)(17) of this regulation.

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

(7) (8) All stairs ~~which~~ that 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) (9) Landings or mounted gates shall be provided beyond each exterior door, and ~~any~~

each door opening onto a full-length stairway.

~~(9)~~ (10) Ceiling height in each room used for child care shall be not be less than seven feet, six inches.

~~(10)~~ (11) 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)~~ (12) Floors shall be smooth and not slippery, free from cracks, clean and in good condition. ~~A floor covering shall be required over concrete.~~ A floor covering, paint, or sealant shall be required over concrete floors.

~~(12)~~ (13) Carpeting shall be clean and in good repair. ~~Newly installed carpeting shall meet fire safety requirements of the state fire marshal.~~

~~(13)~~ (14) 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 covered or inaccessible to prevent access by a child ~~provided with receptacle covers~~ when not in use.

(16) Extension cords ~~shall not be used~~ or power strips shall be positioned in a manner that prevents a tripping or shock hazard.

(17) Each room occupied by children shall ~~have a minimum of 20 foot candles of light~~ be illuminated sufficiently in all parts of the room for any activity in which each child is engaged.
~~Each sleeping~~ When children are napping and during rest periods, each room shall be ~~lighted~~

illuminated to allow freedom of movement and to ensure staff members are able to observe the breathing of each child.

(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°~~ 85° F. Each ~~area~~ room 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. No child in care shall have access to weapons. All weapons shall be stored in a locked room, closet, container, or cabinet. Ammunition shall be kept in locked storage separate

from weapons.

(25) The interior and exterior surfaces of the facility shall be free from peeling, chipping, cracking, scaling, and loose paint.

(b) Water supply.

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

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

(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)~~ (4) Drinking fountains shall not be plumbed to sinks.

~~(4)~~ (5) Water from drinking fountains shall be under pressure so that the stream is not less than three inches high.

~~(5)~~ (6) Cold water and hot water ~~not exceeding 110° F.~~ shall be supplied to lavatory fixtures accessible to children. Hot water shall maintain a minimum temperature of 90° F. and shall not exceed 120° F.

(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~~ local 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 toilets and hand washing sinks shall be placed low or be provided with safety steps.

(5) There shall be one toilet and one ~~washbasin~~ hand washing sink for each fifteen children.

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

(7) ~~Soap, individual cloth towels~~ Individual towels or paper towels ~~disposable products,~~ and toilet paper shall be provided for each child. The use of common towels and ~~wash cloths~~ washcloths shall be prohibited. When cloth towels and ~~wash cloths~~ washcloths are used, they shall be labeled with the child's name, and laundered at least weekly. Hand soap shall be readily accessible in each bathroom.

(d) 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 to safeguard the health and safety of the children.

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

(e) Storage, handling, and disposal of hazardous items. The following hazardous items shall be safely stored, handled, and disposed:

(1) All household supplies, cleaning supplies, dangerous chemicals and all bodily care products bearing warning labels to keep out of reach of children or containing alcohol shall be in locked storage, except that hand sanitizers, disinfectant solutions used daily to disinfect surfaces, and diapering supplies may be kept unlocked at least five feet above the floor and out of reach of children. Soap used for hand washing may be kept unlocked and placed on the back of the counter by a bathroom or sink.

(2) All medications shall be in locked storage.

(3) Tobacco products, ashtrays, lighters, and matches shall be kept in locked storage.

(4) Chemicals and cleaning supplies shall be used and disposed of in accordance with the product safety label. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1985; Amended P-_____)

K.A.R. 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~~ disability, 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~~ Before the start of care, 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~~ status form; and

(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~~ remove the child from the facility.

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

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

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

(C) a ~~health assessment and immunization record~~ medical record as specified in K.A.R. 28-4-430;

(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~~ Each child's health records shall be returned to the parents when the ~~children~~ are child is no longer enrolled. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended P-_____.)

K.A.R. 28-4-427. Program. (a) Self-contained units. Programs shall be conducted in self-contained units with staff and children designated for each unit. ~~Centers or preschools which~~ Applicants that cannot develop self-contained units shall present a plan for ~~space~~ use of space to the ~~Kansas~~ department of ~~health and environment~~ for approval.

(b) Equipment, furnishings, and materials.

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

(2) ~~Equipment~~ Furnishings, including tables and chairs, shall be scaled to the size of the children.

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

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

(5) Equipment, materials, and toys 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.

(8) Toys and other items used by children shall meet the following requirements:

(A) Be clean, of safe construction, and in good repair; and

(B) be washed and disinfected before being used by another child, if contaminated by saliva or other bodily fluids.

(c) Learning experiences.

(1) Each applicant with a temporary permit and each licensee shall ensure there is a written lesson plan that provides daily activities that promote healthy growth and development, take into consideration the cultural background and traditions that are familiar to the children, and incorporate both indoor and outdoor activities that are appropriate for the ages and developmental levels of the children in care. The activities, supplies, and equipment shall be designed to promote the following: ~~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, self-expression, and communication skills;

(C) ~~self-expression and communication skills;~~ math and science skills, which may include sorting, matching, counting, and measuring;

(D) ~~creative expression;~~ language development and literacy, which may include reading, singing, finger plays, writing, and stories;

(E) ~~large and small muscle skills~~ large motor, small motor, and visual motor coordination and development, which may include running, climbing, jumping, grasping objects, drawing, buttoning, and tying; and

(F) ~~intellectual growth.~~ creative expression, which may include dramatic play, music, and

art.

(2) ~~The program schedule shall be planned to provide a balance of active, quiet, individual and group activities.~~ Written lesson plans for each unit shall be made accessible to parents, staff, and the secretary's designee.

(3) ~~A written program plan shall be posted in each unit.~~ A daily schedule shall be planned to provide a balance of active, quiet, individual and group activities.

(4) The daily schedule shall be posted in each classroom.

~~(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. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended P-_____.)~~

K.A.R. 28-4-428. Staff requirements. Each licensee shall ensure that all of the following requirements are met:

(a) Minimum staff-child ratio.

(1) The ratio between staff members and children shall be determined by the ages of the children and the type of care provided.

(2) The minimum staff-child ratio and the maximum number of children per unit shall be the following, at all times:

Age Ages of children	Minimum staff-child ratio	Maximum number of children per unit
Infants*	<u>A. 1 to 3</u> <u>or</u> <u>B. 1 to 4</u>	<u>A. 9</u> <u>or</u> <u>B. 8</u>
Infants and other children under the age of 6	1 to 4 <u>6</u> (including not more than <u>2 3</u> infants)	8 <u>12</u> (including not more than <u>4 6</u> infants)
Toddlers	1 to 5 <u>6</u>	10 <u>12</u>
Children at least 2 years of age but under the age of 3	1 to 7	14
Children at least 2-1/2 <u>2.5</u> years of age but under school-age	1 to 10 <u>12</u>	20 <u>24</u>
Children at least 3 years of age but under school-age	1 to 12	24

Kindergarten enrollees	1 to 14	28
School-age	1 to 16	32

* Only one staff-child ratio may be used at any one time for each infant unit.

(3) No child shall be left unsupervised.

(4) The child-staff ratio shall be considered in compliance when a staff member leaves the unit without a substitute for no more than five minutes provided that another staff member remains in the room at all times. If a teaching staff member is absent for more than five minutes, but less than 20 minutes, the staff-child ratio shall be considered in compliance when another staff member who is not part of the teaching staff for that unit substitutes for the teaching staff member.

(5) Each applicant with a temporary permit or each licensee may move any child into the next age appropriate unit not earlier than 30 calendar days before and not later than 30 calendar days after the child reaches the minimum age of the unit. Upon agreement with the parent or legal guardian that the move is in the best interest of the child, a plan to move any child to the next age appropriate unit shall be developed and communicated with the parent or legal guardian.

(6) Any school age child not yet attending kindergarten may remain in a preschool unit until the first day of the academic school year in which the child is enrolled in kindergarten.

(7) Any school age child not yet attending first grade may remain enrolled in a unit licensed for children 2.5 years to school age until the first day of the academic school year.

(b) Substitute staff. ~~Each preschool and each child care center shall have two additional~~

~~adults who are available to work in case of illness or emergency. These adults' names and phone numbers shall be posted and these individuals' health certificates shall be on file at the preschool or child care center.~~ Each applicant with a temporary permit or licensee shall ensure that substitutes are available to work if there is an emergency or a staff member absence. Each substitute shall meet the requirements for the staff member whom the substitute is replacing.

(c) Volunteers. Each volunteer shall be at least 14 years of age. Any volunteer may be counted in the staff-child ratio if the individual is at least 16 years of age, ~~completes the education and training requirements for a volunteer specified in K.A.R. 28-4-428a, and is~~ Each volunteer not counted in the staff-child ratio shall be supervised at all times by a staff member who is not a volunteer when activities involve access to children.

(d) Program director.

(1) Each preschool and each child care center shall have on staff a program director who is employed full time.

(2) Each preschool and each child care center licensed for more than 60 children shall ~~employ~~ have on staff a program director who has no other assigned ~~responsibilities~~ tasks or responsibilities that interfere with the essential functions of the job.

(3) Each preschool and each child care center licensed for more than 60 children shall have on staff an administrator, who may also be the program director.

