

Proposed

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Family Health, will conduct a public hearing at 10:00 a.m. Monday, July 13, 2026, in the Azure Conference Room, 4th Floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of the proposed permanent Child Care Licensing regulations: K.A.R. 28-4-92, 28-4-113, 28-4-114, 28-4-114a, 28-4-122, 28-4-126, 28-4-128, 28-4-129, 28-4-130, 28-4-132, 28-4-420, 28-4-422, 28-4-423, 28-4-426, 28-4-429, 28-4-430, 28-4-437, 28-4-439, 28-4-440, 28-4-576, 28-4-577, 28-4-578, 28-4-579, 28-4-580, 28-4-581, 28-4-582, 28-4-583, 28-4-584, 28-4-585, 28-4-586, 28-4-587, 28-4-588, 28-4-589, 28-4-590, 28-4-591, 28-4-592, 28-4-593, 28-4-594, 28-4-595, 28-4-596, 28-4-700, 28-4-701, 28-4-702, 28-4-703, 28-4-704, and 28-4-705.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Nick Schneider, Regulation Coordinator, Kansas Department of Health and Environment, Office of Legal Services, Curtis State Office Building, 1000 SW Jackson, Suite 560, Topeka, KS 66612 or by email to nick.schneider@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing as well as an opportunity to submit written comments. It is requested that everyone giving oral comments also provide a written copy of the comments for the record. To give each individual an opportunity to present their views, it may be necessary for

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MAY 06 2026

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the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame. Any individual with a disability may request accommodation(s) to participate in the public hearing at least 10 business days in advance of the hearing to the contact information provided above.

Questions pertaining to the proposed regulations and/or requests for complete copies of the proposed regulations and corresponding economic impact statement should be directed to Nick Schneider, Regulation Coordinator, at the contact information above.

A summary of the proposed regulations and estimated economic impact follows:

Summary of Regulations:

The proposed amended and revoked regulations are the entirety of the regulations governing School-Age Programs, hereafter referred to as Out of School Time programs (K.A.R. 28-4-576 through 28-4-596), Drop-In Programs (K.A.R. 28-4-700 through 28-4-705) and some regulations governing Family Child Care Homes, Child Care Centers, and Preschools (K.A.R. 28-4-92, 28-4-113, 28-4-114, 28-4-114a, 28-4-122, 28-4-126, 28-4-128, 28-4-129, 28-4-130, 28-4-132, 28-4-420, 28-4-422, 28-4-423, 28-4-426, 28-4-429, 28-4-430, 28-4-437, 28-4-439, and 28-4-440).

While some of these regulation amendments are the result of HB 2045, many of these amendments are the result of reviewing and re-imagining the Out of School Time programs with our regulated community's input, which are proposed to:

- Comply with current federal Child Care Development Fund (CCDF) requirements.

The Department for Children and Families is the lead agency for the administration of the CCDF federal-state partnership. KDHE is the agency responsible for regulating the provision of child care and carrying out the CCDF State Plan (2022-2024) requirements for health and safety. The Federal Office of Child Care conducted a

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MAY 06 2026

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monitoring visit in April 2021 and issued a letter of decision in December 2021 documenting the fact that Kansas is not in full compliance with the health and safety requirements found in the 2016 final rules (45 CFR Part 98).

- Align regulations with Kansas early childhood systems work, including efforts to increase access and capacity to serve, increase licensee flexibility in enrollment practices, and reduce burden, while maintaining foundational protections for young children in regulated child care settings.
- Modernize outdated language, increase consistency, standardize terms, and incorporate current research, foundational standards, and practices.

Additionally, after the last set of Article 4 regulations, including the revocation of K.A.R. 28-4-442, was promulgated on August 2, 2024, KDHE received feedback from licensing specialists and providers on a few minor changes that needed to be made. Initially, KDHE created policy exceptions to remove those burdens and used this opportunity to permanently fix those minor issues, which primarily consist of a few word changes or removals.

Economic Impact:

The proposed amended and revoked regulations are expected to result in a net reduction in compliance costs for child care providers in Kansas, driven primarily by reduced training requirements and the elimination of licensing fees. Even after accounting for new training costs, providers are expected to experience substantial net savings overall.

Child care providers will benefit from approximately \$763,000 in annual savings, including:

- \$360,000 from reducing required training hours (from 16 to 10 hours annually), and
- \$403,000 from eliminating licensing fees (applications, renewals, and late fees).

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New staff-training requirements introduced by the proposed amended regulations are expected to result in an estimated maximum annual cost of \$101,261.20, including:

- \$85,433 for CPR and first aid certification, and
- \$15,828.20 for medication administration training.

Actual costs are expected to be lower because many staff are already certified or trained.

Impacts on Other Stakeholders:

- The elimination of licensing fees may reduce funding for local health departments, which previously supported local licensing activities.
- Training organizations may see reduced demand due to fewer required training hours.
- There may be potential reductions in licensing-related jobs or workload.
- The state will incur a one-time IT system update cost of \$71,190.

The regulations simplify and consolidate requirements, increasing flexibility and reducing administrative burden for providers, while shifting some financial and operational impacts to government entities and related organizations.

Janet Stanek

Secretary

Department of Health and Environment

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K.A.R. 28-4-92. License fees. When an applicant or licensee submits an application for a license or for the renewal of a license, the applicant or licensee shall submit to the secretary the appropriate nonrefundable license fee specified in this regulation:

(a) For each maternity center as defined in K.S.A. ~~65-502~~ 65-503, and amendments thereto, \$75;

(b) for each child placement agency as defined in K.S.A. 65-503, and amendments thereto, \$75; and

(c) for each child care resource and referral agency as defined in K.S.A. 65-503, and amendments thereto, \$75;

~~(d) for each of the following child care facilities, \$75 plus \$1 times the maximum number of children to be authorized under the license:~~

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

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

~~(e) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:~~

~~(1) Attendant care facility, as defined in K.A.R. 28-4-285;~~

~~(2) detention center or secure care center, as defined in K.A.R. 28-4-350;~~

~~(3) preschool, as defined in K.A.R. 28-4-420;~~

~~(4) psychiatric residential treatment facility, as defined in K.A.R. 28-4-1200;~~

~~(5) residential center or group boarding home, as defined in K.A.R. 28-4-268; and~~

~~(6) secure residential treatment facility, as defined in K.A.R. 28-4-330. (Authorized by~~

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FEB 24 2026

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APR 21 2026

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MAY 06 2026

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K.A.R. 28-4-92, page 2

and implementing K.S.A. 2025 Supp. 65-505, ~~as amended by L. 2010, ch. 161, sec. 6~~; effective, T-83-24, Aug. 25, 1982; effective May 1, 1983; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended, T-87-22, Aug. 21, 1986; amended May 1, 1987; amended, T-28-8-16-10, Aug. 16, 2010; amended Dec. 17, 2010; amended P-_____.)

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

(e) "Disinfect" means full surface application of a disinfectant solution of ~~fragrance-free~~, environmental 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) "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.

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

(h) "Facility" means a family child care home, a day care home, or a group day care home.

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

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MAY 06 2026

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(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). Family child care home, day care home, or group day care home shall not include the premises where care is provided for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage, or legal adoption, nor to individuals who provide care for children in such child's own home or when care is arranged between friends and neighbors on an irregular basis.

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

(k) "Large motor activity" means any movement involving the arms, legs, feet, or entire body, including crawling, running, and jumping.

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

(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) "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.

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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(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 used for food preparation or service.

(t) "Small motor activity" means any movement involving the hands or fingers, including using scissors, brushing teeth, and threading beads.

(u) "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 specified in K.A.R. 28-4-114a.

(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 specified in K.A.R. 28-4-114a.

(v) "Temporary absence" means time away from a facility for a period not to exceed three hours in a day.

(w) "Tobacco product" means any product that is made or derived from tobacco, or that

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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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.

(x) "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.

(y) "Visual motor activity" means any movement involving the coordination of hand or body movements with vision, including drawing, throwing items, or catching items.

(z) "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. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-503 and K.S.A. 2025 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 Aug. 2, 2024; amended P-_____.)

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DEPT. OF ADMINISTRATION

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APR 21 2026

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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) ~~(3) 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

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FEB 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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MAY 06 2026

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(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) 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 group size for a family child care home shall be the following:

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FEB 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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TABLE I – MAXIMUM GROUP SIZE, ONE PROVIDER

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

TABLE II – MAXIMUM GROUP SIZE, ONE PROVIDER

Ages of Children Enrolled	Maximum Group Size
At Least 2.5 Years but Under 10 Years of Age	10
At Least 3 Years but Under 10 Years of Age	11
At Least 5 Years but Under 10 Years of Age	12

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

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MAY 06 2026

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TABLE III – MAXIMUM GROUP SIZE, TWO PROVIDERS*

Maximum Number of Children Under 12 Months	Maximum Number of Children at Least 12 Months but Under 5 Years of Age	Maximum Number of Children at Least 5 Years but Under 10 Years of Age	Maximum Group Size*
0	10	2	12
1	9	2	12
2	8	2	12
3	7	2	12
4	5	3	12
5	4	3	12

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

(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 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 maximum group size if child care for this age group as a whole exceeds five hours a week.

(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.

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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(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 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 (i).

(h) 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), except as specified in paragraph (h)(3).

(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).

(3) For each child under five years of age not in attendance, the maximum number of children ages five and older may be increased by one. The total number of children in attendance shall not exceed the maximum group size.

(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 subsection (e), other children may be permitted on the premises.

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

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RECEIVED

MAY 06 2026

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Proposed

K.A.R. 28-4-114, page 6

(1) Not more than two additional children 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 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 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) Substitute. Each applicant with a temporary permit and each licensee shall arrange for

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FEB 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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MAY 06 2026

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a substitute to care for children in the event of a temporary absence or extended absence of the primary care provider.

(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.

(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. 2025 Supp. 65-508; implementing K.S.A. 65-504, ~~K.S.A. 65-505~~, and K.S.A. 2025 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 Aug. 2, 2024; amended P-_____.)

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APR 23 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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APR 30 2026

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MAY 06 2026

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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 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 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

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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

(A) Recognizing the signs of child abuse or neglect, knowledge on the 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;

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

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MAY 06 2026

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

(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.

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

(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) 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 provider shall complete ~~16~~ 10 clock-hours of professional

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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development training. Four of the ~~16~~ 10 clock-hours shall include the subject areas specified in paragraphs (b)(3)(A), (b)(3)(C) through (J), or subsection (c); and four of the 10 clock-hours shall include subject areas at the provider's discretion. Each provider shall submit proof of completion of four hours of professional development training to the secretary.

(3) If one provider provides care simultaneously to four infants at any time during the licensure year, that provider shall complete three hours of professional development training in an infant-specific subject. Any provider required to complete infant-specific training shall submit proof of completion to the secretary.

(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 K.S.A. 2025 Supp. 65-508; and implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 65-538; effective Feb. 3, 2012; amended May 12, 2017; amended Aug. 2, 2024; amended P-_____.)

APPROVED

APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

K.A.R. 28-4-122. Requirements and definitions for general regulations. (a) Requirements.

The requirements of K.A.R. 28-4-123 through 28-4-133 shall apply to the following:

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

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

(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 K.A.R. 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~~, environmental 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, day care home, group day care home, a preschool, or a child care center, but shall not include a residential center or group boarding

APPROVED

APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

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) "Program director" means an individual in a child care center or preschool who meets the requirements specified in K.A.R. 28-4-429(b) or (c) and who is responsible for implementing and supervising the program.~~

(11) "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.

APPROVED

APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-122, page 3

~~(12)~~ (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.

~~(13)~~ (12) "Sanitize" means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object used for food preparation or service.

~~(14)~~ (13) "Secretary" means secretary of the Kansas department of health and environment or the secretary's designee.

~~(15)~~ (14) "Shelter-in-place area" means a designated location in the facility to which children and others may relocate in an emergency.

~~(16)~~ (15) "Staff member" means an employee, a substitute, or a volunteer in a facility, a residential center, or a group boarding home.

~~(17)~~ (16) "Substitute" means an individual who supervises children in the temporary or extended absence of an employee or volunteer.

~~(18)~~ (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.

~~(19)~~ (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. 2025 Supp. 65-508; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended March 28, 2008; amended Aug. 2, 2024; amended P-_____.)

APPROVED

APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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

(a) Health requirements.

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

(2) No individual in contact with children shall 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) 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 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) Tuberculosis testing.

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

(2) Compliance with the tuberculosis prevention and control program of the department

APPROVED

APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-126, page 2

shall be required following each exposure to active tuberculosis disease.

(d) Records. The health status form ~~and each tuberculosis test~~ shall be recorded on ~~forms~~ a form provided by the department. The health status form and each tuberculosis test ~~and~~ shall be kept in each individual's record at the facility.

(e) In addition to meeting the requirements in K.A.R. 28-4-126(c) and (d), each resident 16 years or older in a residential center or group boarding home 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. 2025 Supp. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024; amended P-_____.)

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 28-4-128. Safety and emergency procedures. (a) Emergency plans; drills.

(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

APPROVED

APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-128, page 2

(iii) ensuring that emergency supplies are readily available.

(2) Each emergency plan shall be kept on file on the premises. Each applicant with a temporary permit and each licensee shall ensure that the plan is reviewed with parents or legal guardians of children enrolled.