(4) Each preschool and each child care center licensed for more than 100 children shall have on staff a program director who meets the requirements as specified in K.A.R. 28-4-429(b)(4) and who has one year of experience in program administration or management in early

childhood care or early childhood education.

(e) ~~References. Each staff member shall provide work references to the licensee at the time of application for employment.~~ Assistant program director.

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

(2) Facilities licensed for more than 160 children shall have on staff an assistant program director who meets the program director requirements specified in 28-4-429(b)(4) and shall not be assigned any tasks or responsibilities that interfere with the essential functions of the job.

(Authorized by and implementing K.S.A. 2016 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 12, 2017; P-

_____.)

K.A.R. 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 each volunteer shall complete the orientation within seven calendar days after the date of employment or volunteering. Each staff member shall complete the orientation before being 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, including any special needs and known allergies;

(E) health and safety practices; and

(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. Each staff member shall complete the training before being given sole responsibility for the care and supervision of children.

(2) The health and safety training shall be approved by the secretary and shall include the following subject areas:

(A) Recognizing the signs of child abuse or neglect, including prevention of child maltreatment, shaken baby syndrome and abusive head trauma, and the reporting of suspected child abuse or neglect;

(B) basic child development, including:

(i) supervision of children;

(ii) cognitive, social, emotional, physical development; and

(iii) approaches to learning;

(C) safe sleep practices and sudden infant death syndrome ~~if the individual will be caring for children under 12 months of age;~~

(D) recognizing a sick child and prevention and control of infectious diseases, including immunizations;

(E) prevention of and response to emergencies due to food and allergic reactions;

(F) building and premises safety, including identification of and protection from hazards that could cause bodily injury, including electrical hazards, bodies of water, and vehicular traffic;

(G) emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event, including violence at a facility;

(H) handling and storage of hazardous materials and the appropriate disposal of bio-contaminants, including blood and other bodily fluids or waste; ~~and~~

(I) precautions when transporting children, if transportation is provided; and

(J) medication administration training.

~~(3) Each staff member counted in the staff-child ratio, each volunteer counted in the staff-child ratio, and each program director who was employed at the facility before July 1, 2017 and who has completed the training in the subject areas specified in paragraphs (b)(2)(A), (B), and (C) shall be exempt from training in the subject areas specified in paragraphs (b)(2)(D) through (I).~~

(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) First aid and CPR training and certification shall include a practical application component and be demonstrated in front of an instructor certified by a nationally recognized certification program.

~~(2)~~ (3) Each individual who is required to obtain the certifications shall maintain current certifications.

~~(3)~~ (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 present at all times.

~~(d) Medication administration training. Each program director and each staff member designated to administer medications shall complete the training in medication administration as specified in this subsection.~~

~~(1) The training shall be approved by the secretary.~~

~~(2) Each program director and each staff member designated to administer medications who was employed at the facility before July 1, 2017 shall complete the training not later than December 31, 2017. The program director or the staff member designated to administer medications shall not administer medications after December 31, 2017 unless the individual has completed the training.~~

~~(3) Each program director and each staff member designated to administer medications who is employed at the facility on or after July 1, 2017 shall complete the training before administering medication to any child.~~ Infant care training. In addition to the trainings specified in paragraphs (a) through (c) of this regulation, each lead teacher in an infant unit shall complete

four hours of professional development training in an infant-specific subject either before the date of employment or volunteering or not later than 30 calendar days after the date of employment or volunteering.

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

(f) ~~Annual in-service professional development training requirements.~~

(1) For purposes of this subsection, “licensure year” shall mean the period beginning on the effective date and ending on the expiration date of a license.

(2) In each licensure year, each program director shall assess the training needs of each staff member counted in the child-staff ratios and each volunteer counted in the child-staff ratios and shall provide or arrange for annual ~~in-service professional development~~ training as needed appropriate to the age of children being supervised.

(3) In each licensure year, each program director shall complete 16 clock hours of in-service professional development training. Four of the 16 clock hours shall be in the subject areas specified in paragraphs (b)(2)(A), (b)(2)(C) through (J), or subsection (c) and six of the 16 clock hours shall be in program administration, management, or related topic. ~~as follows:~~

(A) ~~For each licensure year ending during the 2017 calendar year, five clock hours;~~

(B) ~~for each licensure year ending during the 2018 calendar year, five clock hours;~~

(C) ~~for each licensure year ending during the 2019 calendar year, 12 clock hours; and~~

~~(D) for each licensure year ending during the 2020 calendar year, and for each subsequent licensure year, 16 clock hours.~~

(4) In each licensure year, each staff member counted in the staff-child ratio and each volunteer counted in the staff-child ratio shall complete 16 clock hours of in-service professional development training as follows, based on the staff member's or volunteer's job responsibilities and the training needs identified by the program director: Four of the 16 clock hours shall include the subject areas specified in paragraphs (b)(2)(A), (b)(2)(C) through (J), or subsection (c).

~~(A) For each licensure year ending during the 2017 calendar year, 10 clock hours;~~

~~(B) for each licensure year ending during the 2018 calendar year, 10 clock hours;~~

~~(C) for each licensure year ending during the 2019 calendar year, 12 clock hours; and~~

~~(D) for each licensure year ending during the 2020 calendar year, and for each subsequent licensure year, 16 clock hours.~~

(5) In each licensure year, each staff member counted in the staff-child ratio and each volunteer counted in the staff-child ratio caring for infants shall complete four of the 16 clock hours of professional development training in an infant-specific subject.

(6) The training shall be approved by the secretary.

~~(g)~~ (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. (Authorized by and implementing K.S.A. 2016 Supp. 65-508; effective Feb. 3, 2012; amended May 12, 2017; amended P-_____.)

K.A.R. 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. Each staff member shall demonstrate an understanding of children and shall act with sound judgment.~~

(b) ~~Facilities with fewer than 13 children shall have a program director who meets the training requirements by one of the following options: Program director. Each applicant, each applicant with a temporary permit and each licensee shall hire a program director that meets the following requirements:~~

(1) ~~Option 1: Six months' teaching experience in licensed facilities with children of the same age as enrolled in present facility; Is at least 18 years of age;~~

(2) ~~Option 2: (A) Five sessions of observation for not less than 2 1/2 consecutive hours per observation in licensed facilities with children of the same age as enrolled in present facility; and Has a high school diploma or equivalent;~~

~~(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 In addition to meeting the requirement in paragraphs (b)(1) and (b)(2), each program director in a facility licensed for less than 24 children shall have one of the following requirements:~~

~~(A) Associate degree or a higher degree in early childhood, child development, or a related academic discipline from a regionally accredited college or university;~~

~~(B) child development associate credential;~~

(C) technical certificate or diploma in early childhood;

(D) three months of experience in early childhood education providing direct care and supervision to children and three semester hours of academic study or equivalent training in early childhood, child development, or a related academic discipline from a regionally accredited college or university; or

(E) six months of experience in early childhood education providing direct care and supervision to children.

(4) ~~Option 4: A child development associate credential.~~ In addition to meeting the requirements in paragraphs (b)(1) and (b)(2), each program director in a facility licensed for 24 or more children shall have one of the following requirements:

(A) Bachelor's degree or a higher degree in early childhood, child development, or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision to children;

(B) bachelor's degree in a non-related academic discipline from a regionally accredited college or university and any of the following options:

(i) Six months of experience in early childhood education providing direct care and supervision to children;

(ii) twelve semester hours of academic study or equivalent training in early childhood, child development, or a related academic discipline;

(iii) child development associate credential; or

(iv) technical certificate or diploma in early childhood;

(C) associate degree in early childhood, child development, or a related academic discipline from a regionally accredited college or university and six months of experience in early childhood education providing direct care and supervision to children;

(D) twelve semester hours of academic study or equivalent training in early childhood, child development, or a related academic discipline from a regionally accredited college or university and any of the following options:

(i) Six months of experience in early childhood education providing direct care and supervision to children;

(ii) child development associate credential; or

(iii) technical certificate or diploma in early childhood;

(E) child development associate credential and one year of experience in early childhood education providing direct care and supervision to children; or

(F) six years of experience in early childhood education providing direct care and supervision to children or four years of experience in a licensed facility providing direct care and supervision to children.

(5) Each individual who has obtained approval of program director qualifications by the secretary or the secretary's designee before December 31, 2023 shall be exempt from the requirements in paragraph (b)(3) and (b)(4).

(e) (6) Facilities licensed for not less than 13 and not more than 24 children shall have a program director who meets the training requirements by one of the following options: Each program director in a facility licensed for less than 24 children may also serve as a lead teacher

in the facility.

~~(1) Option 1: (A) Five sessions of observation for not less than 2 1/2 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.~~

~~(c) Facilities licensed for more than 24 children shall have a program director who meets the training requirements by one of the following options: Lead teacher. There shall be a lead teacher present with each unit of children in the facility. Each lead teacher shall meet the following qualifications:~~

~~(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 Is at least 18 years of age;~~

~~(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; Has a high school diploma or equivalent;~~

~~(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; In addition to meeting the requirements in paragraphs (c)(1) and (c)(2), each lead teacher shall have one of the following requirements:~~

~~(A) Associate degree or a higher degree in early childhood, child development, or a related academic discipline from a regionally accredited college or university;~~

~~(B) technical certificate or diploma in early childhood;~~

~~(C) child development associate credential;~~

~~(D) three semester hours of academic study or equivalent training in early childhood, child development, or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision to children of the same age range they will be serving; or~~

~~(E) six months of experience in early childhood education providing direct care and supervision to children of the same age range they will be serving.~~

~~(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.~~

~~(d) Assistant teacher. Assistant teachers shall be at least 16 years of age.~~

~~(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, supervised 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. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; P-_____.)~~

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

(a) ~~Children's health assessments~~ Medical record. A completed medical record on the form provided by the department shall be on file at the facility for each child.

(1) ~~A preentrance~~ Each medical record shall include the results of a health assessment conducted ~~within six~~ not more than twelve months before and obtained not later than 60 calendar days after the child's initial enrollment shall be required for each child in a child care facility.

The assessment shall be conducted by a licensed physician, a physician assistant, 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~~ Each medical record shall include a medical history obtained from the parent or legal guardian. Each applicant with a temporary permit and each licensee shall review with each child's parent or legal guardian that child's medical history at least once every 12 months.

(3) Children transferring from one child care facility to another shall not be required to obtain a new health assessment if the previous health 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~~ be maintained in 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 obtained not later than 60 calendar days after the child's initial enrollment in a child care facility and shall be maintained on the child's medical record form.

(6) Exceptions to the requirements 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.~~ Each child shall be provided an individual toothbrush for that child's use. Each child shall brush that child's teeth or be assisted in brushing that child's teeth at least once daily. Each toothbrush shall be stored in a sanitary manner and out of reach of children.

(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 or legal guardians of the nature of the illness without disclosing the child's identity.

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

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

~~abuse, and shall 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) (3) The program director or, in the absence of the program director, the person designated in charge of the facility~~ Each staff member shall report within 24 hours to the Kansas department of ~~social and rehabilitation services~~ children and families 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) (4) If~~ Each applicant with a temporary permit or licensee providing care of sick children is to be provided, shall submit written plans regarding the needs of a sick child and the care of a sick child to the department. The plans shall be prepared in consultation with ~~the~~ a public health nurse and shall be presented to the parents at 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) (5) A quiet area shall be provided for any sick children. Each sick child~~ Sick children shall be supervised ~~by an adult~~ at all times.

~~(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~~ Tobacco product use shall be prohibited ~~in~~ on the premises ~~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 licensed 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). (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended July 11, 2008; P-_____.)

K.A.R. 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~~ tableware is used for snacks, appropriate dishwashing methods shall be followed as specified in K.A.R. 28-4-439~~(k)~~(p)(2).

(5) Appropriate ~~table service~~ tableware 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. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended P-

_____)

K.A.R. 28-4-435. Programs serving children with ~~handicapping conditions~~. special health care needs and disabilities. (a) Records. ~~Written parental permission shall be on file for evaluation and placement of children.~~ Each applicant with a temporary permit and each licensee shall maintain on file a copy of the most recent individual family service plan or individual education plan for each child with special health care needs and disabilities enrolled. The plan shall be reviewed by staff in the unit and in consultation with the child's parent or legal guardian upon enrollment and at least annually.

(b) Physical plant.

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

(2) ~~Facilities~~ Each unit enrolling children who are non-ambulatory ~~who use walkers or wheelchairs~~ shall have 50 square feet of space for each child with impaired mobility ~~physically handicapped child~~.

(3) When ~~physically handicapped~~ children with impaired mobility are enrolled, toilets and ~~washbasins~~ sinks used for hand washing shall be designed to accommodate them.

(c) Each child with special health care needs or disabilities shall be allowed to utilize adaptive equipment as necessary. ~~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: Each applicant with a temporary permit and each licensee enrolling children with special health care needs and disabilities shall determine, by an individual assessment of each child's needs, whether a lower staff-child ratio is required. The staff-child ratio shall allow the needs of all children enrolled to be met.~~

	Integrated unit or center		Special purpose unit or center	
Age of children	Adult/child	Max. unit	Adult/child	Max. unit
Under 2 1/2 years	1 to 3	9	1 to 2	6
2 years to 3 years	1 to 4	12	1 to 3	9
2 1/2 years and above	1 to 6	18	1 to 4	12

~~(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. (Authorized by and~~

implementing K.S.A. 65-508; effective May 1, 1983; amended P-_____.)

K.A.R. 28-4-436. Child care centers: ~~physical plant~~ napping and sleeping. (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. Rest period. Each child attending for 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.

(b) ~~Napping and sleeping~~ Safe sleep practices for children in care.

(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~~. Each applicant with a temporary permit and each licensee shall develop a written plan for safe sleep practices and implement safe sleep practices for children in care who are napping or sleeping.

(2) Each applicant with a temporary permit and each licensee shall ensure that the safe sleep practices are shared with the parent or legal guardian of each child before the first day of care.

(3) Each staff member shall follow the safe sleep policies and practices of the child care center.

~~(2) (4) Centers~~ Each child who is 12 months of age or older shall nap or sleep have a crib, on a 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~~.

(5) Each applicant with a temporary permit and each licensee shall ensure that all of the following requirements are met for each infant in care:

(A) The child shall nap or sleep in a crib or a playpen. Stacking cribs or bassinets shall not be used. Cribs with water-bed mattresses shall not be used.

(B) A crib or playpen shall be provided and used for each child in attendance. The child shall not nap or sleep in the same crib or playpen occupied by another child at the same time.

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

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

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

(F) The child shall sleep in a crib or a playpen that is free of any soft items, including pillows, quilts, blankets, bumpers, comforters, sheepskins, flat sheets, cloth diapers, bibs, stuffed animals, and toys.

(G) The child may nap or sleep in sleep clothing, including sleepers and sleep sacks. Swaddling shall not be permitted.

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

~~(6) Nighttime~~

~~(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. Napping and sleeping surfaces. Each applicant with a temporary permit and each licensee shall ensure that the following requirements are met for all napping and sleeping surfaces:

(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. Clean, individual bedding shall be provided for each child. There shall be a complete change of bedding after each five uses, immediately when wet or soiled, and always upon a change in the child utilizing the sleeping surface. Blankets shall be laundered monthly.

(2) Separate areas shall be provided for soiled and clean items. Each surface used for napping and sleeping shall be kept clean, of safe construction, and maintained in good repair.

(3) Each crib, playpen, cot, and pad shall be used only for children who meet the manufacturer's recommendations for use, including any age, height, or weight limitations. The manufacturer's instructions for use, including any recommendations for use, shall be kept on file

at the facility.

(4) Cribs, playpens, cots, or pads, when in use for napping or sleeping, shall be separated from each other by at least 24 inches in all directions except when bordering on the wall.

(5) When not in use, cribs, playpens, cots, pads, and bedding shall be stored in a clean and sanitary manner.

(6) Each crib and each playpen shall have a firm, tightfitting mattress and a fitted sheet. The mattress shall be set at its lowest point when any child using the crib or playpen becomes able to either sit up or to pull up to a standing position inside the crib or playpen, whichever occurs first, to ensure that the child cannot climb out of the crib or playpen.

(7) If a crib or playpen is slatted, the slats shall be spaced not more than 2.375 inches apart.

(8) All sides of each crib or playpen shall be up while the crib or playpen is in use.

(9) Each applicant, each applicant with a temporary permit, and each licensee shall ensure that no crib purchased before June 28, 2011 is in use in the facility.

(10) Each pad used for napping and sleeping shall be at least 0.5 inch thick, washable or enclosed in a washable cover, and long enough so that the child's head and feet rest on the pad.

Clean, individual bedding, including a bottom and a top cover, shall be provided for each child.

(11) Each piece of sleeping equipment shall be labeled and designated for use by a single child.

(d) Consumer warning or recall. Each applicant with a temporary permit and 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.

(e) Evening and overnight care. Staff-child ratios shall be met during all hours of care.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended P-

_____.)

K.A.R. 28-4-437. Child care centers: outside area. (a) ~~There shall be~~ Each child care center shall have 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 that is safely constructed and in good repair shall be available and placed in an area free of health, safety, and environmental hazards.

(f) Children shall not be allowed access to a trampoline.

(g) Climbing equipment and swings shall be either anchored in the ground with metal straps or pins or set in cement, to prevent movement of the equipment and swings.

(h) All surfaces under and around climbing equipment and swings shall meet the following requirements:

(1) Impact-absorbent surfacing material shall be installed in each use zone under and around anchored equipment over four feet in height, including climbing equipment, slides, and swings.

(2) Impact-absorbent surfacing material shall consist of material intended for playground use, including shredded bark mulch, wood chips, fine sand, fine gravel, shredded rubber, unitary surfacing material, or synthetic impact material.

(3) Hard-surfacing materials, including asphalt, and concrete shall not be used in any use zone. Hard-packed dirt shall be covered with an impact-absorbent surfacing material as specified in paragraph (h)(2). This requirement shall apply regardless of the height of the climbing equipment, slides, and swings.

(4) Surfaces made of loose material shall be maintained by replacing, leveling, or raking the material.

(i) Swings shall not have wooden or metal seats.