(3) Each staff member shall be informed of and shall follow the emergency 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:

(A) A fire drill 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) A tornado drill 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.

(b) 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

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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 disinfected 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:

APPROVED
MAR 16 2026
DEPT. OF ADMINISTRATION

APPROVED
APR 21 2026
ATTORNEY GENERAL

RECEIVED
MAY 06 2026
SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-128, page 4

- (A) (1) First-aid manual;
- (B) (2) single-use gloves;
- (C) (3) adhesive bandages of assorted sizes;
- (D) (4) adhesive tape;
- (E) (5) a roll of sterile gauze;
- (F) (6) sharp scissors;
- (G) (7) sterile gauze squares at least four inches by four inches in size;
- (H) (8) a cleansing agent or liquid soap;
- (I) (9) an elastic bandage;
- (J) (10) tweezers; and
- (K) (11) a bottle of water for washing and cleansing. (Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024; amended P-_____.)

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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) Pools, hot tubs, and spas on the premises.

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

(2) If a pool, a hot tub, or a spa is on the premises, it shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

(3) Required 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.

(5) Legible safety rules for the use of each pool shall be posted in a clearly visible location near the pool area.

(6) Each individual responsible for the supervision of any child using a pool shall review the safety rules with each child before the child participates in the activity.

(b) 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) Each inground pool shall be enclosed by a fence at least five feet high, with openings no greater than 3.5 inches. The fence shall be and constructed and maintained in good repair to 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.

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

(2) ~~Each~~ The top of each gate in the fence shall be at least five feet ~~high, self-closing,~~
~~self-locking, from ground level~~ and kept closed and locked.

(3) Except as provided in paragraph (b)(4), each aboveground pool shall meet one of the following requirements to prevent chance access by children:

(A) ~~Each aboveground pool shall~~ Have non-climbable sidewalls that are at least four ~~five~~
~~feet high, or shall from ground level; or~~

(B) Have risers installed on sidewalls that achieve a combined height of five feet from ground level; or

(C) Be fully enclosed by a fence at least five feet high and gate that to prevent chance
access by children. The fence and the gate shall meet the requirements in paragraphs (b)(1) and
(b)(2).

(4) Each aboveground pool with a deck or berm that provides for ground-level access shall have adequate fencing, gating, sidewalls, risers, or a combination thereof, to ensure the pool is inaccessible to children. "Inaccessible to children" shall mean that no section of the perimeter of the pool shall lack either a surrounding fence and gate meeting the requirements of paragraphs (b)(1) and (b)(2), or sidewalls at least five feet from ground level, or a combination of sidewalls and risers at least five feet from ground level.

(5) Steps and ladders shall be removed and stored away from the pool when the pool is not in use if the aboveground pool is not fully enclosed by a fence and gate that meet the requirements in paragraphs (b)(1) and (b)(2). Steps and ladders may remain if the aboveground pool is fully enclosed by a fence and gate that meet the requirements in paragraphs (b)(1) and

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MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

~~(b)(2). Each aboveground pool with a deck or berm that provides a ground level entry on any side shall be treated as an inground pool.~~

~~(4) (6) Sensors shall not be used in lieu of a fence.~~

~~(5) (7) During periods of use, the water in the each swimming pool shall be treated with chlorine, bromine, or an equivalent agent approved by the local health department, and shall be maintained between pH 7.2 and pH 7.8. The water shall be disinfected by free available free chlorine content for water treated by chlorine shall be between 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. The available free chlorine content for water treated by bromine shall be between 1.0 and 6.0 parts per million.~~

~~(6) (8) During periods of use, 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) (9) The pool shall be cleaned and the chlorine or equivalent disinfectant level and pH level shall be tested every two hours during periods of use. The results of these tests shall be recorded and available for review by the secretary's designee.~~

~~(8) (10) Each 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. The equipment shall be of sufficient length to reach the center of the pool from each edge of the pool. The equipment shall be available at all times, including times when the pool is not in use.~~

~~(9) (11) The water temperatures shall be maintained at no less than 82 degrees Fahrenheit~~

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-129, page 4

and no more than 88 degrees Fahrenheit while the pool is in use.

(c) 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 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 facilities shall not be permitted to use a hot tub or a spa. Children in residential centers and group boarding homes shall be permitted to use hot tubs when medically indicated.

(d) Ponds and lakes. Ponds and lakes may be used for wading or swimming only by children over six years of age, and shall be approved for swimming by the local health department, the department, or the designated authority in the state in which the wading or swimming site is located. Required 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. 2025 Supp. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024; amended P-_____.)

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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, residential center, or group boarding home arranges for or provides transportation for children in care.

(a) Each driver shall be at least 18 years of age.

(b) Each driver shall hold a valid driver's license that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

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

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

(e) Each transporting vehicle owned or leased by the facility, residential center, or group boarding home shall have an annual mechanical safety check. The safety check shall be documented on a form provided by the department. A record of the date of the safety check and corrections made shall be kept on file at the facility, residential center, or group boarding home.

(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.~~

~~(h)~~ (g) Each vehicle shall be covered by accident and liability insurance in an 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.

~~(i)~~ (h) Emergency release forms and health assessment records shall be in the vehicle when children enrolled in residential centers or group boarding homes are transported more than 60 miles from the residential center or group boarding home, or if children are in emergency medical care.

APPROVED

APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

~~(i)~~ (i) Each transporting vehicle owned or leased by the facility, residential center, or group boarding home shall have a first-aid kit that meets the requirements in K.A.R. 28-4-128.

~~(k)~~ (j) 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, residential

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

center, or group boarding home.

(4) (k) For each child younger than five years of age after August 31 of the current school year, each facility, residential center, or group boarding home 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.

(m) (l) The safety of each child riding in each vehicle shall be protected as follows:

(1) All doors shall be locked while the vehicle is in motion.

(2) Discipline shall be maintained at all times.

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

(4) No child shall either enter or exit the vehicle into a lane of traffic.

(5) No child shall 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.

(7) 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.

(9) Each facility shall maintain applicable staff-child ratios in the vehicle when children are being transported.

(10) Residential centers and group boarding homes shall maintain applicable staff-child

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

ratios when children under six are being transported.

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

~~(e)~~ (n) 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. (Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended Aug. 2, 2024; amended P-_____.)

APPROVED

MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 28-4-132. Child care practices. (a) Supervision. 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.

(c) Prohibited punishment. Punishment that is humiliating, frightening, or physically harmful to any child shall be prohibited.

(1) Prohibited methods of punishment. Prohibited methods of punishment shall include the following:

(A) Corporal punishment, including hitting with the hand or any implement, 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 health

APPROVED

APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

or safety;

(B) mental and emotional cruelty, including verbal abuse, threats, 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;

(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

(F) placing soap or any other substances that stings, burns, or has a bitter taste in the child's mouth, on the tongue or on or in any other 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 a licensed physician, physician assistant, or advanced practice registered nurse.

(d) 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;

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MAR 16 2026

APR 21 2026

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-132, page 3

(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~~ administering any medication; and

(F) after feeding or handling any animal.

(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 animal.

(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.

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MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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

(f) Hand washing sinks. Sinks for hand washing shall be in or readily accessible to each diaper-changing area and each toileting area.

(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) Each child in a family child care home shall be diapered in the child's own crib or playpen, on a clean, moisture-proof, nonabsorbent pad on the floor, or on a changing table.

(5) Each infant unit and each toddler unit in a child care center shall have a changing table.

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

(7) 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

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MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

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.

(8) Washable diapers or training pants shall not be rinsed out. They shall be stored in a labeled covered container or plastic bag and returned to the parent or legal guardian.

(9) 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.

(10) 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.

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MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

(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) Each toilet training device shall be used and stored in the bathroom.

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

(C) Each toilet training device, including the container shall be cleaned and disinfected after each use.

(D) Toilet training devices shall not be counted as toilets.

(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

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MAR 16 2026

APR 21 2026

DEPT. OF ADMINISTRATION ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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. 2025 Supp. 65-508; effective Feb. 26,

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MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-132, page 8

1990; amended Aug. 2, 2024; amended P-_____.)

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MAR 16 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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(g) and 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) ~~(d)~~ "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)~~ ~~(e)~~ "Basement" means an area in which all four outside walls are more than two-thirds below ground level.

~~(g)~~ ~~(f)~~ "Child care center" means a facility:

(1) that provides care and educational activities for children two weeks to 16 years of age at least three hours per day including day time, evening, and overnight care for:

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

(A) 13 or more children; or

(B) fewer than 13 children 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.

~~(h)~~ (g) "Disinfect" means full surface application of a disinfectant solution of ~~fragrance-free~~, environmental 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.

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

~~(j)~~ (i) "Evening care" means care provided 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.

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

~~(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.

~~(m)~~ "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(e) 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~~

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

~~child may not be meeting developmental milestones;~~

~~(3) skills and availability to implement age-appropriate activities;~~

~~(4) the ability to recognize signs of 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)~~ (k) "License capacity" means the maximum number of children that are allowed to attend a facility at any one time.

~~(e)~~ (l) "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.

~~(p)~~ (m) "Licensee" means a person who has been granted a license to operate a facility.

~~(q)~~ (n) "Media" means cable and broadcast television, internet streaming, or other similar digital entertainment.

~~(r)~~ (o) "Medical record" means the immunization record, health assessment and medical history of each child.

~~(s)~~ (p) "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)~~ (q) "Preschool" means a facility:

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-420, page 4

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

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

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

(4) 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)~~ (r) "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. 72-3118(c), and amendments thereto.

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

~~(w)~~ (t) "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.

~~(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) or (c) 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~~

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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

(z) (v) "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, but who is not 16 years of age or older has the same definition as specified in K.S.A. 65-503, and amendments thereto.

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

(ee) (y) "Substitute" means an individual who supervises children in the absence of the staff member.

(dd) (z) "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

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-420, page 6

by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

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

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

~~(gg)~~ (cc) "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.

~~(hh)~~ (dd) "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.

~~(ii)~~ (ee) "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. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended Aug. 2, 2024; amended P-_____.)

APPROVED

APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 28-4-422. Applicant requirements; exclusions; application process; amended license; renewal; exceptions; advertising. (a) 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) Each individual applying for a license shall be 18 years of age or older at the time of application.

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

(b) 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 when all of the following conditions are met:

(A) The program operates less than five consecutive hours;

(B) the program operates no more than one day a week; and

(C) children are not attending more than one session per day.

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

(c) Site approval.

(1) 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) Each entrance and exit;

(B) the location and measurements for each room to be used by children;

(C) 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 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) 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) Application process. Each person desiring to conduct a child care center or preschool

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

shall submit a complete application on forms supplied by the department and shall include the following:

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

(3) a request for background checks specified in K.A.R. 28-4-125;

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

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

(6) (5) local city or county code approval, including sanitarian approval when the

building is not connected to a public water or sewer system.

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

(2) 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.

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

(f) Multiple child care facilities.

(1) Each applicant with a temporary permit or 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 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, and 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

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

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

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

the approval of the exception and the exception's 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 a claim of specialized services 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. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-501, K.S.A. 65-504, 65-505 and K.S.A. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 2, 2024; amended P-_____.)

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

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

(1) 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.

(3) Each area designated for children's activities shall contain a minimum of ~~35~~ 28 square feet of floor space per child, ~~exclusive of kitchen~~ excluding kitchens, passageways, storage areas, and bathrooms.

(4) Each building in which child care is provided shall have at least two exits approved by a fire inspector. At least one exit shall lead directly to the outside.

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

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

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

(8) All stairs 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.

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

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

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DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

inches.

(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.

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

(13) Carpeting shall be clean and in good repair.

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

(15) Electrical outlets shall be covered or inaccessible to prevent access by a child when not in use.

(16) Extension cords or power strips shall be positioned in a manner that prevents a tripping or shock hazard.

(17) Each room occupied by children shall be sufficiently lighted in all parts of the room for any activity in which each child is engaged. When children are napping and during rest periods, each room shall be lighted 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 degrees Fahrenheit nor more than 85 degrees

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FEB 24 2026

APR 29 2026

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

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MAY 06 2026

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Fahrenheit. Each 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) Dangerous instruments, including sharp or pointed objects, shall be in locked storage.

(24) 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 the local health department, or by the department.

(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.

(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;

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DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
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K.A.R. 28-4-423, page 4

- (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.
- (4) Drinking fountains shall not be plumbed to sinks.
- (5) Water from drinking fountains shall be under pressure so that the stream is not less than three inches high.
- (6) Cold water and hot water shall be supplied to lavatory fixtures accessible to children. Hot water shall maintain a minimum temperature of 90 degrees Fahrenheit and shall not exceed 120 degrees Fahrenheit.
- (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 local health department or the department 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 hand washing sink for each fifteen children.
- (6) Bathroom facilities shall be planned to assure privacy for staff.
- (7) Individual towels or disposable products, and toilet paper shall be provided for each child. The use of common towels and washcloths shall be prohibited. When cloth towels and

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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 facility, 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 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 and products containing alcohol 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 K.S.A. 2025 Supp. 65-508; ~~and~~ implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 65-539; effective May 1, 1983; amended May 1, 1985; amended Aug. 2, 2024; amended P-_____.)

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

**SCOTT SCHWAB
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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, 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) 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 professional development training;

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

(5) a health 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 information shall be readily accessible and near the telephone:

(A) Name and date of birth of child;

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

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

(D) persons authorized to remove the child from the facility.