(j) Teeter-totters and merry-go-rounds designed for school-age children shall not be used by children under five years of age.

~~(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)~~ (k) 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 chain-link 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)~~ (l) The play area shall be arranged so that staff can actively supervise provide close supervision each child at all times.

(m) Staff shall actively engage in the supervision of children utilizing the play area.

~~(i)~~ (n) 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.~~ Each child shall have access to outdoor equipment and materials in sufficient quantity to allow for at least one self-led activity appropriate to the child's age level.

(+) (o) There shall be bathroom facilities accessible to the play area. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended P-
_____.)

K.A.R. 28-4-438. Child care centers: program. Each applicant with a temporary permit and each licensee shall ensure the following:

(a) ~~The program shall provide regularity in~~ Regular 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 for each child 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) Unless extreme conditions prevail, each infant and toddler shall spend time outdoors daily.

(d) 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) (e) If television is on the premises, its use shall be limited to children's programs.~~ The following requirements if the daily activities include any media viewing:

(1) Each media program shall be age-appropriate and, if rated, shall have a rating appropriate for the ages and developmental levels of the children who view the program.

(2) No child shall be required to participate in media viewing. Each child not engaged in media viewing shall be offered a choice of at least one other activity for that time period.

~~(e) (f)~~ Activities shall be available for children during the entire time they are in attendance, including early morning and late afternoon. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended P-_____.)

K.A.R. 28-4-439. Child care centers: food service. (a) Each applicant with a temporary permit and each licensee shall ensure that any staff member involved with the preparation of meals or snacks meets the following: ~~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; and
- (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
2-1/2 <u>2.5</u> 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, two 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) Drinking water shall be available to each child at all times when the child is in care.

(e) If a fruit juice or a vegetable juice is served, the juice shall be pasteurized and full-strength.

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

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

(h) If infants or toddlers are present, the following food service requirements shall be met:

(1) Each infant shall be held when bottle-fed until the child can hold the child's own bottle.

(2) No child shall be allowed to sleep with a bottle in the mouth.

(3) If prepared formula is used, the following requirements shall be met:

(A) Each bottle that contains prepared formula shall be stored in the refrigerator with the nipple covered.

(B) The bottle shall be labeled with the child's name, the contents, and the date and time prepared, and shall be used within 24 hours of the time of preparation on the label.

(C) If a child does not finish a bottle, the contents of the bottle shall be discarded within one hour from when the feeding from that bottle started.

(4) If breast milk is used, the following requirements shall be met:

(A) All breast milk shall be labeled with the child's name and the date and time expressed.

(B) Unfrozen breast milk shall be stored in a refrigerator and shall be used within 96 hours from the time it was expressed.

(C) Frozen breast milk must be stored in a freezer and shall be used within six months from the time it was expressed and within 24 hours from the time it was thawed.

(D) If a child does not finish the bottle of breast milk within two hours from when the feeding from that bottle started, the contents shall be discarded.

(E) Accommodations shall be provided that enables the child's parent to breastfeed their child.

(5) No formula or breast milk shall be heated in a microwave oven.

(6) Bottles for formula or breast milk shall be prepared and washed in a sink that is not used for handwashing or the sink shall be cleaned and sanitized after being used for

handwashing.

(7) 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.

(e) (i) Food allergies or special dietary needs of specific children shall be known to all staff members. If any child with a food allergy or a special dietary need is enrolled, the following shall be met: ~~cooks, staff members, child care workers, and substitutes.~~

(1) Utensils, cookware, and food preparation surfaces shall be washed and sanitized between use for foods that risk cross contamination.

(2) Foods that risk cross contamination shall be stored separately from other foods with no potential for leakage onto other foods stored in the vicinity.

(3) Hands shall be washed in between preparing an allergen containing dish and the dish for the child with an allergy, if gloves are used a fresh pair of gloves will be used before changing from the allergen containing dish to the non-allergen dish.

(4) A list of allergies and special dietary needs will be written and clearly displayed in the food preparation area for each child enrolled at the facility that has a known allergy or a special dietary need.

(j) If any child has a food allergy or special dietary need, staff members and the parent or

legal guardian of the child shall make arrangements for the provision of alternative foods or beverages.

~~(f)~~ (k) Menus shall be ~~posted~~ shared with where parents and legal guardians ~~can see them~~.
Copies of menus served the previous month shall be kept on file.

~~(g)~~ (l) 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)~~ (m) Children's food shall not be placed on a bare table.

~~(i)~~ (n) 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)~~ (o) 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. The kitchen shall be inaccessible to children.

~~(k)~~ (p) 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~~ 40°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 refrigerator and each freezer shall contain a~~ clearly visible, accurate thermometer.

(3) All foods stored in the refrigerator shall be covered. Food which is not in its original,

unopened container shall be stored in metal, glass, food-grade sealable plastic bags, or food-grade plastic containers with tightfitting covers and shall be labeled with the date and contents.

(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, food-grade sealable plastic bags, or food-grade plastic containers with tightfitting covers and shall be labeled with the date and contents.

(+) (p) Table service.

(1) Tableware requirements.

(A) Utensils appropriate for the food served shall be provided for each child's use.

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

(2) Tableware shall be maintained in sanitary condition using one of the following methods:

(+) (A) All preparation dishes, service dishes, and non-disposable dishes shall be washed and sanitized after use using one of the following:

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

(ii) a ~~mechanical dishwasher~~, a two-compartment sink and a basin for sanitizing the tableware and cooking utensils; or

(iii) a mechanical dishwasher with a sanitizing cycle.

~~(B) Disposable~~ The use of disposable plates and cups, and plastic utensils of food grade, medium weight which are disposed of after each use; ~~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) (q)~~ Tables shall be cleaned before and after meals each meal, and floors shall be swept after meals each meal.

~~(o) (r)~~ If meals are entered delivered from an off-site location:

(1) Food provided from a central kitchen or vendor and delivered to the center shall be obtained from a source licensed or inspected by the shall be obtained from sources licensed by the Kansas department of health and environment Kansas department of agriculture or equivalent food safety licensing agency in another state.

(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 40°F or less.

(3) Food prepared in one licensed center and transferred to another licensed center owned by the same licensee shall be permitted.

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

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

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

~~(s)~~ (u) Garbage shall be placed in covered containers inaccessible to children, and shall be removed from the kitchen daily. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended P-_____.)

K.A.R. 28-4-440. ~~Infant and toddler~~ Programs servicing infants and toddlers. The following requirements shall be met for all infants and toddlers:

(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 unless otherwise approved by the department.

(c) Floor furnaces shall be prohibited.

(d) ~~A sleeping area separate from the play area shall be provided for infants.~~ Cribs shall be located within the self-contained unit and be separated from the play area by a barrier that does not impede supervision.

(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. Safe sleep procedures shall be followed as specified in K.A.R. 28-4-436.~~

(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 2 3/8 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.

(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.

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

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

~~(k)~~ (h) 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.

~~(f)~~ (i) Either individually labeled towels and washcloths or disposable products shall be provided.

~~(m)~~ (j) 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.~~

~~(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) (k) There shall be Each applicant with a temporary permit and each licensee shall ensure there is one potty chair toilet training device 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.~~

(~~+~~) (1) There shall be daily communication between the parent, ~~parents~~, or legal guardian and the staff about each child's behavior and development. (Authorized by and implementing K.S.A. 2010 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Feb. 3, 2012; amended P-_____.)

K.A.R. 28-4-441. Programs for servicing 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.

~~(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 B.A. 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 the following periods: 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.~~

~~(A) During the academic school year before and after school, in-service days, school holidays, scheduled or emergency closures, school breaks not to exceed two consecutive weeks, two hours before and after school; and~~

~~(B) during the two consecutive weeks before the opening of the academic school year in August or September and following the end of the academic school year in May or June.~~

~~(b) 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.~~

(Authorized by and implementing K.S.A 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended P-_____.)

K.A.R. 28-4-442. (Authorized by and implementing K.S.A. 1988-Supp. 65-510; effective Feb. 26, 1990; revoked P-_____.)

K.A.R. 28-4-585. Building and outdoor premises. (a) Safety and maintenance of each building.

(1) Each operator shall ensure that the program is located in a building that meets the requirements specified in K.S.A. 65-508, and amendments thereto, the applicable building code, and any applicable local ordinances. Each operator shall ensure that no child or youth is knowingly exposed to environmental hazards, including asbestos, lead paint, and pesticides.

(2) Hot and cold running water shall be supplied to hand sinks except as specified in this paragraph. The hot water temperature shall not exceed 120° F. Outdoor summer camps and mobile summer programs shall be exempt from the requirement to provide hot running water to hand sinks.

(3) (A) Each operator shall ensure that each building shall have a minimum of one working flush toilet and one working hand sink for each 30 children or youth in the license capacity. One urinal may be substituted for each additional toilet in the boys' rest room.

(B) Each operator shall designate the rest rooms to be used by the program. A separate rest room shall be provided for each gender unless the rest room is designated for single occupancy.

(C) Each rest room shall be located to allow for the following:

- (i) Supervision of children and youth;
- (ii) immediate access to the rest room facilities by children, youth, and adults; and
- (iii) privacy while using the toilet.