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

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

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

(C) a 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. Each child's health records shall be returned to the parents when the child is no longer

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DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-426, page 3

enrolled. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 65-507 and K.S.A. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended Aug. 2, 2024; amended P-_____.)

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APR 23 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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K.A.R. 28-4-429. Staff qualifications. (a) Each staff member shall demonstrate an understanding of children and shall act with sound judgment.

(b) Program director requirements for facilities licensed for less than 24 children. Each applicant, each applicant with a temporary permit, and each licensee shall hire a program director that has the following requirements:

(1) At least 18 years of age;

(2) high school diploma or equivalent; and

(3) one of the following:

(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.

(c) Program director requirements for facilities licensed for 24 or more children. Each applicant, each applicant with a temporary permit, and each licensee shall hire a program director that has the following requirements:

(1) At least 18 years of age;

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

(2) high school diploma or equivalent; and

(3) one of the following:

(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;

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-429, page 3

(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.

(d) Each individual who has obtained approval of program director qualifications by the secretary or the secretary's designee before December 31, 2023, ~~shall~~ may be exempt from the requirements in paragraph (b)(3) and (c)(3).

(e) Lead teacher. There shall be a lead teacher present with each unit of children in the facility. Each lead teacher shall have the following qualifications:

(1) At least 18 years of age;

(2) high school diploma or equivalent; and

(3) one of the following:

(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

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-429, page 4

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.

(f) Each program director in a facility licensed for less than 24 60 children may also serve as a lead teacher in the facility.

~~(g) Assistant teacher. Assistant teachers shall be at least 16 years of age.~~ (Authorized by K.S.A. 2025 Supp. 65-508; and implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 65-537; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Aug. 2, 2024; amended P-_____.)

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

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

(a) Medical record. A completed medical record on the form provided by the department shall be on file at the facility for each child.

(1) Each medical record shall include the results of a health assessment conducted not more than twelve months before and obtained not later than 60 calendar days after the child's initial enrollment 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) 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) Tuberculosis 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 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.

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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
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(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 department 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 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 health department.~~

(3) Each staff member shall report within 24 hours to the Kansas department for children and families any suspected child abuse or neglect.

(4) (3) Each applicant with a temporary permit or licensee providing care of sick children 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 a public health nurse and shall be presented to the parents at the time of enrollment. The requirements for the infectious and

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APR 21 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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.

(5) (4) A quiet area shall be provided for any sick child. Sick children shall be supervised at all times.

(d) Staff.

(1) The use of tobacco products shall be prohibited on the premises.

(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. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended July 11, 2008; amended Aug. 2, 2024; amended P-
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FEB 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
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K.A.R. 28-4-437. Child care centers: outside area. (a) Each child care center shall have at least ~~75~~ 60 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.

(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

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FEB 24 2026

DEPT. OF ADMINISTRATION ATTORNEY GENERAL

APPROVED

APR 29 2026

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MAY 06 2026

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SECRETARY OF STATE

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.

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

(l) The play area shall be arranged so that staff can actively supervise each child at all times.

(m) Staff shall actively engage in the supervision of children utilizing the play area.

(n) 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 K.S.A. 2025 Supp. 65-508; and implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 65-539; effective May 1, 1983; amended May 1, 1984; amended Aug. 2, 2024; amended P-

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APPROVED

APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

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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:

- (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.

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

Length of Time at Center	Food Served
2.5 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, peas or beans, or peanut butter;

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

(C) bread, bread product or cereal; and

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-439, page 2

(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) All food shall be in good quality and safe for consumption.

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

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

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

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

(i) 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 child's 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.

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FEB 05 2025

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-439, page 3

(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~~ in a sealed container, refrigerated when not in use, and shall be used consumed within 96 hours from the time it was expressed. If breast milk is stored in a bottle, the bottle's nipple shall be covered.

(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

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FEB 05 2025

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-439, page 4

guardian of a 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 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.

(j) 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:

(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.

(k) 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.

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FEB 05 2025

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

(l) Menus shall be shared with parents and legal guardians.

(m) Staff shall sit at the table with the children, and socialization shall be encouraged.

Children shall be encouraged to serve themselves.

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

(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.

(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 40 degrees Fahrenheit or lower in the refrigerator, or 10 degrees Fahrenheit or lower in the freezer, with 0 degrees Fahrenheit recommended. Each 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 tight-fitting

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APR 29 2026

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K.A.R. 28-4-439, page 6

covers, and shall be labeled with the date and contents.

(q) 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 two-compartment sink and a basin for sanitizing the tableware and cooking utensils;

or

(iii) a mechanical dishwasher with a sanitizing cycle.

(B) The use of disposable plates and cups, and plastic utensils of food-grade, medium-weight which are disposed of after each use.

(r) Tables shall be cleaned before and after each meal, and floors shall be swept after each meal.

(s) If meals are delivered from an off-site location:

(1) Food provided from a central kitchen or vendor and delivered to the center shall be

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APR 29 2026

ATTORNEY GENERAL

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obtained from a source licensed or inspected by the Kansas department of agriculture or equivalent food safety licensing agency in another state.

(2) Food shall be transported in covered and temperature-controlled containers. Hot foods shall be maintained at not less than 140 degrees Fahrenheit, and cold foods shall be maintained at 40 degrees Fahrenheit or less.

(3) Food prepared in one licensed center and transferred to another licensed center owned by the same licensee shall be permitted.

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

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

(v) 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. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended P-

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K.A.R. 28-4-440. Programs serving 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) Cribs and playpens shall be located within the self-contained unit and be separated from the play area. If a barrier is used, it shall not impede supervision.
- (e) Safe sleep procedures shall be followed as specified in K.A.R. 28-4-436.
- (f) When children are awake, they shall not be left in cribs, playpens, or other confinement for more than 30 minutes.
- (g) An adult-size chair shall be provided for each unit of infants.
- (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.
- (i) Either individually labeled towels and washcloths or disposable products shall be provided.
- (j) Items that children can place in their mouths shall be washed and sanitized before being used by another child, if contaminated by saliva or other bodily fluids.
- (k) Each applicant with a temporary permit and each licensee shall ensure there is one toilet training device or child-sized toilet for every ~~five~~ six toddlers.
- (l) There shall be daily communication between the parent or legal guardian and the staff about each child's behavior and development. (Authorized by and implementing

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MAY 06 2026

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K.A.R. 28-4-440, page 2

K.S.A. 2025 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 Aug. 2, 2024; amended P-_____.)

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APR 30 2026

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K.A.R. 28-4-576. Definitions. For the purposes of K.A.R. 28-4-577 through K.A.R. 28-4-596, the following definitions shall apply:

(a) "Academic credit hour" means credit earned for coursework through an accredited postsecondary educational institution.

(b) ~~"Administrative order" means an order that is issued by the secretary as specified in K.S.A. 65-501 et seq., and amendments thereto, and that is subject to the Kansas administrative procedures act.~~

(c) ~~"Administrator" means the staff member who is responsible for the general and fiscal management of the program.~~

(d) "Adult responsible for a child ~~or youth~~" means any of the following adults ~~who is~~ other than the child's ~~or youth's~~ legal parent ~~and~~ who is responsible for the care and upbringing of the child ~~or youth~~:

- (1) A stepparent;
- (2) a grandparent;
- (3) another relative; or
- (4) a foster parent.

(e) ~~(c)~~ "Animal" means any living creature, other than a human being, that has the ability to move voluntarily, ~~and shall include mammals, rodents, fish, reptiles, insects, spiders, and birds including any mammal, rodent, fish, reptile, spider, insect, and bird.~~

(f) ~~"Annual renewal date" means the date assigned to each licensee for the submission of the documents required to renew the license and payment of the annual license fee.~~

(g) ~~(d)~~ "Applicant" means any person ~~who has submitted an initial application~~ a person

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APR 23 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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who has applied for a license to operate a child care facility school-age program but who has not received a temporary permit or license yet been granted a license to operate a child care 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 child care facility.

~~(h)~~ (f) "Available space for activities" means the indoor and outdoor space on the premises that is used by children and youth during the hours of operation in carrying out the program of activities. The following shall not be counted as available space for activities:

- (1) Kitchens;
- (2) rest rooms;
- (3) hallways and passageways;
- (4) storage areas;
- (5) offices;
- (6) teacher or employee lounges and workrooms; and
- (7) any other space not used by the children ~~or youth~~ for activities.

~~(i) "Basement" means an area with a floor level more than 30 inches below ground level on all four sides.~~

~~(j)~~ (g) "Building" means a structure used for shelter that has a roof and is enclosed by walls on all sides.

~~(k)~~ (h) "Child ~~or youth~~ with special health care needs" means a child ~~or youth~~ who requires or benefits from specialized programs, services, interventions, or technologies while attending the program, due to any of the following conditions or circumstances:

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

- (1) A developmental disability;
- (2) ~~mental retardation~~ intellectual disability;
- (3) mental illness;
- (4) an emotional or behavioral difficulty;
- (5) sensory or motor impairment; or
- (6) a chronic illness.

(4) (i) "Day reporting program" means a program that provides specialized services designed to enable juvenile offenders 10 years of age and older to remain offense-free while living in the community.

~~(m)~~ (j) "Department" means the Kansas department of health and environment.

~~(n)~~ "Drop-in program" means a child care facility as defined in K.A.R. 28-4-700(e).

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

(l) "Emergency safety intervention" means the use of seclusion or physical restraint, but does not include the use of time-out.

~~(o)~~ (m) "Group" means a limited number of children ~~or youth~~ assigned to a staff member or team of staff members.

~~(p)~~ (n) "High-risk sport or recreational activity" means a sport or recreational activity that poses a significant risk of injury to the participant. Safe participation in the activity shall require

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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specialized instruction and may require protective safety gear.

(e) (o) "Individualized program plan" and "IPP" mean a written, goal-oriented plan of specialized services for each child ~~or youth~~ with special needs or for each juvenile offender attending a day reporting program. Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that the IPP assigns responsibility for the delivery of the specialized services.

(r) ~~"Job-related experience" means experience approved by the secretary that includes teaching, working, and volunteering with school-age children and youth.~~

(s) (p) "Kindergarten-age child" means a child who is attending kindergarten or who has completed kindergarten and has not entered first grade.

(t) "License" means the document issued by the secretary that authorizes a person to ~~operate a school-age program.~~

(u) (q) "License capacity" means the maximum number of children ~~or youth, or both,~~ authorized by the temporary permit or license to attend the program at any one time.

(r) "Licensee" means a person who has been granted a license to operate a child care facility.

(v) ~~"Meal" means breakfast, lunch, or dinner.~~

(w) ~~"Mobile summer program" means a program that operates only during the summer months. Children and youth meet at a designated pick-up and drop-off site, and are transported daily to locations off the premises for program activities.~~

(x) ~~"Notice of survey findings" means a written record documenting the results of an~~

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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SECRETARY OF STATE**

~~inspection or investigation conducted by the secretary's designee to determine compliance with applicable statutes and regulations.~~

(s) "Out of school time program" or "program" has the same definition as school-age program as specified in K.S.A. 65-527, and amendments thereto.

(y) ~~"Operator" means a person who holds a temporary permit or license to conduct a school-age program.~~

(z) (t) "Outdoor summer camp program" means a program that operates only during the summer months and is conducted at an outdoor location for the duration of the program, but does not include any summer instructional camps as defined described in K.S.A. 65-501, and amendments thereto.

(aa) (u) "Premises" means the location, including the building or buildings and adjoining grounds, for which the operator applicant with a temporary permit or licensee has a temporary permit or license to conduct a school-age an out of school time program.

(bb) (v) "Professional development training" means training approved by the secretary that is related to working with school-age children and youth.

(cc) ~~"Program director" means the staff member who is approved by the secretary as meeting the qualifications specified in K.A.R. 28-4-587 and who is responsible for implementing and supervising the program of activities.~~

(dd) ~~"Program director designee" means the staff member whom the operator designates to conduct the program in the temporary absence of the program director for a period not to exceed two consecutive weeks, or at the beginning and end of any day that exceeds eight hours.~~

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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~~(ee)~~ (w) "Program of activities" means a comprehensive and coordinated plan of activities that meets the following criteria:

- (1) Promotes cognitive, emotional, social, and physical development;
- (2) supports the well-being of each child ~~or youth~~; and
- (3) protects the safety of each child ~~and youth~~ in attendance.

~~(ff)~~ "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of a state subdivision, for recreation programs that serve children and youth.

~~(gg)~~ (x) "Regularly volunteering" means working in a program on a recurring basis and without compensation. This term shall not apply to guest speakers and to persons who make one or more presentations on a specific subject.

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

~~(hh)~~ (z) "School-age child" and "child" ~~mean~~ means an individual who is of kindergarten age ~~through the academic year in which the child is in the sixth grade~~ but is less than 18 years of age, who is not a volunteer or employee, and who is attending the program. Each school-age child shall be included in the license capacity. Any reference to "child" in K.A.R. 28-4-576 through 28-4-596 shall have the same meaning as "school-age child" as defined in this regulation.

~~(ii)~~ "School-age program" and "program" ~~mean a child care facility that serves exclusively school-age children and youth, but shall not include a drop-in program as defined in~~

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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this regulation.

~~(jj)~~ “School age youth” and “youth” mean an individual who meets the following conditions:

~~(1)~~ Has completed sixth grade or is 12 years of age or older;

~~(2)~~ is less than 18 years of age;

~~(3)~~ is attending the program; and

~~(4)~~ is not a volunteer or employee. Each school age youth shall be included in the license capacity.