(D) If the rest rooms are also used by non-program participants during the hours of operation of the program, the operator shall develop and implement policies for rest room use for the protection of children and youth attending the program.

(E) Toilet paper, soap, and either paper towels or hand dryers shall be available in each rest room.

(4) Each operator shall provide adequately for the health, safety, and comfort of each child, youth, and adult by maintaining the space used by the program according to the following requirements:

(A) The space shall be uncluttered and free from accumulated dirt, trash, vermin, and rodent infestation.

(B) Each indoor trash container shall be emptied daily or more often if the contents are overflowing or the removal is needed to control odor.

(C) Floors shall not be slippery or cracked.

(D) Each rug or carpet used as a floor covering shall be slip-resistant and free from tripping hazards. A floor covering, paint, or sealant shall be required over concrete floors for all buildings.

(E) Each exit shall be marked. No exit shall be blocked at any time.

(5) Heating appliances shall be vented, used as intended, safely located, and maintained in safe operating condition. ~~Power strips, if used, shall have a UL rating.~~

~~(6) Each operator shall safely store toxic substances and materials, including cleaning supplies, pesticides, and poisons, in a locked janitor's closet, locked room, or other locked area. No child or youth shall have unsupervised access to toxic substances and materials. Storage, handling, and disposal of hazardous items. The following hazardous items shall be safely stored, handled, and disposed:~~

(1) All household supplies, cleaning supplies, dangerous chemicals and all bodily care products bearing warning labels to keep out of reach of children or youth or containing alcohol shall be in locked storage. Soap used for hand washing may be kept unlocked and placed on the back of the counter by a bathroom or sink.

(2) All medications shall be in locked storage.

(3) Tobacco products, ashtrays, lighters, and matches shall be kept in locked storage.

(4) Chemicals and cleaning supplies shall be used and disposed of in accordance with the product safety label.

(b) Public and accredited non-public school buildings.

(1) Inside premises. If a program is located in a public or accredited non-public school building, the operator shall ensure that the building complies with subsection (a) ~~of this regulation~~ and with fire safety and building code requirements applicable to schools as required by K.S.A. 65-527, and amendments thereto.

(2) Outside premises.

(A) Each existing outside playground or activity area and equipment acceptable for use by students of the same age during the academic day may be used by children and youth in the program if the equipment is in sound condition.

(B) Additional impact-absorbent surfacing material shall not be required under anchored climbing equipment, slides, and swings if the equipment is acceptable for use by students of the same age during the academic day.

(c) Public recreation center buildings. If the program is located in a public recreation

center, the operator shall ensure that the building complies with subsection (a) ~~of this regulation~~ and with fire safety and building code requirements applicable to public recreation centers as specified in K.S.A. 65-527, and amendments thereto.

(d) Buildings that are not public or accredited non-public school buildings or public recreation centers.

(1) If the program is located in a building that is not a public or accredited non-public school or a public recreation center, the operator shall ensure that the following requirements are met for the building used:

(A) The building shall meet the requirements in subsection (a) ~~of this regulation~~.

(B) The building shall not be a residence or a single-family dwelling.

(C) Each stairway with more than two steps shall be railed.

(D) If windows and doors are left open, they shall be screened, with each screen in good condition to prevent insects from entering the premises.

(2) If a program uses a non-public source for the water supply, the water shall be safe for drinking and shall be tested annually by a department-certified laboratory. The well shall be approved by the local environmental protection program (~~LEPP~~).

(e) Outside premises of public recreation centers and of other programs, including outdoor summer camps that are not conducted in public schools or accredited non-public schools.

(1) General requirements.

(A) Each operator shall ensure that the outdoor activity area meets the following

requirements:

(i) The area shall be located and arranged to reduce the risk of injury and to enable staff to provide close visual supervision at all times.

(ii) Each area shall be well drained and free of known health and environmental hazards.

(iii) There shall be no tall weeds or grass, untrimmed shrubbery, or trash in the activity area.

(iv) Each outdoor trash and garbage container shall be covered, and the contents shall be removed weekly.

(B) If the outdoor activity area is accessible to the public, each operator shall define boundaries for the children and youth attending the program and, to the extent possible, use space reserved exclusively for the program.

(2) Safety of outdoor equipment and the activity area. Each operator shall comply with the following safety requirements in the outside activity area:

(A) Equipment shall be safely located, age-appropriate, and in good repair. Equipment that is broken, hazardous, or unsafe or that does not have adequate impact-absorbent surfacing material in the use zone as specified in this regulation shall not be used.

(B) Impact-absorbent surfacing material shall be installed in each use zone under and around anchored play or recreational equipment over four feet in height, including climbing equipment, slides, and swings. Impact-absorbent surfacing material shall consist of any loose fill material specified in paragraph (e)(2)(G) of this regulation, unitary surfacing material, or synthetic impact material. Before any equipment over 11 feet in height is used, the operator shall

meet the requirements specified in K.A.R. 28-4-588(e).

(C) Each use zone shall be at least six feet from all sides of the structure. However, the side of some equipment, including a swing, shall not be required to have impact-absorbent surfacing material on each side if the potential for a fall to the side is minimal.

(D) Hard-surfacing materials, including asphalt, concrete, and hard-packed dirt, shall not be used in any use zone under and around climbing equipment, slides, and swings. This requirement shall apply regardless of the height of the climbing equipment, slides, and swings.

(E) If unitary surfacing material or synthetic impact material, including rubber mats, rubber tiles, and poured-in-place material, is installed in the use zone, the material shall be used and maintained according to the manufacturer's recommendations. The manufacturer's recommendations shall be on file on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(F) Surfaces made of loose materials shall be maintained by replacing, leveling, or raking the material.

(G) If loose fill material is installed in the use zone, the material shall be specifically developed for playground use, and the type and depth of material used shall conform to the following chart:

Required depth of impact-absorbent surfacing material for the height of equipment

Maximum height of equipment	Type of material	Minimum depth of material
6 feet	shredded bark mulch	6 inches
10 feet		9 inches
11 feet		12 inches
7 feet	wood chips	6 inches
10 feet		9 inches
11 feet		12 inches
6 feet	fine sand	6 inches
9 feet		12 inches
7 feet		fine gravel
10 feet	12 inches	
10 feet or less	shredded rubber	

(3) Protection from environmental hazards. Each operator shall ensure that each child or youth is protected from environmental hazards as follows:

(A) If a small fish pond or decorative pool with water 24 inches deep or less is on the premises, no child shall have unsupervised access to it.

(B) Each outdoor activity area shall have a fence, partial fence, or other barrier to reduce the safety risk to children and youth, and to prevent chance access to any adjacent hazard, including the following:

(i) A busy street;

(ii) railroad tracks; or

(iii) a water hazard, including a ditch, irrigation ditch, pond, lake, and any standing water over 24 inches deep. Each public recreation center shall be exempt from paragraph (e)(3) of this regulation. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-508 and K.S.A. 65-527; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended, T-28-3-19-04, March 19, 2004; amended Sept. 10, 2004; P-_____.)

K.A.R. 28-4-587. Staff member qualifications; professional development training; staffing requirements. (a) Staff qualifications. Each operator and each staff member shall demonstrate an understanding of children and youth and shall act with reasonable care and judgment.

(b) Program director.

(1) Each operator shall hire a program director who meets the following qualifications:

(A) Is at least 18 years of age and is at least three years older than the oldest youth in the program;

(B) demonstrates the following:

(i) Knowledge of child and youth development;

(ii) knowledge of the licensing regulations governing school-age programs;

(iii) administrative and supervisory skills;

(iv) the ability to communicate clearly; and

(v) the competence to manage the program in compliance with the program policies, the program plan, and the licensing regulations governing school-age programs; and

(C) holds either a high school diploma or a general educational development (GED) credential.

(2) In addition to meeting the requirements specified in paragraph (b)(1), each program director shall meet one of the following qualifications, based on the license capacity:

(A) For a license capacity of 30 or fewer children or youth, ~~has been approved as a program director as specified in K.A.R. 28-4-429(b) or (c),~~ or has three academic credit hours or at least three months of job-related experience;

(B) for a license capacity of 31 through 60 children or youth, ~~meets one of the following~~

requirements:

~~(i) Has been approved as a program director as specified in K.A.R. 28-4-429(d) or (e);~~

~~(ii) has ~~15~~ 12 academic credit hours;~~ or

~~(iii) has six months of job-related experience;~~

(C) for a license capacity of 61 through 120 children or youth, meets one of the following

requirements:

~~(i) Has been approved as a program director as specified in K.A.R. 28-4-429(e);~~

~~(ii) has 60 academic credit hours;~~

~~(iii) (ii) has 12 months of job-related experience; or~~

~~(iv) (iii) has a combination of 30 academic credit hours and six months of job-related experience; or~~

(D) for a license capacity of 121 or more children or youth, holds at least a bachelor's degree from an accredited college or university and has job-related experience.

~~(3) Within 10 calendar days after hiring each program director, each operator shall comply with one of the following:~~

~~(A) Obtain from the program director a copy of the approval letter issued by the secretary to document that the program director is qualified for the license capacity; or~~

~~(B) submit a request to the secretary for approval of the program director who has been hired.~~

~~(4) Each program director designee shall meet the requirements specified in paragraphs (b)(1) and (2)(A).~~

(c) Administrator. Each operator of a program that has a license capacity of 91 or more children or youth shall employ an administrator who meets the following qualifications:

- (1) Is not the program director or a group leader;
- (2) is at least 18 years of age;
- (3) holds either a high school diploma or a GED credential; and
- (4) possesses administrative ability, knowledge of the licensing regulations governing school-age programs, and the skill to supervise the business operation of the program.