~~(kk)~~ (aa) “Secretary” means the secretary of the Kansas department of health and environment.

~~(ll)~~ (bb) “Secretary's designee” means the person designated by the secretary to assess compliance with program regulations.

(cc) “Single or multi-site coordinator” or “site coordinator” means the staff member who is approved by the secretary as meeting the qualifications specified in K.A.R. 28-4-587 and who is responsible for implementing and supervising the program of activities.

(dd) “Site leader” means the staff member who is on the premises during all hours of operation, oversees group leaders, and meets the qualifications specified in K.A.R. 28-4-587.

~~(mm)~~ (ee) “Snack” means supplemental food served between meals.

~~(nn)~~ “Specialized services” means additional services provided by the program to meet the special needs identified in the IPP for a specific child or youth.

~~(oo)~~ (ff) “Staff member” means both of the following:

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-576, page 8

(1) All personnel, including employees, substitutes, and volunteers, who provide administrative or direct services to children and youth; and

(2) auxiliary personnel, including cooks, drivers, office workers, and housekeeping staff, who provide indirect services.

(gg) "Supervision" means overseeing and guiding a child or children, knowing each child's location at all times when the child is in care, knowing the nature of each child's activities, and being in close proximity to each child to intervene when necessary.

(pp) ~~"Supervisory ratio" means the ratio consisting of the number of staff members required to provide direct services and supervision to a specified number of children or youth.~~

(qq) ~~"Temporary permit" means the document issued pursuant to K.S.A. 65-504, and amendments thereto, that authorizes a person to operate a school age program before receiving a license as required by K.S.A. 65-501, and amendments thereto.~~

(rr) ~~"Time-out area" means a designated, supervised space in the activity area that is used to separate a child or youth from the group for a limited period of time, to allow the child or youth to regain self-control.~~

(hh) "Tobacco product" means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or vape devices.

(ss) (ii) "Use zone" means the surface under and around a piece of equipment onto which

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 28-4-576, page 9

a child ~~or youth~~ falling from or exiting the equipment would be expected to land. (Authorized by
and implementing K.S.A. 2025 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 P-
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DEPT. OF ADMINISTRATION

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APR 29 2026

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APR 30 2026

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K.A.R. 28-4-577. Terms of temporary permit or license; exclusions. (a) License capacity
Temporary permit or license required. Each person desiring to operate an out of school time
program that meets one or more of the following criteria shall obtain a temporary permit or
license from the secretary to operate a child care facility as specified in K.S.A. 65-503, and
amendments thereto:

(1) Building-based programs. The license capacity of each building-based program shall
be determined by the combined indoor and outdoor available space for activities. For each child
or youth counted in the license capacity, each operator shall provide 35 square feet of indoor
available space for activities. If outdoor space is used, the license capacity may be increased by
one child or youth for each 75 square feet of outdoor available space for activities, with the total
license capacity not to exceed 175% of the license capacity based on the indoor space. The
program is designed to allow two or more school-age children under 16 years of age on an
enrolled basis to attend 12 hours a week or more for more than two consecutive weeks and is not
an instructional class or activity as specified in paragraph (c)(3).

(2) Outdoor summer camps. The license capacity of each outdoor summer camp shall be
determined by the available space for activities. For each child or youth counted in the license
capacity, the operator shall provide 75 square feet of available space for activities. The public
agency providing funding to the program requires the program to be licensed as a child care
facility.

(3) Mobile summer programs. The license capacity of each mobile summer program shall
be determined by the available space for activities at the drop-off and pick-up site. Each operator
shall provide 20 square feet of available space for activities at the site for each child and youth.

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APR 06 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

The program is a day reporting program for children 10 years of age or older.

(4) The program is a specialized treatment, therapeutic, correctional, or rehabilitative program for school-age children that attend 12 hours a week or more for more than two consecutive weeks.

~~(b) Posting temporary permit or license~~ Validity of temporary permit or license. ~~Each operator shall post each temporary permit or license in a conspicuous place on the premises that is visible to parents.~~

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

(2) When an initial or amended license becomes effective, all temporary permits, licenses, or certificates of registration previously issued to the applicant with a temporary permit or licensee at the same address shall become invalid.

~~(c) License capacity not to be exceeded~~ Exclusions. ~~Each operator shall limit the number of children and youth attending the program at any one time within the license capacity specified on the license. The following shall not be considered child care facilities:~~

(1) An "extraordinary school program," as defined in K.S.A. 72-3239, and amendments thereto, or a similar extended school day program that is conducted on the premises of an accredited non-public school, is attended only by pupils enrolled in the school in which the program is being conducted, and is staffed by certified elementary school teachers;

(2) a "summer program," as defined in K.S.A. 72-3238, and amendments thereto;

(3) an instructional class or activity in which a child is enrolled for the purpose of

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MAR 23 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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participating in only one specific subject or skill-building area, including religious instruction in a specific doctrine or tenet, an instructional summer camp, academic or remedial instruction, or a class, clinic, or league in non-academic activities;

(4) a program of activities that serves exclusively school-age children who are 12 years of age and older and that is not required to be licensed as specified in subsection (a);

(5) a program of activities that serves exclusively school-age children who are 14 years of age and older; and

(6) a program that is operated by a local unit of government or school district and that operates for no more than four consecutive hours per day or for no more than two consecutive weeks.

(d) Provisions for issuing license Terms of the license and capacity. No license shall be issued by the secretary until all the applicable provisions of the following have been met:

(1) K.S.A. 65-501 through K.S.A. 65-516, and amendments thereto; Building-based programs. The license capacity of each building-based program shall be determined by the indoor and outdoor available space for activities as specified in K.A.R. 28-4-585(a).

(2) K.S.A. 65-523 through K.S.A. 65-529, and amendments thereto; Outdoor summer program. The license capacity of each outdoor summer program shall be determined by the outdoor available space for activities as specified in K.A.R. 28-4-586(b)(1).

(3) K.S.A. 65-531, and amendments thereto; and License capacity not to be exceeded. Each applicant with a temporary permit and each licensee shall limit the number of children attending the program at any one time so that the license capacity specified on the license is not

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MAR 23 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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exceeded.

(4) ~~all applicable regulations~~ Ages of children in care. Each child in care shall be a school-age child.

(e) ~~Validity of temporary permit or license~~ Exclusive use of space. If activities that are not part of the out of school time program are conducted on the same premises as those for the out of school time program, each applicant with a temporary permit and each licensee shall designate space for exclusive use by the program during the hours of operation.

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

(2) ~~When an initial or amended license becomes effective, all temporary permits, licenses, or certificates of registration previously issued to the operator at the same address shall become invalid.~~

(f) ~~Withdrawal of application~~ Posting temporary permit or license. Any applicant or operator may, at any time, submit a request to withdraw the application for a license or a license renewal. If an application for license or license renewal is withdrawn, each temporary permit or license issued to the operator based on that application shall become invalid. 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 out of school time programs shall be readily available to all staff. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A 2025 Supp. 65-501, K.S.A. 2025 Supp. 65-508, and K.S.A. 65-504; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended, T-

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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K.A.R. 28-4-577, page 5

28-3-19-04, March 19, 2004; amended Sept. 10, 2004; amended P-_____.)

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-578. Licensure Applicant requirements; amended license application

procedures; exceptions licensure; notification; renewal; amended license; exceptions. Each person shall have a temporary permit or license to operate a school-age an out of school time program before children ~~or youth~~ are in attendance.

(a) ~~Temporary permit or license required~~ Applicant requirements. Each person desiring to operate a school-age program that meets one or more of the following criteria shall obtain a temporary permit or license from the secretary to operate a child care facility as specified in K.S.A. 65-503, and amendments thereto:

(1) ~~The program is designed to allow two or more school-age children on a drop-in or enrolled basis to attend 12 hours a week or more for more than two consecutive weeks, and is not an instructional class or activity as specified in paragraph (b)(3) of this regulation~~ Each individual submitting an application for a license shall be 18 years of age or older at the time of the application.

(2) ~~The public agency providing funding to the program requires the program to be licensed as a child care facility~~ Each corporation applying for a license shall be in good standing with the Kansas secretary of state.

(3) ~~The program is a day reporting program for children 10 years of age or older and youth.~~

(4) ~~The program is a specialized treatment, therapeutic, correctional, or rehabilitative program for school-age children or youth that children or youth attend 12 hours a week or more for more than two consecutive weeks.~~

(b) ~~Exclusions~~ Multiple licenses. The following shall not be considered child care

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APR 06 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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facilities: No licensee shall provide or hold concurrent licenses for more than one type of child care or child and adult care on the same premises.

(1) An "extraordinary school program," as defined in K.S.A. 72-8238, and amendments thereto, or a similar extended school day program that is conducted on the premises of an accredited non-public school, is attended only by pupils enrolled in the school in which the program is being conducted, and is staffed by certified elementary school teachers;

(2) a "summer program," as defined in K.S.A. 72-8237, and amendments thereto;

(3) an instructional class or activity in which a child or youth is enrolled for the purpose of participating in only one specific subject or skill building area, including religious instruction in a specific doctrine or tenet, academic or remedial instruction, a basketball clinic, a baseball league, dance or drama class, or a class in martial arts;

(4) a program of activities that serves exclusively school age youth and that is not required to be licensed as specified in subsection (a) of this regulation;

(5) a program of activities that serves exclusively youth who are 16 years of age and older; and

(6) a program that is operated by a local unit of government or school district and that operates for no more than four consecutive hours per day or for no more than two consecutive weeks.

(c) New temporary permit or license required Multiple child care facilities. Each operator 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: Each applicant with a

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DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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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.

- (1) ~~Before a program 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.~~
- (d) ~~Amended temporary permit or license~~ Application procedures.

(1) ~~Each operator who intends to change the terms of the temporary permit or license, including the license capacity or the age of children and youth served, shall submit an application for an amended temporary permit or license on a form supplied by the department, and a non-refundable \$35 amendment fee. An amendment fee shall not be required if the request to change the terms of license is made at the time of the annual review of the program. Each person seeking to operate an out of school time program shall submit a complete application on forms supplied by the department. The planned opening date of the program shall not be less than 90 calendar days after the submission of the complete application. The application shall include a description of the program of activities and services to be offered, including the following:~~

- (A) A statement of the program's purpose and goals;
- (B) the number and ages of children for whom the program is designed; and
- (C) the anticipated opening date and the projected hours and months of operation.

(2) ~~The operator shall not consider the amendment granted until the amended temporary permit or license is issued by the secretary. If new construction or remodeling is planned, the~~

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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SECRETARY OF STATE

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K.A.R. 28-4-578, page 4

applicant shall submit a building and site plan to the secretary at least 45 calendar days before the construction or remodeling is scheduled to begin. Each building and site plan shall include all of the information listed in paragraph (d)(3). Each applicant shall obtain approval of the plan from the secretary before beginning construction or remodeling. If changes are made to the building or site plan following the secretary's approval, the applicant shall submit a description of the proposed changes to the secretary for approval before construction or remodeling begins.

(3) If an existing building is to be used, the applicant shall submit a detailed floor plan describing all of the following:

(A) The intended use of the space;

(B) the location of each activity area within the building;

(C) the measurements for each room used by children for activities;

(D) the location of each rest room designated for use, including the number of toilets, urinals, and hand sinks; and

(E) the location of entrances and exits.

(4) If outdoor activities are conducted on the premises, the applicant shall include a diagram of the outside activity area for approval by the secretary. The diagram shall include the following:

(A) Measurements of the space to be used;

(B) the location relative to the building;

(C) the means of access to the area from the building; and

(D) the location of any hazards adjacent to the outside activity area, including heavily

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MAR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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traveled streets, railroad tracks, and bodies of water.

(5) If the premises to be used is a public school, accredited non-public school, or public recreation center, each applicant is exempt from paragraphs (d)(2) through (d)(4) and shall submit the following:

(A) A floor plan describing the intended use of space and the measurements for each room used by children for activities;

(B) if outdoor activities are conducted on the premises, a diagram of the outside activity area describing the measurements of the space to be used; and

(C) a list of any programs, activities, or other groups that may be using part of the building during the program's hours of operation.

(6) Each applicant for a license to conduct an outdoor summer program shall submit documentation of site approval as specified in K.A.R. 28-4-586.

(e) Exceptions 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) Any operator may submit a written request for an exception to a school-age program regulation on a form supplied by the department. K.S.A. 65-501 through K.S.A. 65-516, and amendments thereto;

(2) An exception may be granted if the secretary determines that the exception is in the best interest of a child's or youth's health, safety, or well-being, serves the needs of the child's or youth's family, and does not violate statutory requirements. K.S.A. 65-523 through K.S.A. 65-

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MAR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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K.A.R. 28-4-578, page 6

529, and amendments thereto;

~~(3) If an exception is granted, each operator shall receive written notice of the approval of the exception and its duration. The approval shall be posted with the temporary permit or license. The exception shall not be considered granted until written approval is given by the secretary.~~

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

(4) all applicable regulations.

~~(f) Notification requirements~~ New temporary permit or license required. Each applicant or operator shall notify the secretary in writing before withdrawing the application, closing the program, or changing any of the following Each applicant with a temporary permit and each licensee shall submit a new application and the required forms, and shall obtain a new temporary permit or license from the secretary, as follows:

~~(1) High-risk sports or recreational activities offered by the program~~ Before a program that has been closed is reopened;

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

~~(3) the physical structure of the program site due to new construction or substantial remodeling that affects the license capacity; or~~ if there is a change of ownership of the program.

~~(4) the use of any part of the premises that affects the license capacity.~~

~~(g) Annual renewal~~ Notification requirements. Each applicant, applicant with a temporary permit, and licensee shall notify the secretary in writing before withdrawing the application or closing the program.

~~(1) Before the annual renewal date, each licensee wishing to renew the license shall~~

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MAR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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submit the annual nonrefundable license fee and shall complete and submit the following to the secretary on forms supplied by the department:

- (A) An application to renew the license;
- (B) the program director's annual report; and
- (C) a request to conduct a criminal history and child abuse registry background check.

(2) Failure to submit the annual renewal documents and fee as required by paragraph (g)(1) of this regulation shall result in an assessment of a \$10.00 late renewal fee payable to the secretary and may result in suspension of the license. Each late renewal fee assessed shall be paid upon request.

(h) Annual renewal.

(1) Before the annual renewal date, each licensee desiring to renew the license 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 for the renewal of a license may result in closure of the facility.

(i) Amended license.

(1) Each applicant with a temporary permit and each licensee who intends to change the terms of the license, including the license capacity or the age of children served, shall submit an application for an amended license on a form supplied by the department.

(2) The applicant with a temporary permit or licensee shall not consider the amendment granted until the amended license is issued by the secretary.

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Proposed

K.A.R. 28-4-578, page 8

(j) Exceptions.

(1) Any applicant with a temporary permit or licensee may submit a written request for an exception to an out of school time program 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's health, safety, or well-being, serves the needs of the child's family, and does not violate statutory requirements.

(3) If an exception is granted, each applicant with a temporary permit and each licensee shall receive written notice of the approval of the exception and the exception's duration. The approval shall be posted with the temporary permit or license. The exception shall not be considered granted until written approval is given by the secretary. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-501, K.S.A. 65-504, 65-505, K.S.A. 2025 Supp. 65-508, and K.S.A. 2025 Supp. 65-516; 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-_____.)

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-579. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; revoked P-

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-580. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp.

65-505 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; revoked P-

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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K.A.R. 28-4-581. (Authorized by K.S.A. 2001 Supp. 65-508 and 65-513; implementing K.S.A. 2001 Supp. 65-504, 65-508, and 65-512; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; revoked P-_____.)

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-582. Administration; training; recordkeeping. (a) ~~Building compliance. Before receiving a temporary permit or license, each applicant shall obtain documentation that the building complies with applicable building codes, fire safety requirements, and zoning codes. This 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.~~

(b) ~~Financial resources. Each operator shall have the financial resources necessary to maintain the program in compliance with licensing regulations.~~

(e) ~~Lines of authority. Each operator applicant with a temporary permit and each licensee shall define in writing the lines of authority governing the operation of the program a delegation of administrative authority designating the person in charge in the facility for all hours of operation.~~

(d) ~~Delegation of authority. Each operator shall delegate administrative authority so that each program has a program director or a program director designee in charge during all hours of operation.~~

(e) (b) Staff records. Each applicant with a temporary permit and each licensee shall have the following information on file on the premises or at a designated central office location that is accessible for review by the secretary's designee:

(1) A record of education and experience;

(2) a record of training; and

(3) a health status form.

(c) Children and youth records.

(1) Each operator applicant with a temporary permit and each licensee shall obtain the

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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following information for each child and shall ensure the records for each child specified in (c)(1)(A) through (c)(1)(D) are immediately available in case of emergency or youth before or on the first day of attending the program:

(A) ~~The first and last name, date of birth, and gender~~ The first and last name and date of birth, obtained on or before the first day of attending the program;

(B) ~~a health history as specified in K.A.R. 28-4-590(d);~~ the name, address, and telephone number of each parent or other adult responsible for the child, the names of any other persons authorized to pick up the child, and emergency contact information, obtained on or before the first day of attending the program;

(C) ~~the anticipated schedule of hours and days of attendance or a notation that attendance is on a drop-in basis; and~~ any known allergies and any medical conditions that may affect the child while in attendance, obtained on or before the first day of attending the program;

(D) ~~the name, address, and telephone number of each parent or other adult responsible for the child or youth, the names of any other persons authorized to pick up the child or youth, and emergency contact information~~ written authorization for emergency medical care, signed by the parent or legal guardian of each child, obtained on or before the first day of attendance; and

(E) any written permission required to be signed by the child's parent or adult responsible for the child, including before participating in swimming and wading activities, each high-risk sports and recreational activity the child is participating in, transportation provided by the program, and off-premises activities.

(2) ~~Each operator shall obtain written authorization for emergency medical care, signed~~

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MAR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
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~~by the parent or legal guardian of each child or youth, before attending the program or within the first week of attendance.~~

~~(3) Except as specified in paragraph (4) of this subsection, each operator shall obtain written permission signed by the parent or other adult responsible for the child or youth before participating in the activity that will allow each child or youth to participate in the following activities, as applicable:~~

~~(A) Swimming and water activities;~~

~~(B) high risk sports and recreational activities, as specified in K.A.R. 28-4-588;~~

~~(C) transportation provided by the program; and~~

~~(D) off premises activities.~~

~~(4) If an operator applicant with a temporary permit or licensee is unable to obtain written information and records required for the child's or youth's participation in the program, the operator applicant with a temporary permit or licensee shall document that a reasonable effort has been made to obtain the necessary information and records. The operator applicant with a temporary permit or licensee shall develop and implement a plan, approved by the secretary, that provides the following information: to obtain the necessary information and records. This paragraph does not apply to written permission for medication administration or participation in high-risk sports and recreational activities.~~

~~(A) Reasonable assurance that medical treatment can be obtained for each child or youth in case of emergency;~~

~~(B) reasonable assurance that each child or youth has permission to participate in the~~

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MAR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

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K.A.R. 28-4-582, page 4

program of activities as specified in paragraph (e)(3) of this regulation; and

~~(C) reasonable assurance that each child or youth has current immunizations and has no allergies or other health conditions that would interfere with participation in program activities.~~

~~(5) Each health history and parental or other adult permission, as specified in this subsection, shall be recorded on forms provided by the department or approved by the secretary.~~

~~(6) (3) Each child's or youth's record shall be confidential. Each operator shall have a written confidentiality policy, which shall be shared with each staff member and each parent or other adult responsible for the child or youth and which shall be followed. Nothing in this regulation shall limit access to confidential records by the secretary, the secretary's designee, the secretary of social and rehabilitation services, or law enforcement personnel.~~

~~(f) Staff records. Each operator shall have the following information on file on the premises or at a designated central office location that is accessible for review by the secretary's designee:~~

~~(1) If applicable, documentation of the required health information as specified in K.A.R. 28-4-590, and the date of participation in program orientation for each staff member as specified in K.A.R. 28-4-587;~~

~~(2) a copy of the identifying information submitted to the secretary for the completion of the criminal history and child abuse registry background check as specified in K.A.R. 28-4-584;~~

~~(3) a copy of current certification for first aid and certification for CPR as specified in K.A.R. 28-4-592; and~~

~~(4) if applicable, a copy of the program director's approval letter and documentation of~~

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MAR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

professional development training for each director as specified in K.A.R. 28-4-587.

(g) (d) Attendance of children and youth.

(1) Each operator applicant with a temporary permit and each licensee shall maintain a daily attendance record that shall include each child's ~~or youth's~~ name, daily arrival time, and daily departure time. ~~This record may be completed by a staff member or by each child or youth when arriving at or departing the premises.~~ Each attendance record shall be kept on file ~~for one year~~ on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(2) No operator applicant with a temporary permit or licensee shall allow any child ~~or youth~~ to attend the program for more than 16 hours in a 24-hour period, unless the program of activities includes overnight activities. The operator applicant with a temporary permit or licensee shall ensure that children and youth do not attend more than two consecutive weeks of overnight activities.

(h) (e) Each operator applicant with a temporary permit and each licensee shall make the records and reports of the child ~~or youth~~ available to the parent or other adult responsible for the child ~~or youth~~, ~~on upon~~ request. (Authorized by K.S.A. 2001 2025 Supp. 65-508; implementing K.S.A. 2001 ~~Supp.~~ 65-507 and K.S.A. 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-_____.)

APPROVED

APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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K.A.R. 28-4-583. Access to the premises; safety of off-premises activities. (a) Access to the premises. Each ~~operator~~ applicant with a temporary permit and each licensee shall give each custodial parent or other adult responsible for a child ~~or youth~~ attending the program immediate access to the premises during all hours of operation.

(b) ~~Arrivals and departures. Each operator of a program in which children and youth attend on a regular basis shall meet the following requirements:~~

~~(1) Each operator shall develop and implement a policy regarding the hours of operation, the times for arrival and departure of each child and youth, and supervision during arrival and departure. The operator shall define in the policy the supervisory and notification responsibilities of each staff member if a child or youth does not arrive at the established time or if a parent or other authorized individual is late picking up the child or youth.~~

~~(2) Each operator shall inform each parent or other adult responsible for a child or youth of the policy specified in paragraph (b)(1) and shall ensure that each staff member complies with the policy.~~

(e) Program-sponsored off-premises activities.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall obtain prior written permission, as specified in K.A.R. 28-4-582, for each child ~~or youth~~ to go off the premises for program-sponsored activities.

(2) ~~Each off-premises location and activity shall be related directly to the program of activities and the goals and purpose of the program. Each location shall be used with strict regard for the health and safety of each child or youth, shall be age appropriate, and shall have sufficient space and equipment for the activities being conducted at that location.~~

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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(3) Each ~~operator~~ applicant with a temporary permit and each licensee shall maintain on the premises a record of the following information:

(A) Each destination;

(B) the time at which the children ~~or youth~~ leave the premises;

(C) the name of each adult supervising the children ~~or youth~~ while the children ~~or youth~~ are off the premises;

(D) a telephone number for reaching an adult supervising the children ~~or youth~~, in case of emergency; and

(E) the estimated time of return.

(4) (3) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that a method is in place for notifying each parent or other adult responsible for the child ~~or youth~~ before each off-premises activity occurs. ~~These methods for notification may consist of any of the following:~~

(A) ~~Posting the notification in a place accessible to the parent or other adult responsible for each child or youth;~~

(B) ~~providing a calendar of scheduled off premises activities to the parent or other adult responsible for each child or youth; or~~

(C) ~~providing a written notification to the parent or other adult responsible for each child or youth before each off-premises activity.~~

(5) (4) Each ~~operator~~ applicant with a temporary permit, each licensee, and each staff member shall have a method of accounting for each child ~~or youth~~ while off the premises to

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MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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K.A.R. 28-4-583, page 3

ensure that no child ~~or youth~~ is forgotten or left behind. (Authorized by and implementing
K.S.A. 2025 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 P-

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APPROVED

MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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SECRETARY OF STATE**

K.A.R. 28-4-584. Background checks. Each applicant, ~~and each operator~~ each applicant with a temporary permit, and each licensee shall meet the following requirements:

(a) Submit to the department the identifying information necessary to complete background checks for each individual at least 14 years of age who works or regularly volunteers in the program and any other individual in the program whose activities involve either supervised or unsupervised access to children. The identifying information shall be submitted as follows:

- (1) When submitting an application for a license;
- (2) when submitting an application to renew a license; and
- (3) before allowing any individual to work or regularly volunteer in the program and before allowing any individual whose activities involve either supervised or unsupervised access to children to be in the program;

(b) ensure that fingerprint-based background checks are completed for each of the following individuals:

- (1) The applicant;
- (2) the ~~operator~~ applicant with a temporary permit;
- (3) ~~each program director~~ the licensee;
- (4) ~~each program director designee~~ site coordinator;
- (5) each staff member;
- (6) each volunteer ~~counted in the supervisory ratio~~ providing supervision to children; and
- (7) any other individual regularly in the program whose activities involve unsupervised access to children;

(c) ensure that the information submitted for each individual specified in subsection (b)

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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includes the required information for background checks from each state of residence throughout the five-year period before allowing the individual to work or regularly volunteer in the program;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following individuals:

(1) Each volunteer who is not ~~counted in the supervisory ratio~~ providing supervision to children and who does not have unsupervised access to children;

(2) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student is not ~~counted in the supervisory ratio~~ providing supervision to children and does not have unsupervised access to children; and

(3) any other individual regularly in the program whose activities do not involve unsupervised access to children; and

(e) ensure that no individual works or regularly volunteers in the program until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto. (Authorized by K.S.A. ~~2017~~ 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 ~~2017~~ Supp. 65-516; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended June 7, 2018; amended P-_____.)

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 28-4-585. Building and outdoor premises Building-based programs. (a) Each applicant with a temporary permit and each licensee conducting a building-based program shall ensure each child has at least 35 square feet of available indoor space for each child for the program of activities. If outdoor space is used, the license capacity may be increased by one child for each 75 square feet of outdoor available space for activities, with the total license capacity not to exceed 175% of the license capacity based on indoor space.

(b) Safety and maintenance of each building.

(1) Each operator applicant with a temporary permit and each licensee 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 applicant with a temporary permit and each licensee 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 not exceeding 120 degrees Fahrenheit 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) Each applicant with a temporary permit and each licensee shall ensure the following requirements for toilets and restrooms are met:

(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 a restroom.