(d) Group leader.

(1) Each individual designated as group leader shall meet the following qualifications:

(A) Is at least 18 years of age and is at least three years older than the oldest youth in the group;

(B) holds either a high school diploma or a GED credential; and

(C) has job-related experience working with school-age children or school-age youth.

(2) Each group leader shall possess the following:

(A) Knowledge of child and youth development;

(B) knowledge of the licensing regulations governing school-age programs;

(C) an understanding of age-appropriate activities;

(D) the ability to communicate clearly;

(E) skills and abilities to implement the program of activities; and

(F) the ability to foster positive, healthy relationships with children or youth.

(3) Each group leader shall ~~meet the following requirements~~ possess the following:

(A) ~~Provide~~ The ability to provide supervision and direction to the children and youth assigned to the group;

(B) the ability to supervise group activities during all hours children and youth are present; and

(C) the ability to provide ~~supervision~~ guidance and direction to an assistant group leader.

(e) Assistant group leader.

(1) Each individual designated as assistant group leader shall meet the following qualifications:

(A) Is at least 16 years of age and is at least three years older than the oldest youth in attendance in the group; and

(B) possesses the following:

(i) The ability to provide supervision and guidance to a group of children or youth ~~under the direction of a group leader;~~

(ii) the skill and ability to carry out the program of activities; and

(iii) the ability to foster positive, healthy relationships with children and youth.

(2) Each assistant group leader shall be under the ~~supervision~~ guidance and direction of a group leader.

(f) Substitute staff members.

(1) Each operator shall ensure that substitutes are available to work if there is an emergency or a staff member absence.

(2) Each substitute shall meet the requirements for the staff member whom the substitute

is temporarily replacing.

(3) The name and telephone number of each substitute shall be available to the program director or the program director's designee.

(g) Volunteers.

(1) Each volunteer shall be at least 14 years of age and, if working directly with the children and youth, shall be at least three years older than the oldest youth in the group.

(2) No volunteer shall be counted in the supervisory ratio unless the volunteer meets all the requirements of a group leader or assistant group leader and is designated as a group leader or assistant group leader by the program director.

(h) Documentation of qualifications. In addition to meeting the staff record requirements in K.A.R. 28-4-582, each operator shall have on file an application form completed by each staff member, including documentation of the staff member's qualifications. The documentation shall be on file on the premises or at a designated central office location that is accessible for review by the secretary's designee.

(i) Professional development training.

(1) Orientation training. Each operator shall provide orientation training to each program director and each staff member who is counted in the supervisory ratio. The training shall be provided before or within the first ~~week~~ seven calendar days the program director or staff member works with children or youth. Each staff member shall complete the training before being given sole responsibility for the care and supervision of children or youth. The training shall be related to work duties and responsibilities and shall include the following subject areas:

- (A) The mission and goals of the program;
- (B) the licensing regulations governing school-age programs;
- (C) the program policies and practices, including security and behavior management;
- (D) the program of activities;
- (E) supervision of children and youth, including any special needs and known allergies;
- (F) confidentiality;
- (G) recognizing the signs of child abuse or neglect, including the prevention of maltreatment and abusive head trauma, and reporting symptoms of illness, child abuse, child neglect, and critical incidents as specified in K.A.R. 28-4-592;
- (H) prevention of and response to emergencies due to food and allergic reactions;
- (I) prevention and control of infectious diseases, including immunizations;
- (J) premises safety, including identification of and protection from hazards that could cause bodily injury, including electrical hazards, bodies of water, and vehicular traffic;
- (K) emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event, including violence at a premise;
- (L) handling and storage of hazardous materials and the appropriate disposal of bio-contaminants, including blood and other bodily fluids or waste; and
- (M) precautions when transporting children and youth, if transportation is provided.;
- (N) basic child development, including:
 - (i) supervision of children;
 - (ii) cognitive, social, emotional, physical development; and

(iii) approaches to learning;

(O) medication administration training, as specified in K.A.R. 28-4-590.

(2) Ongoing professional development training.

(A) For purposes of this subsection, “licensure year” shall mean the period beginning on the effective date and ending on the expiration date of a license.

(B) In each licensure year, each program director and each staff member shall complete 16 clock-hours of professional development training, as follows: Four of the 16 clock-hours shall include the subject areas specified in paragraphs (i)(1)(G) through (M), (i)(1)(O), or subsection (j).

~~(i) For each licensure year ending during the 2017 calendar year, 15 clock hours;~~

~~(ii) for each licensure year ending during the 2018 calendar year, 15 clock hours; and~~

~~(iii) for each licensure year ending during the 2019 calendar year, and for each subsequent licensure year, 16 clock hours.~~

~~(C) In each licensure year, each operator or program director shall assess the training needs of the staff members and shall provide or arrange for staff training as needed to maintain the program in compliance with the licensing regulations governing school age programs.~~

~~(D) In each calendar year, each staff member shall complete professional development training as follows, based on the staff member’s job responsibilities and the training needs identified by the operator or the program director.~~

~~(i) For each licensure year ending during the 2019 calendar year, 12 clock hours; and~~

~~(ii) for each licensure year ending during the 2020 calendar year, and for each subsequent~~

~~licensure year, 16 clock hours.~~

~~(E) Each operator shall ensure that documentation of training is kept in each staff member's file on the premises or at a designated central office location that is accessible for review by the secretary's designee.~~

~~(j) First aid and cardiopulmonary resuscitation (CPR). Each operator and each staff member counted in the supervisory ratio shall obtain a first aid certification and a CPR certification.~~

~~(A) Each staff member shall obtain the certifications before the date of employment or volunteering or not later than 30 calendar days after the date of employment or volunteering.~~

~~(B) First aid and CPR training and certification shall include a practical application component and be demonstrated to an instructor certified by a nationally recognized certification program. Each individual required to obtain the certifications shall maintain current certifications.~~

~~(C) Each operator shall ensure that, for each group, there is at least one staff member counted in the supervisory ratio present at all times who has a current certification in first aid and a current certification in CPR appropriate to the age of children and youth attending the program.~~

~~(k) Staffing requirements.~~

~~(1) Staff coverage. Each operator shall have a sufficient number of staff members on duty to supervise the children and youth during all hours of operation and to provide for their health, safety, and well-being. Each operator shall provide staff coverage if there is an emergency or a staff member absence.~~

(2) Supervision.

(A) Each operator shall ensure that the program has a qualified group leader for each 30 children or youth attending the program, except as specified in K.A.R. 28-4-596.

(B) Each operator shall maintain additional qualified staff to ensure that the supervisory ratio one staff member for each 15 children and youth is not exceeded.

(C) Each staff member counted in the supervisory ratio shall be assigned responsibility for the supervision of children and youth and shall meet the following requirements:

- (i) Meet the applicable qualifications for a group leader or assistant group leader; and
- (ii) be physically present with the children or youth.

(3) Groups. The maximum group size for children and youth shall be 60 except during snack and meal times and age appropriate activities, including field trips, assemblies, and gymnasium use where the maximum group size for children and youth shall not exceed the license capacity. ~~Except as specified in K.A.R. 28-4-596, the number of children and youth in a group shall be limited by the following:~~

- ~~(A) The available space for activities; and~~
- ~~(B) the type of activity.~~

(4) Supervision of children and youth. Each staff member working with children and youth shall provide supervision to protect the health, safety, and welfare of the children and youth, and to reduce the risk of injury, illness, or abuse.

(5) Positive relationships. Each staff member shall encourage the development of positive adult-to-child and adult-to-youth relationships and shall be actively engaged with the

children or youth under the staff member's supervision.

(6) Location of each child and each youth. Each group leader or assistant group leader shall know the location of each child and each youth under the supervision of that group leader or assistant group leader at all times.

(7) Unescorted child or youth. Any group leader or assistant group leader may, based on the policy of the program and the age and responsibility level of the child or youth, give a child or youth permission to walk unescorted from one supervised activity area to another supervised activity area or to the rest room. (Authorized by and implementing K.S.A. ~~2016 Supp.~~ 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended, T-28-3-19-04, March 19, 2004; amended Sept. 10, 2004; amended June 23, 2017; amended P-_____.)

K.A.R. 28-4-589. Behavior management. (a) Behavior management practices.

(1) Behavior management practices shall be consistent with the goals and purposes of the program and appropriate to the age and developmental level of the child or youth.

(2) Each staff member shall ~~practice methods of use~~ behavior management practices that are designed to help each child or youth develop inner controls and manage the child's or youth's ~~own~~ behavior in a socially acceptable manner.

(b) Time-out. If time-out is used to manage behavior, the child or youth shall remain in time-out only long enough to regain self-control. Each child or youth in ~~time-out~~ time-out shall be kept under visual staff supervision. If a separate room is used, the door shall remain open, or the staff member responsible for providing supervision shall remain in the room with the child or youth.