(B) Each operator shall Designate the rest rooms restrooms to be used by the program. A

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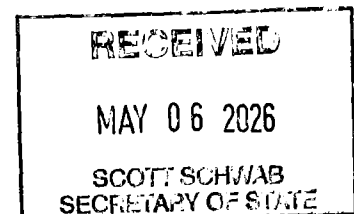
APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL



~~separate rest room shall be provided for each gender unless the rest room is designated for single occupancy.~~

(C) Each ~~rest room~~ restroom shall be located to allow for the following:

(i) Supervision of children ~~and youth~~;

(ii) immediate access to the ~~rest room~~ restroom facilities by children, ~~youth~~, and adults;

and

(iii) privacy while using the toilet.

(D) If the ~~rest rooms~~ restrooms are also used by non-program participants during the hours of operation of the program, the ~~operator~~ applicant with a temporary permit or licensee shall develop and implement policies for ~~rest room~~ restroom 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~~ restroom.

(4) Each ~~operator~~ applicant with a temporary permit and each licensee 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 smooth and not slippery or cracked,~~ free from cracks that cause a

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DEPT. OF ADMINISTRATION

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APR 29 2026

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tripping hazard, clean, and in good condition.

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

~~(A) Each operator shall safely store~~ All 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~~ and chemicals, including pesticides and poisons, shall be in locked storage, except that soaps, hand sanitizers, and disinfectant solutions used daily to disinfect surfaces may be kept in unlocked storage.

(B) Products containing alcohol shall be in locked storage.

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

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

(7) Weapons and high-risk equipment. Firearms, ammunition, hunting knives, and other weapons or high-risk equipment shall be stored in a locked room, closet, container, or cabinet

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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MAY 06 2026

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and shall be inaccessible to children. Archery equipment and air powered guns, including BB guns, shall be stored in a locked room, closet, container, or cabinet unless both of the following conditions are met:

(A) The archery equipment and air powered guns are used as part of an instructional activity that meets the requirements for high-risk sports and recreational activities as specified in K.A.R. 28-4-588(e).

(B) The archery equipment and air powered guns are kept in locked storage when not in use, and no child has unsupervised access to the archery equipment and air powered guns.

(b) (c) Public and accredited non-public school buildings and public recreation center buildings.

(1) Inside premises. If a the program is located in a public or accredited non-public school building or a public recreation center building, the ~~operator~~ applicant with a temporary permit or licensee 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. Each program located in a public or accredited non-public school building or a public recreation center building is exempt from subsection (b), except for paragraphs (b)(3)(D), (b)(6), and (b)(7).

(2) Outside premises.

(A) Each existing outside playground or activity area and equipment acceptable for use by ~~students~~ children of the same age during ~~the academic day~~ non-program hours 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~~

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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~~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~~ applicant with a temporary permit or licensee 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).~~

~~(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~~ that open 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) local health department or by the department.~~

~~(e) Outside premises of public recreation centers and of other programs, including~~

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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~~outdoor summer camps programs~~ that are not conducted in public schools or accredited non-public schools or public recreation centers.

(1) General requirements.

(A) Each operator applicant with a temporary permit and each licensee 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 of children 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 applicant with a temporary permit and each licensee 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 applicant with a temporary permit and each licensee 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.

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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(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~~ material intended for playground use, including shredded bark mulch, wood chips, fine sand, fine gravel, shredded rubber, unitary surfacing material, or synthetic impact material. Before any equipment over 11 feet in height is used, the ~~operator~~ applicant with a temporary permit or licensee 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.~~

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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(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	9 inches
10 feet		12 inches
10 feet or less	shredded rubber	6 inches

(3) Protection from environmental hazards. Each operator applicant with a temporary permit and each licensee 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.

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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(B) Each outdoor activity area shall have a ~~fence, partial fence, or other barrier, including a hedge, a fence, or a partial fence,~~ 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;_a

(ii) railroad tracks;_a 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. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 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; amended P-
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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

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APR 30 2026

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K.A.R. 28-4-586. Outdoor summer camps and mobile summer programs. (a) ~~(1)~~ Each operator applicant with a temporary permit and each licensee conducting an outdoor summer camp or mobile summer program shall meet is exempt from the requirements specified in this regulation and the requirements in K.A.R. 28-4-577 through K.A.R. 28-4-584, K.A.R. 28-4-587 through K.A.R. 28-4-590, and K.A.R. 28-4-592 K.A.R. 28-4-585, except for the requirements specified in paragraphs (b)(3)(D), (b)(6), and (b)(7).

~~(2) Each operator shall meet the following requirements if the secretary determines that they are applicable to the program and services:~~

~~(A) K.A.R. 28-4-576;~~

~~(B) K.A.R. 28-4-585;~~

~~(C) K.A.R. 28-4-591; and~~

~~(D) K.A.R. 28-4-593 through K.A.R. 28-4-596.~~

~~(b) Outdoor summer camps.~~

~~(1) Premises.~~

(A) (1) Each outdoor summer camp program shall be held in a city or county park or park-like setting that has at least 75 square feet of available space for each child or youth for the program of activities. Each operator applicant with a temporary permit and each licensee shall use the premises according to its intended purpose, with strict regard for the health, safety, and well-being of each child or youth who attends the outdoor summer camp program. No child or youth shall be exposed to environmental hazards, including asbestos, lead paint, and pesticides. A daily safety assessment of the premises shall be conducted to ensure that the premises are maintained to protect the health, safety, and well-being of each child.

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DEPT. OF ADMINISTRATION

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APR 29 2026

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~~(B) (2)~~ If a lake, pond, river, or other large body of water is located within 100 yards of the premises, each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that the water hazard is physically separated from the activity area to prevent access by each child or youth, ~~or and shall submit to the secretary a plan for protecting~~ have a plan on file to prevent each child and youth from unsupervised access. ~~The plan, which shall be approved by the secretary before the premises are used for an outdoor summer camp, shall include the following:~~

- ~~(i) A description of any natural barriers separating the activity area from the water;~~
- ~~(ii) the approximate distance from the activity area to the water; and~~
- ~~(iii) a plan for increased supervision.~~

~~(C) (3)~~ Each outdoor summer ~~camp~~ program shall have access to the following:

~~(i) (A)~~ A shelter ~~or permanent building~~ for protection from inclement weather ~~and for dining purposes, as needed,~~ that is large enough to accommodate the number of children and youth in attendance and for each child ~~and youth~~ to be comfortably sheltered without being crowded; and

~~(ii) (B)~~ ~~rest room~~ restroom and hand-washing facilities as ~~specified in K.A.R. 28-4-585.~~

~~(D)~~ Rest room facilities shall be located in visual proximity to each program activity area.

~~(E) (4)~~ Each shelter structure shall be in sound condition and good repair and shall be free from accumulated dirt and trash.

~~(F)~~ If a building is used, the operator shall ensure that the building meets the requirements specified in K.A.R. 28-4-585. ~~A shelter house that has a roof and is enclosed by walls on all sides shall be considered a building and shall be included in determining the license~~

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MAR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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K.A.R. 28-4-586, page 3

capacity based on 35 square feet of available space for each child or youth.

(G) Each outdoor summer camp shall have facilities for sanitary dish washing available as specified in K.A.R. 28-4-591. If hot water is not available to the sink or if the dish washing facilities do not meet the requirements specified in K.A.R. 28-4-591, each operator shall obtain approval from the secretary's designee for the use of alternate methods for sanitary dish washing.

(H) Each operator of an outdoor summer camp shall conduct a daily safety assessment of the premises to ensure that the premises are maintained to protect the health, safety, and well-being of each child and youth.

(2) Policies. Each operator of an outdoor summer camp shall develop and implement policies for the following:

(A) The protection and shelter of children and youth in case of inclement weather; and

(B) the use and maintenance of the shelter and rest room facilities, including policies for use and maintenance if the shelter and rest room facilities are owned and operated by another entity.

(3) Transportation. If the operator transports children and youth to and from the outdoor summer camp premises to a designated pick-up and drop-off location, the operator shall meet the requirements specified in K.A.R. 28-4-583, K.A.R. 28-4-593, and paragraphs (e)(4) and (5) of this regulation.

(e) Mobile summer programs.

(1) Each license for a mobile summer program shall be issued for the address of the designated drop-off and pick-up site. Each operator shall submit a new application for each

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MAR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-586, page 4

~~change of location in the drop-off and pick-up site, and for any change in the license capacity.~~

~~(2) Each drop-off and pick-up site shall contain a shelter or a permanent building that provides adequate protection from inclement weather for each child or youth.~~

~~(3) Each operator shall ensure that no child or youth waits at the drop-off or pick-up site for more than one hour at the beginning of the program day or for more than one and one-half hours at the end of the program day.~~

~~(4) Each operator shall ensure that children or youth do not board the transporting vehicle until immediately before it is time to leave.~~

~~(5) Each operator of a mobile summer program shall ensure that the program has exclusive use of the licensed area during the entire time that children or youth involved in the program are present.~~

~~(6) Each operator of a mobile summer program shall meet the transportation requirements specified in K.A.R. 28-4-593 and the requirements for off-premises activities specified in K.A.R. 28-4-583.~~

~~(d) Staff records. Any operator of an outdoor summer camp or a mobile summer program may keep the staff records specified in K.A.R. 28-4-582 at a designated central office location. Each operator shall make these records available to the secretary or the secretary's designee upon request. Each operator shall keep health records and contact information for emergency notification immediately available in case of emergency.~~

~~(e) Children and youth records. Any operator may keep children and youth records as specified in K.A.R. 28-4-582 on file at a designated central office location. Each operator shall~~

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MAR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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SECRETARY OF STATE

Proposed

K.A.R. 28-4-586, page 5

~~make these records available to the secretary or the secretary's designee upon request. Each~~
~~operator shall ensure that the following records for each child or youth are immediately available~~
~~in case of emergency:~~

~~(1) Health history;~~

~~(2) authorization for emergency medical care; and~~

~~(3) emergency contact information. (Authorized by and implementing K.S.A. 2001 2025~~

~~Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-~~

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MAR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-587. Staff member qualifications; professional development training; staffing requirements. (a) Staff qualifications. Each ~~operator~~ applicant with a temporary permit, each licensee, and each staff member shall demonstrate an understanding of children and youth and shall act with reasonable care and judgment.

(b) ~~Program director~~ Single or multi-site coordinator.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall hire a ~~program director~~ single or multi-site coordinator who meets the following qualifications:

(A) Is at least 18 years of age and is at least three years older than the oldest youth child in the program;

(B) demonstrates the following:

(i) Knowledge of child and youth development;

(ii) knowledge of the licensing regulations governing school-age out of school time 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 out of school time 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~~ single or multi-site coordinator shall meet one of the following qualifications, ~~based on~~

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-587, page 2

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 12 credit hours from a regionally accredited college or university 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 academic credit hours; or

(iii) has six months of job-related experience providing care and supervision to children;

or

(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) has 12 months of job-related experience; or

(iv) has a combination of 30 six academic credit hours from a regionally accredited college or university and six three months of job-related experience providing care and supervision to children; 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

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MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-587, page 3

~~comply with one of the following:~~ The single or multi-site coordinator may also be the site leader.

~~(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~~ Site leader.

~~(1) Each operator of a program that has a license capacity of 91 or more children or youth shall employ an administrator applicant with a temporary permit and each licensee may hire a~~ site leader who meets the following qualifications:

~~(1) Is not the program director or a group leader;~~

~~(2) (A) Is at least 18 years of age and is at least three years older than the oldest child in~~ care;

~~(3) (B) holds either a high school diploma or a GED credential; and~~

~~(4) (C) possesses administrative ability, knowledge of the licensing regulations governing school age programs, and the skill to supervise the business operation of the program. possesses~~ the same requirements as a group leader specified in paragraph (d)(2); and

~~(D) has three months of experience providing care and supervision to children.~~

~~(2) A site leader must be on premises during all hours of operation. If there is no site~~

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MAR 24 2026

APR 29 2026

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

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MAY 06 2026

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SECRETARY OF STATE

leader on staff, the single or multi-site coordinator must be on premises during all hours of operation.

(3) The site leader may also be a group leader.

(d) Group leader.

(4) Each individual designated as group leader shall meet the following qualifications:

(A) (1) Is at least 18 years of age and is at least three years older than the oldest youth child in the group; and

~~(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~~ possesses the following:

(A) Knowledge of child and youth development;

(B) knowledge of the licensing regulations governing ~~school-age~~ out of school time 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:~~

~~(A) (G) Provide~~ the ability to provide supervision and direction to the children and youth assigned to the group;

~~(B) (H) the ability to supervise group activities during all hours children and youth are~~

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MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
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K.A.R. 28-4-587, page 5

present; and

~~(C)~~ (I) the ability to provide supervision guidance and direction to an assistant group leader.

(3) If applicable, each group leader shall be under the guidance and direction of a site 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~~ child 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~~ applicant with a temporary permit and each licensee 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

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MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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Proposed

K.A.R. 28-4-587, page 6

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 child in the group.

(2) ~~No~~ Each volunteer shall ~~be counted in the supervisory ratio unless the volunteer meets providing supervision shall meet~~ all the requirements of a group leader or assistant group leader and is shall be designated as a group leader or assistant group leader by the ~~program director~~ site coordinator.

(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~~ applicant with a temporary permit and each licensee shall provide orientation training to each ~~program director~~ site coordinator 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~~ site coordinator or staff member works with children ~~or youth~~. Each staff member shall complete the training before being given

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MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-587, page 7

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~~ out of school time 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 health care needs and known

allergies; and

- (F) confidentiality;

(2) Health and safety training. Each applicant with a temporary permit and each licensee shall provide health and safety training to each site coordinator and each staff member who is providing supervision to children. The training shall be provided before or within the first seven calendar days the site coordinator or staff member works with children. Each staff member shall complete the training before being given sole responsibility for the care and supervision of children. The training shall be related to work duties and responsibilities and shall include the following subject areas:

~~(G)~~ (A) Recognizing the signs of child abuse or neglect, knowledge on 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)~~ (B) prevention of and response to emergencies due to food and allergic reactions;

~~(I)~~ (C) prevention and control of infectious diseases, including immunizations;

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MAR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-587, page 8

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

~~(K)~~ (E) emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event, including violence at a ~~premise~~ premises or a lock down;

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

~~(M)~~ (G) precautions when transporting children and youth, if transportation is provided;

(H) basic child development, including:

(i) Supervision of children;

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

(iii) approaches to learning;

(I) medication administration training, as specified in K.A.R. 28-4-590; and

(J) methods of de-escalation.

~~(2)~~ (3) 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~~ site coordinator and each staff member providing supervision to children shall complete ~~professional development training as follows:~~ health and safety training, which shall not total less than four clock-hours in duration.

~~(i) For each licensure year ending during the 2017 calendar year, 15 clock hours;~~

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

~~(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.~~

(i) First aid and cardiopulmonary resuscitation (CPR). Each applicant with a temporary permit, each licensee, and each staff member providing supervision to children shall obtain a first aid certification and a CPR certification.

(1) Each staff member providing supervision to children 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.

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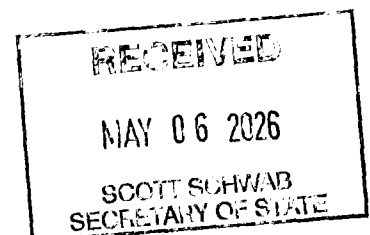
APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL



(2) 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.

(3) Each applicant with a temporary permit and each licensee shall ensure that, for each group of children, there is at least one staff member providing supervision to children present at all times who has a current certification in first aid and a current certification in CPR appropriate to the age of children attending the program.

(j) Staffing requirements.

(1) Staff coverage. Each operator applicant with a temporary permit and each licensee shall:

(A) 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.

(B) ensure that the program has at least one qualified site leader or group leader for each 36 children attending the program, except as specified in K.A.R. 28-4-596; and

(C) ensure that the program has at least one qualified site leader, group leader, or assistant group leader for each 18 children attending the program.

(2) Supervision. Each staff member working with children shall provide supervision to protect the health, safety, and welfare and reduce the risk of injury, illness, or abuse for each child.

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

(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 of one staff member for each 15 children and youth is not exceeded.~~

(C) ~~Each staff member counted in the supervisory ratio~~ Only qualified staff members shall be assigned responsibility for the supervision of children and youth. Staff members providing supervision and shall meet the following requirements:

- (i) Meet the applicable qualifications for a group leader or assistant group leader; and
- (ii) be physically present and actively engaged with the children ~~or youth~~.

(B) Each staff member providing supervision shall know the location of each child in their assigned group at all times.

(C) Each child shall be observed for common signs of infectious disease, physical injury, illness, maltreatment, and child abuse or neglect by a staff member providing supervision to children upon arrival to the facility.

(D) Any group leader or assistant group leader may exercise discretion to permit a child to walk unescorted from one supervised activity area to another supervised activity area or to the restroom if:

- (i) The decision to permit the child was informed by sound judgment and an understanding of children;
- (ii) the child is of appropriate age and maturity level; and
- (iii) granting permission complies with the policy of the program.

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APR 24 2026

DEPT. OF ADMINISTRATION ATTORNEY GENERAL

APPROVED

APR 29 2026

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

(3) Groups. The maximum group size for children shall be 64 except during snack and meal times and age-appropriate activities, including field trips, assemblies, and gymnasium use where the maximum group size for children 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 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended, T-28-3-19-04,~~

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-587, page 13

March 19, 2004; amended Sept. 10, 2004; amended June 23, 2017; amended P-_____.)

APPROVED

APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 28-4-588. Program plan, program of activities, and use of space. (a) Program plan.

Each operator applicant with a temporary permit and each licensee shall develop and implement a written program plan that includes a variety of program of activities, services, and schedules in keeping with the overall mission, goals, and purpose of the program and the developmental needs and interests of the children ~~and youth~~.

(b) Program of activities.

(1) Each operator applicant with a temporary permit and each licensee shall ensure that each activity, including media viewing, is age-appropriate and is adapted to the number of children ~~and youth~~ participating in the activity and the space available. Whenever possible, each operator applicant with a temporary permit and each licensee shall encourage each child ~~and youth~~ to participate in planning the program of activities.

~~(2) Each operator shall ensure that each activity meets the following conditions:~~

~~(A) Is developmentally appropriate and age-appropriate;~~

~~(B) helps each child or youth develop useful skills, a positive self-concept, a sense of independence, and positive relationships;~~

~~(C) provides a variety of structured, unstructured, and self-directed activities in keeping with the goals and purpose of the program and the hours of operation; and~~

~~(D) is scheduled to allow adequate time to transition from one activity to another.~~

~~(3) Each operator shall ensure that television programs, videos, and movies are limited to those with age-appropriate content and are shown only for special occasions or educational instruction.~~

(c) Use of available space for activities.

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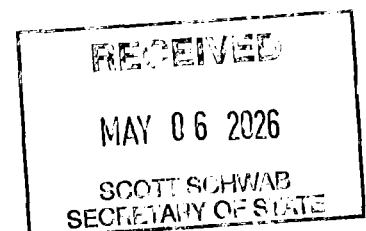
APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL



Proposed

K.A.R. 28-4-588, page 2

(1) ~~If activities that are not part of the school-age program are conducted on the same premises as those for the school-age program, each operator shall designate space for exclusive use by the program during the hours of operation.~~

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall provide sufficient space in each area for children and youth to engage comfortably in the activity without being crowded.

(d) Materials, equipment, and furnishings.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall provide a sufficient quantity of ~~program~~ materials, equipment, furnishings, and supplies to keep each child and youth engaged and to carry out the program of activities.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure ~~compliance with the following safety requirements:~~

(A) equipment, furnishings, and supplies ~~shall be~~ are maintained in good repair, used as intended, appropriate for the age of each child in attendance, and ~~shall be~~ safely stored to prevent injury or misuse.

(B) ~~Equipment shall be maintained in good repair.~~

(C) ~~If bedding is used, it shall be stored in a sanitary manner.~~

(3) Each ~~operator~~ shall ensure that there are no firearms, ammunition, hunting knives, and other weapons on the premises. Archery equipment and air powered guns, including BB-guns and pellet guns, shall be prohibited unless both of the following conditions are met:

(A) ~~The equipment and guns are used as part of an instructional activity that meets the~~

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MAR 25 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-588, page 3

~~requirements for high-risk sports and recreational activities specified in subsection (c) of this regulation.~~

~~(B) The equipment and guns are kept in locked storage, and no child or youth has unsupervised access to the equipment and guns.~~

(e) High-risk sports and recreational activities.

(1) Before any high-risk sport or recreational activity is included in the program, each ~~operator~~ applicant with a temporary permit and each licensee shall submit a description of the sport or activity to the secretary for written approval. Each description shall include the following information:

(A) The required qualifications for the instructor of the sport or activity;

(B) the goals of the instruction;

(C) the protective measures that will be followed to conduct the sport or activity safely;

(D) the plans for increased staff supervision;

(E) the type of protective gear, if required for the sport or activity;

(F) the ~~operator's~~ applicant with a temporary permit or licensee's written assurance that each sport or activity will be age-appropriate; and

(G) any special procedures to be followed in conducting the sport or activity.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall keep the written approval from the secretary on file on the premises or at a designated central office location. This approval shall be accessible for review by the secretary's designee.

(3) Only an instructor who meets the qualifications for conducting a ~~high-risk~~ high-risk

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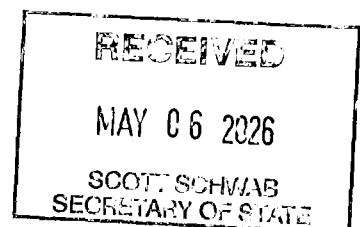
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MAR 25 2026

APR 21 2026

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL



Proposed

K.A.R. 28-4-588, page 4

sport or recreational activity shall instruct and supervise the children ~~and youth~~ engaged in that sport or activity.

(4) Before participating in a high-risk sport or recreational activity, each child ~~or youth~~ shall have written permission for each high-risk sport or recreational activity they are participating in, as specified in K.A.R. 28-4-582, on file on the premises or at a designated central office location. Each written permission shall be accessible for review by the secretary's designee.

(f) Children ~~or youth~~ with special health care needs. Each applicant with a temporary permit and each licensee shall ensure each enrolled child with a special health care need is provided reasonable accommodations as needed.

~~(1) If the operator and the parent or other adult responsible for a child or youth agree that the child or youth will be provided with specialized services while attending the program, an IPP shall be developed and implemented by the following individuals:~~

~~(A) The program director and each staff member of the program who is responsible for implementing the IPP;~~

~~(B) the parent or other adult responsible for the child or youth;~~

~~(C) a professional who is licensed or credentialed and who is qualified to work with the child or youth regarding the child's or youth's special need; and~~

~~(D) the child or youth, as appropriate.~~

~~(2) Each IPP shall contain the following information:~~

~~(A) The date each IPP is developed and updated;~~

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MAR 25 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-588, page 5

- ~~(B) each special need identified as requiring specialized services;~~
- ~~(C) each specialized service to be provided while the child or youth is attending the program and the name of the person who will provide each service;~~
- ~~(D) the anticipated goal of each specialized service; and~~
- ~~(E) the name and position of each person participating in the development of the IPP.~~
- ~~(3) Each operator shall ensure that each IPP is reviewed and updated annually to meet the special needs of the child or youth.~~
- ~~(4) Each operator shall provide a copy of each IPP and each updated IPP to the participants who developed the IPP. The operator shall keep a copy in the child's or youth's file.~~
- ~~(5) Each program operating concurrently under a school-age program license issued by the secretary and a license issued by the secretary of social and rehabilitation services as specified in K.S.A. 75-3307b, and amendments thereto, shall be exempt from the following regulations if the program is in compliance with the licensing requirements of the secretary of social and rehabilitation services:~~
- ~~(A) K.A.R. 28-4-587;~~
- ~~(B) subsection (b), subsection (e), and paragraphs (f)(1) through (4) of this regulation;~~
- and
- ~~(C) any IPP requirements specified in K.A.R. 28-4-589(d). (Authorized by and implementing K.S.A. 2001 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-_____.)~~

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MAR 25 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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SECRETARY OF STATE

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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. Punishment that is humiliating, frightening, or physically harmful to the child shall be prohibited.

(1) Prohibited methods of punishment. No ~~operator~~ applicant with a temporary permit, licensee, 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

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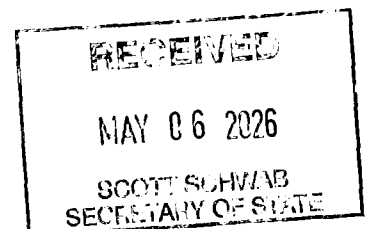
APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL



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~~ applicant with a temporary permit, each licensee, 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 a licensed physician, physician assistant, or licensed nurse practitioner.

(3) Each ~~operator~~ applicant with a temporary permit, each licensee, 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~~ Emergency safety interventions.

(1) ~~Before physical restraint is~~ De-escalation methods shall be used when a child presents reasonably foreseeable danger of physical harm to that child or others. An emergency safety intervention shall be used, only when a child presents immediate danger of physical harm to that child or others and when de-escalation methods are deemed inappropriate or ineffective de-escalation methods shall be attempted. If de-escalation methods fail and the behavior of a child

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MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

~~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 an emergency safety intervention is used, two staff members shall be present and shall remain with the child or youth until physical restraint is no longer necessary the immediate danger of physical harm ceases to exist.

(2) ~~The child or youth shall be restrained no longer than necessary for the child or youth to regain self control. No bonds, ties, or straps shall be used to restrict movement.~~ The following methods of emergency safety interventions shall be prohibited:

(A) The use of bonds, ties, or straps; and

(B) any positional restraint that restricts the airway or primary mode of communication, including prone and supine restraint.

(3) Each staff member using ~~physical restraint~~ emergency safety interventions shall have a current certificate on file documenting training in de-escalation methods and specific ~~restraint intervention~~ 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 own~~ protection or the protection of others shall have on file an individualized program plan IPP authorizing the use of physical restraint.

(5) Each applicant with a temporary permit and each licensee shall develop, implement, and review annually a written policy that governs the use of de-escalation methods and

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MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-589, page 4

emergency safety interventions.

(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 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-_____.)~~

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MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

RECEIVED

MAY 06 2026

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K.A.R. 28-4-590. Health-related requirements. (a) Tobacco use prohibited. Each ~~operator~~ applicant with a temporary permit and each licensee 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~~ applicant with a temporary permit, each licensee, 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~~ applicant with a temporary permit, each licensee, 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~~

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APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

~~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 Tuberculosis testing. Compliance with the tuberculosis prevention and control program of the department shall be required following each exposure to active tuberculosis disease.