(c) Prohibited punishment.

(1) Punishment that is humiliating, frightening, or physically harmful to the child or youth shall be prohibited. No operator or any staff member shall use any of the following methods of punishment:

(A) ~~Punishment that is humiliating, frightening, or physically harmful to the child or youth;~~

(~~B~~) corporal punishment, including ~~spanking~~ hitting with the hand or any ~~implement~~ object, ~~slapping, swatting~~ shaking, pulling hair, yanking the arm, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the child's or youth's health or safety;

(~~C~~) (B) mental and emotional cruelty, including verbal abuse, threats, ~~or~~ derogatory

remarks about the child or youth or the child's or youth's family, or statements which tend to shame, humiliate, or frighten the child;

~~(D)~~ (C) ~~enclosing~~ confining the child or youth in a ~~confined space, including any closet, box, and locked room,~~ play yard, a closet, a locked room or area, a box, or a similar enclosure;

~~(E)~~ (D) withholding or forcing foods or liquids, toilet use, or rest; and

~~(F)~~ (E) placing soap, or other ~~substances~~ substance that ~~sting, burn,~~ stings, burns, or have has a bitter taste, in the child's or youth's mouth or on the tongue, or ~~placing substances that sting or burn~~ on any other parts of the child's or youth's body.

(2) Each operator and each staff member shall be prohibited from giving medications, herbal or folk remedies, ~~and~~ or drugs to control or manage behavior except as prescribed by the child's or youth's licensed physician or licensed nurse practitioner.

(3) Each operator and each staff member shall be prohibited from using physical restraint to manage behavior unless all of the requirements of subsection (d) ~~of this regulation~~ are met.

(d) Physical restraint.

(1) Before physical restraint is used, de-escalation methods shall be attempted. If de-escalation methods fail and the behavior of a child or youth makes physical restraint necessary for the child's or youth's own protection or the protection of others, the child or youth shall be held as gently as possible to manage the behavior. If physical restraint is used, two staff members shall be present and shall remain with the child or youth until physical restraint is no longer necessary.

(2) The child or youth shall be restrained no longer than necessary for the child or youth

to gain self-control. No bonds, ties, or straps shall be used to restrict movement.

(3) Each staff member using physical restraint shall have a current certificate on file documenting training in de-escalation methods and specific restraint procedures or techniques. The physical restraint training curriculum shall be approved by the secretary before the curriculum is used to train the staff members.

(4) Each child or youth whose behavior cannot be managed by other less intrusive methods and whose behavior requires the use of ongoing physical restraint for the child's or youth's protection or the protection of others shall have on file an IPP authorizing the use of physical restraint.

(e) Notification requirements. Each operator shall inform the parent or other adult responsible for a child or youth each time that physical restraint is used. The operator shall document each use of physical restraint on a critical incident report form supplied by the department. (Authorized by and implementing K.S.A. 2001-Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-_____.)

K.A.R. 28-4-590. Health-related requirements. (a) Tobacco use prohibited. Each operator shall ensure that tobacco products are not used during the hours of operation of the program and while children or youth are in attendance.

(b) Health of individuals working or volunteering in the program.

(1) Each operator and each staff member shall be free from physical, mental, and emotional ~~handicaps as necessary~~ conditions that prevent the individual's ability to protect the health, safety, and welfare of the children or youth, shall be qualified by sound judgment, and shall demonstrate an understanding of children.

(2) No individual working or volunteering in a program shall be under the influence of alcohol or illegal substances, or impaired due to the use of prescription, ~~or~~ nonprescription drugs, or other chemicals.

(3) Each individual working or volunteering in the program shall be free from any infectious or contagious disease, as specified in K.A.R. 28-1-6.

(4) Each operator and each staff member who has regular, ongoing contact with children or youth shall attest to that individual's health status on a form supplied by the department or approved by the secretary. The health status form shall indicate if the individual has been exposed to an active case of tuberculosis or has been diagnosed with ~~suspect~~ suspected or confirmed active tuberculosis. Each individual shall update the health status form annually or more often if there is a change in the individual's health status or if the individual has been exposed to an active case of tuberculosis.

~~(5) If an operator or staff member in contact with children or youth experiences significant changes in physical, mental, or emotional health or if the individual has been exposed~~

~~to an active case of tuberculosis, an assessment of the individual's current health status may be required by the secretary. A licensed health care provider qualified to diagnose and treat the condition shall conduct the health assessment. Each assessment shall be kept in the individual's file and shall be submitted to the secretary on request.~~

(c) Tuberculin testing.

(1) If an operator, program director, staff member, child, or youth is exposed to an active case of tuberculosis ~~or if the location of the program is in an area identified by the local health department or the secretary as a high risk area for tuberculosis exposure~~, that individual shall ~~obtain a Mantoux test or a chest x-ray~~ be tested at the direction of the local health department or the secretary.

(2) Each individual diagnosed with suspected or confirmed active tuberculosis shall be excluded from the program until the operator receives authorization from the secretary for the individual to return.

(3) Each operator shall notify the secretary if any individual identified in paragraph (c)(1) ~~of this regulation~~ indicates exposure to an active case of tuberculosis, has a diagnosis of suspected or confirmed active tuberculosis, or has a positive ~~Mantoux~~ tuberculosis test or positive chest x-ray indicating active disease.

(d) Health of children and youth.

(1) Each operator shall obtain a health history for each child or youth on a form supplied by the department or approved by the secretary. Each health history shall be maintained in the child's or youth's file on the premises. Each applicant with a temporary permit and each licensee

shall review with each child's or youth's parent or legal guardian that child's or youth's medical history at least once every 12 months.

(2) Each operator shall require that each child or youth attending the program has current medically appropriate immunizations as specified in K.A.R. 28-1-20 or has an exemption for religious or medical reasons.

(3) An exemption from immunization requirements shall be granted if one of the following is obtained:

(A) A written statement, submitted on a form supplied by the department and signed by a parent of the child or youth, that the parent is an adherent of a religious denomination whose teachings are opposed to health assessments or immunizations; or

(B) a certification from a licensed physician that the physical condition of the child or youth is such that immunizations would endanger the child's or youth's life or health.

(4) ~~Children or youth~~ Each child or youth who ~~are~~ is currently attending or who had attended in the preceding school year a public or accredited non-public school in Kansas, ~~Missouri, or Oklahoma~~ shall not be required to provide documentation of current immunizations or exemptions from immunizations.

(e) Administration of medication.

(1) Nonprescription medication. If nonprescription medication is to be administered during the time children or youth are attending the program, each operator shall ensure compliance with the following procedures:

(A) Obtain written permission from the child's or youth's parent or other adult responsible

for the child or youth before administering nonprescription medication to that child or youth;

(B) administer each medication from the original container and according to instructions on the label; and

(C) require that each nonprescription medication supplied by a parent or other adult responsible for the child or youth be in the original container that is labeled with the first and last name of the child or youth for whom the medication is intended.

(2) Prescription medication. If prescription medication is administered during the time children or youth are attending the program, each operator shall ensure compliance with the following procedures:

(A) Obtain written permission from the child's or youth's parent or other adult responsible for the child or youth before administering prescription medication to that child or youth;

(B) administer medication ordered by a licensed physician ~~or~~, licensed nurse practitioner, or physician assistant only to the designated child or youth and in the dosage recommended;

(C) keep each prescription medication in the original container labeled by a pharmacist with the following information:

(i) The first and last name of the child or youth;

(ii) the date the prescription was filled;

(iii) the name of the licensed physician~~or~~, licensed nurse practitioner, or physician assistant who wrote the prescription;

(iv) the expiration date of the medication; and

(v) specific, legible instructions for administration and storage of the medication;

(D) consider the instructions on each label to be the order from the licensed physician ~~or~~, licensed nurse practitioner, or physician assistant; and

(E) administer the medication in accordance with the instructions on the label.

(3) Requirements for administering medication.

(A) If nonprescription or prescription medication is administered, each operator shall designate staff members to administer the medication. Before administering medication, each ~~designated~~ staff member shall receive training in medication administration approved by the secretary.

(B) Each operator shall record in the file of each child or youth who receives or is scheduled to receive medication the following identifying information, on forms supplied by the department:

(i) The name of each staff member who administered each medication;

(ii) the date and time the medication was given;

(iii) any change in the child's or youth's behavior, response to the medication, or adverse reaction; and

(iv) any change in the administration of the medication from the instructions on the label or a notation about each missed dose.

(C) Each record shall be signed by the individual who was responsible for administering the medication, and a copy of the record shall be made available to the parent or other adult responsible for the child or youth.

(4) Storage of medication. Each operator shall keep all medication at the recommended

temperature and, except as specified in paragraph (e)(5)(D) ~~of this regulation~~, in locked storage.

Each medication container shall have a child-protective cap.

(5) Self-administration of medication.

(A) Any operator may permit each child or youth with a chronic illness, a condition requiring prescription medication on a regular basis, or a condition requiring the use of an inhaler to administer the medication under staff supervision. The operator shall obtain written permission for the child or youth to self-administer medication from the child's or youth's parent or other adult responsible for the child or youth, and from the licensed physician, ~~or nurse practitioner~~, or physician assistant treating the condition of the child or youth.

(B) Written permission for self-administration of medication shall be kept in the child's or youth's file.

(C) Self-administration of each medication shall follow the procedures specified in paragraphs (e)(2)(B), (C), (D), and (E) ~~of this regulation~~.

(D) Each child or youth who is authorized to self-administer medication shall have immediate access to that child's or youth's medication for administration purposes. Each operator shall safely store each medication to prevent unauthorized access ~~by others~~.

(E) Each operator shall record the date and time each medication was self-administered.

(f) Health care practices.

(1) Hand washing.

(A) Each operator shall encourage each child and youth to wash the hands with soap and water when visibly dirty, after feeding or handling any animal, before and after eating, and after

toileting.

(B) Each staff member shall wash the staff member's hands with soap and water when visibly dirty, after feeding or handling any animal, before administering medication, before and after eating, and after toileting.

~~(C) Waterless sanitizing cleanser or sanitizing wipes shall not be used as a substitute for soap and running water. Individuals shall not share towels or washcloths. Hands shall be dried with an individual towel or disposable product. When soap and running water are not readily available, an alcohol-based hand sanitizer may be used.~~

(2) Each staff member shall be ~~sensitive~~ attentive to the health status of each child or youth and shall take precautions to prevent the following:

(A) Dehydration;

(B) heat exhaustion;

(C) sunburn;

(D) frostbite;

(E) allergic reactions; and

(F) other preventable conditions hazardous to a child's or youth's health. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended, T-28-3-19-04, March 19, 2004; amended Sept. 10, 2004; amended P-_____.)

K.A.R. 28-4-592. Safety and emergency procedures; reporting requirements. (a) Telephone.

(1) Each operator shall ensure that there is a working telephone readily available to the operator and staff members to receive all incoming calls and make outgoing calls during all hours of operation.

(2) Each operator shall post emergency telephone numbers for the police, fire department, ambulance, hospital or hospitals, and poison control center next to the telephone, or shall have the numbers immediately accessible to staff members.

(b) Emergency plan; drills.

(1) Each operator shall develop and implement an emergency plan to provide for the safety of children, youth, and staff members in emergencies. The emergency plan shall include the following information:

(A) ~~The types of~~ Procedures for emergencies likely to occur on or near the premises, including a fire, a weather-related event, a missing or runaway child or youth, a chemical release, a utility failure, an intruder, an act of terrorism, a lockdown, and an unscheduled closing;

(B) a designated shelter-in-place area and a designated off-premises relocation site and evacuation routes for each area and for each site;

(C) procedures to meet the needs of individual children and youth, including each child or youth with special needs;

(D) procedures for responding to and preventing allergic reactions of individual children and youth;

~~(D)~~ (E) procedures for notifying each parent or adult responsible for a child or youth of any off-premises relocation;

~~(E)~~ (F) procedures for reuniting each child and each youth with the parent or adult responsible for the child or youth; ~~and~~

(G) procedures for continuity of operations, including backing up or retrieving health and other records required to be on file; and

~~(F)~~ (H) procedures designating the tasks to be followed by each staff member in an emergency, including the following:

- (i) As appropriate, contacting 911 or other emergency response entities;
 - (ii) assisting the children and youth, including children and youth with special needs, to move to a designated shelter-in-place area and to a designated off-premises relocation site; and
 - (iii) ensuring that emergency supplies are readily available.
- (2) Each emergency plan shall be kept on file on the premises.
- (3) Each operator shall ensure that the emergency plan is provided to the parent or adult responsible for the child or youth before the first day the child or youth begins attending the program.
- (4) Each staff member shall follow the emergency plan.
- (5) Each operator shall review the emergency plan at least annually and update it as needed.
- (6) Each operator shall ensure that each staff member and volunteer practices, at least annually, the procedures for assisting the children and youth to move to a designated shelter-in-place area and to a designated off-premises relocation site. The date and time of each practice and a list of all participating staff members shall be recorded and kept on file on the premises.

(7) Each operator shall ensure that each staff member, volunteer, child, and youth ~~participates~~ participate in the following drills:

(A) Fire drills shall be conducted monthly. A record of the date and time of each fire drill and a record of each evacuation time shall be kept on file on the premises for one year.

(B) Tornado drills shall be conducted monthly. A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file on the premises for one year.

(c) First aid ~~and cardiopulmonary resuscitation (CPR)~~ kit.

~~(1) Each operator shall ensure that there is at least one staff member on the premises who is readily available to each child or youth at all times and who has a current certification in first aid and a current certification in CPR appropriate to the age of children and youth attending the program.~~ Each operator shall maintain first aid supplies in a first aid kit, carrying case, box, or other container.

~~(2) Each operator shall maintain first aid supplies in a first aid kit, carrying case, box, or other container.~~ The first-aid supplies shall include the following:

- (A) First-aid manual;
- (B) single-use gloves;
- (C) adhesive bandages of assorted sizes;
- (D) adhesive tape;
- (E) a roll of sterile gauze;
- (F) sharp scissors;

(G) sterile gauze squares at least four inches by four inches in size;

(H) a cleansing agent or liquid soap;

(I) an elastic bandage;

(J) tweezers; and

(K) a bottle of water for washing and cleansing.

(d) Standard precautions for handling blood and other bodily fluids or waste. Each operator shall ensure that each staff member complies with the following standard precautions when handling blood and other bodily fluids or waste:

(1) Each staff member shall avoid coming into direct contact with blood and other bodily fluids or waste.

(2) Each staff member shall wear single-use gloves in the following situations:

(A) When cleaning contaminated surfaces or areas;

(B) before dressing a cut or sore that is leaking body fluids; and

(C) when cleaning up each spill, including urine, feces, blood, saliva, vomit, and tissue discharge.

(3) Each contaminated surface or area on which a spill occurs shall be cleaned by removing any visible spill from the surface or area with a water-saturated disposable paper towel or wipe. After the surface or area has been cleaned, the surface or area shall be sanitized by wetting the entire surface or area with a disinfectant solution of chlorine bleach mixed according to the directions on the label, or an appropriate commercial disinfectant used according to the directions on the label.

(4) Each mop used to clean up a contaminated area shall be cleaned and rinsed in a disinfecting solution, wrung as dry as possible, and hung to dry.

(5) Each paper towel, sponge, or other material used for cleaning up a contaminated area shall be placed in a plastic bag with a secure tie and thrown away in a covered container.

(e) Emergency medical care.

(1) If a child or youth needs emergency medical care and is taken to an emergency care source, each operator shall ensure that the parent or adult responsible for the child or youth is notified immediately and shall make the following documents and information immediately available to emergency care personnel:

(A) The child's or youth's health history;

(B) the name, address, and telephone number of the following individuals:

(i) The parent or adult responsible for the child or youth;

(ii) a designated emergency contact; and

(iii) the physician designated by the parent or adult responsible for the child or youth to be called in case of emergency; and

(C) authorization for emergency medical care.

(2) If the operator has been unable to obtain the necessary documents as specified in K.A.R. 28-4-582, the operator shall follow the plan approved by the secretary.

(3) A staff member shall accompany a child or youth to the source of emergency care and shall remain with the child or youth until a parent or other responsible adult assumes responsibility for the child or youth. When a staff member goes to the source of emergency care

with a child or youth, the operator shall ensure that there is an adequate number of staff members available to supervise the remaining children and youth in the program.

(f) Reporting illnesses.

(1) If a child or youth becomes ill while attending the program, the operator shall immediately notify the parent or adult responsible for the child or youth.

(2) If an operator, staff member, child, or youth in a program contracts a reportable infectious or contagious disease listed in K.A.R. 28-1-2, the operator shall report the disease to the secretary's designee by the next working day.

(3) The operator shall follow the protocol recommended by the ~~county~~ local health department and shall cooperate fully with any investigation, disease control, or surveillance procedures initiated by the ~~county~~ local health department or the department.

(g) Reporting critical incidents.

(1) Each operator shall report the following critical incidents immediately to each parent or adult responsible for a child or youth affected by the critical incident, on a form provided by the department:

(A) Fire damage or other damage to the building, or damage to the property that affects the structure of the building or safety of the children and youth;

(B) a vehicle collision involving children or youth;

(C) a missing child or youth;

(D) physical restraint of a child or youth by staff members;

(E) the injury of a child or youth that requires ~~medical attention~~ treatment by a healthcare

professional;

(F) the injury to a child or youth by any animal;

(G) the death of a child, youth, or staff member; and

~~(G)~~ (H) any other incident that jeopardizes the safety of any child or youth.

(2) Each operator shall report each critical incident specified in paragraph (g)(1) to the ~~secretary's designee~~ department by the next working day, on a form provided by the department.

A copy of each critical incident report shall be kept on file for not less than one year on the premises or at a designated central office location.

(3) Each operator shall ensure that a report is made to the ~~secretary's designee~~ department of all known facts concerning the time, place, manner, and circumstances of the death of a child or a youth attending the program when submitting a critical incident report as specified in paragraph (g)(1).

(h) Reporting suspected child abuse or neglect. Each operator and each staff member shall report to the Kansas department for children and families or to law enforcement any suspected child abuse or child neglect within 24 hours. (Authorized by and implementing K.S.A. ~~2016 Supp.~~ 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended June 23, 2017; amended P-_____.)