~~(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.~~

~~(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 test or positive chest x-ray indicating active disease.~~

(d) ~~Health of children and youth.~~

(1) Each operator applicant with a temporary permit and each licensee shall obtain a health history for each child or youth, on a form supplied by the department or approved by the

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MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

~~secretary. Each health history shall be maintained in the child's or youth's file on the premises.~~
the following health information for each child:

(A) Any known allergies; and

(B) any known medical conditions that may affect the child while in attendance.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee 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 or guardian of the child ~~or youth~~, that ~~the parent is an adherent of a religious denomination whose teachings are opposed to health assessments or immunizations such~~ immunization violates sincerely held religious beliefs of the parent or guardian; 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 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

APPROVED

APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

RECEIVED

MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

during the time children ~~or youth~~ are attending the program, each ~~operator~~ applicant with a temporary permit and each licensee 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~~ applicant with a temporary permit and each licensee 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

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MAR 26 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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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~~ applicant with a temporary permit and each licensee 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~~ applicant with a temporary permit and each licensee 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

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MAR 26 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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Proposed

K.A.R. 28-4-590, page 6

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~~ applicant with a temporary permit and each licensee shall keep ~~each~~ 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~~ applicant with a temporary permit or licensee 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 visual staff supervision. The ~~operator~~ applicant with a temporary permit or licensee 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~~ licensed 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~~ applicant with a temporary permit and each licensee shall safely store each medication to prevent

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MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

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K.A.R. 28-4-590, page 7

unauthorized access by others.

(E) Each ~~operator~~ applicant with a temporary permit and each licensee shall record the date and time each medication was self-administered.

(f) Health care practices.

(1) Hand washing.

(A) Each ~~operator~~ applicant with a temporary permit and each licensee shall encourage each child and youth to wash the child's 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, paper towel, or similar 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;

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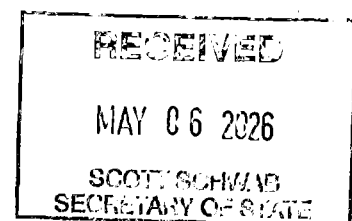
MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL



Proposed

K.A.R. 28-4-590, page 8

(E) allergic reactions; and

(F) other preventable conditions hazardous to a child's ~~or youth's~~ health. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 65-507 and K.S.A. 2025 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 P-_____.)

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K.A.R. 28-4-591. Food preparation, service, safety, and nutrition. (a) Food preparation and handling. If meals or snacks are served in the program, ~~the operator~~ each applicant with a temporary permit and each licensee shall ensure that the following requirements are met:

(1) Sanitary practices.

(A) Each individual engaged in food preparation and food service shall know and use sanitary methods of food handling, food service, and storage.

(B) No individual shall be in the food preparation area who is vomiting, has diarrhea, or has other signs, symptoms, or positive laboratory tests indicative of an infectious illness that can be transmitted through food handling.

(C) No individual shall handle or serve food until the individual is no longer infectious as required by ~~K.A.R. 28-1-6~~.

(D) Each individual involved in food handling shall comply with all of the following requirements:

(i) Hands shall be washed with soap and running water in a designated hand-washing sink immediately before the individual engages in food preparation and before the individual serves food.

(ii) If the food preparation sink is used for hand washing, the sink shall be sanitized before using it for food preparation.

(iii) Individual towels, disposable paper towels, or air dryers shall be used to dry hands.

(iv) Each individual serving food shall use utensils or single-use gloves.

(v) Each individual with infectious skin sores or with open or infected injuries on the hands or forearms shall cover the sores or injuries with a bandage when handling or serving

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DEPT. OF ADMINISTRATION

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APR 21 2026

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food.

(2) Food ~~service and~~ preparation area. If food is prepared on the premises, each ~~operator~~ applicant with a temporary permit and each licensee shall ~~provide a food preparation area that is separate from the eating area, activity area, laundry area, and rest rooms and that is not used as a passageway during the hours of food preparation and cleanup~~ ensure the food preparation area is clean and garbage is removed at least daily or more often as needed.

(A) ~~Surfaces used for food preparation and dining shall be made of smooth, nonporous material and shall be cleaned and sanitized before and after use.~~

(B) ~~The floors shall be swept daily and mopped when spills occur.~~

(C) ~~Garbage shall be disposed of in a garbage disposal or in a covered container. If a container is used, the container shall be removed at the end of the day or more often as needed to prevent overflowing or to control odor.~~

(3) Food storage and refrigeration.

(A) Food shall be stored at least six inches above the floor in a clean, dry, well-ventilated area that is free from vermin and rodent infestation. ~~Dry bulk foods that are not in their original, unopened containers shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled.~~

(B) Food shall not be stored with poisonous or toxic materials. If cleaning agents cannot be stored in a room separate from food storage areas, the cleaning agents shall be clearly labeled and kept in locked cabinets not used for the storage of food.

(C) Each refrigerator and freezer used by the ~~operator~~ applicant with a temporary permit

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MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

K.A.R. 28-4-591, page 3

or licensee for food storage and refrigeration shall be kept clean inside and out and shall have an interior thermometer. The temperature shall be maintained at 40°F degrees Fahrenheit or lower in the refrigerator, and food stored in the freezer shall be maintained ~~frozen~~ at 10 degrees Fahrenheit or lower, with 0 degrees Fahrenheit recommended.

(D) Hot foods that are to be refrigerated and stored shall be transferred to shallow containers in food layers less than three inches deep and shall not be covered until cool.

(E) All food stored in the refrigerator shall be covered, wrapped, or otherwise protected from contamination. ~~Unserved, leftover perishable foods shall be dated, refrigerated immediately after service, and eaten within three days.~~

(F) ~~Ready-to-eat commercially processed foods, including luncheon meats, cream cheese, and cottage cheese, shall be eaten within five days after opening the package~~ All food shall be in good quality and safe for consumption.

(G) Hot foods shall be maintained at temperatures of at least 140°F degrees Fahrenheit.

(H) Cold foods shall be maintained at temperatures of 40°F degrees Fahrenheit or less.

(b) ~~Table service~~ Tableware and cooking utensils.

(1) ~~Each operator applicant with a temporary permit and each licensee shall provide clean forks, spoons, and knives as appropriate for the food being served and shall provide one of the following:~~

(A) ~~Clean cups and dishes that have smooth, hard glazed surfaces and are free from cracks or chips; or~~

(B) ~~disposable, single-use table service that is of food grade, medium weight, and~~

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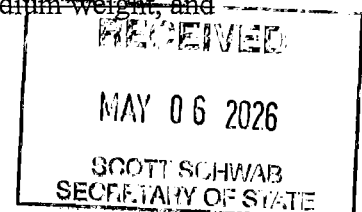
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MAR 26 2026

APR 21 2026

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL



Proposed

K.A.R. 28-4-591, page 4

disposed of after each use.

(2) If non-disposable ~~table-service~~ tableware and cooking utensils are used, each ~~operator~~ applicant with a temporary permit and each licensee shall use one of the following methods to clean and sanitize them:

(A) A ~~commercial~~ mechanical dishwasher for ~~programs serving more than 30 children, or~~
~~a domestic dishwasher for programs with 30 or fewer children;~~

(B) a three-compartment sink; or

(C) a two-compartment sink and a basin ~~for sanitizing the table-service and cooking~~
~~utensils.~~

(c) Meals or snacks prepared on the premises.

(1) Food safety requirements. Each ~~operator~~ applicant with a temporary permit and each
licensee shall ensure ~~comply with~~ the following requirements are met:

(A) Dairy products ~~shall be~~ are pasteurized;

(B) meat ~~shall be~~ is from a government-inspected ~~sources.~~ source; and

(C) raw fruits and vegetables ~~shall be~~ are washed thoroughly before being eaten or used
for cooking.

(D) Frozen foods ~~shall be defrosted in the refrigerator, under cold running water, in a~~
~~microwave oven using the defrost setting, or during the cooking process. Frozen foods shall not~~
~~be defrosted by leaving them at room temperature or in standing water.~~

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that
the following foods are prohibited:

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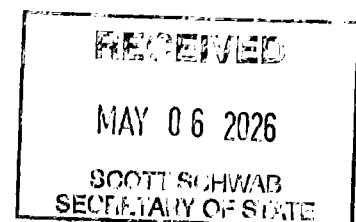
MAR 26 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL



- (A) Home-canned food;
- (B) food from dented, rusted, bulging, or leaking cans; and
- (C) food from cans without labels.
- (d) Meals or snacks not prepared on the premises.

(1) If the ~~operator~~ applicant with a temporary permit or licensee serves a meal or snack that is not prepared on the premises, the meal shall be obtained from a food service establishment, summer feeding program, or catering service licensed or inspected by the ~~secretary~~ Kansas department of agriculture or equivalent food safety licensing agency in another state. If perishable food is transported to the premises, each ~~operator~~ applicant with a temporary permit and each licensee shall serve only food that has been transported promptly in temperature-controlled, clean, covered containers.

(2) Sack lunches.

(A) Any ~~operator~~ applicant with a temporary permit or licensee may permit parents or other adults responsible for a child ~~or youth~~ to provide snacks and sack lunches.

(B) If sack lunches are provided either by the ~~operator~~ applicant with a temporary permit, licensee, or by the parent or other adult responsible for each child ~~or youth~~, each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that all of the following requirements are met:

(i) Each sack lunch shall be labeled with the name of the child ~~or youth~~, and sack lunches shall not be shared.

(ii) Perishable foods and drinks shall be kept at the temperatures specified in paragraph

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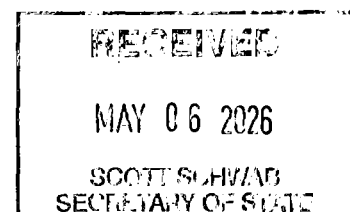
MAR 26 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL



(a)(3)(H) through the use of insulated sacks and either a coolant or refrigeration.

(iii) Each sack lunch shall be positioned so that neither ice nor water causes the food in the sack to become wet or contaminated.

(iv) Ice that will be ingested shall be kept wrapped and shall not come in contact with sack lunches, food, cans, or other substances.

(e) Nutrition.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that safe drinking water is readily available at all times to each individual participating in the program.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that ~~meals and snacks are~~ at least one meal and one snack is available to each child who is in attendance for at least four hours per day and at least two snacks and one meal or one snack and two meals is available to each child who is in attendance for at least eight hours per day. ~~or youth according to the following schedule:~~

Length of time at the program	Food served
at least 2 ½ hours but fewer than 4 hours	1 snack
at least 4 hours but fewer than 8 hours	1 snack and 1 meal
at least 8 hours but fewer than 10 hours	2 snacks and 1 meal or 1 snack and 2 meals
10 hours or more	2 meals and 2 snacks

(3) Each ~~operator~~ applicant with a temporary permit and each licensee of a school age an out of school time program that meets after school during the school year shall ensure that at

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MAR 26 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

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MAY 06 2026

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Proposed

K.A.R. 28-4-591, page 7

least one snack is served daily to each child ~~or youth~~ who attends the program after school.

(Authorized by and implementing K.S.A. 2025 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 P-_____.)

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MAR 26 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL

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APR 30 2026

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K.A.R. 28-4-592. Safety and emergency procedures; reporting requirements. (a) Telephone.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that there is a working telephone readily available to the ~~operator~~ applicant with a temporary permit or licensee and staff members to receive all incoming calls and make outgoing calls during all hours of operation.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee 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~~ applicant with a temporary permit and each licensee shall develop and implement an emergency plan to provide for the safety of children, ~~youth~~, and staff members in emergencies including natural disasters and human caused events. 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, a lockdown, an act of terrorism, 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 health care needs;

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

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DEPT. OF ADMINISTRATION

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APR 21 2026

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K.A.R. 28-4-592, page 2

~~(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 health care 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~~ applicant with a temporary permit and each licensee 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~~ applicant with a temporary permit and each licensee shall review the emergency plan at least annually and update it as needed.

(6) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that

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MAR 27 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

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K.A.R. 28-4-592, page 3

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~~ applicant with a temporary permit and each licensee shall ensure that each staff member, volunteer, and 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)~~ First-aid 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 applicant with a temporary permit and each licensee 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;

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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K.A.R. 28-4-592, page 4

- (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~~ 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

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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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~~ disinfected 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~~ applicant with a temporary permit and each licensee shall ensure that the parent or adult responsible for the child ~~or youth~~ is notified immediately and shall make the following documents and information specified in K.A.R. 28-4-582(c)(1)(A) through (c)(1)(D) 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~~

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

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~~(C) authorization for emergency medical care.~~

(2) If the ~~operator~~ applicant with a temporary permit or licensee has been unable to obtain the necessary documents as ~~specified in K.A.R. 28-4-582~~, the ~~operator~~ applicant with a temporary permit or licensee shall follow the plan ~~approved by the secretary as specified in~~ K.A.R. 28-4-582.

(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~~ applicant with a temporary permit or licensee 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~~ applicant with a temporary permit or licensee shall immediately notify the parent or adult responsible for the child ~~or youth~~.

(2) If an ~~operator~~ applicant with a temporary permit or licensee, staff member, ~~or child, or youth~~ in a program contracts a reportable infectious or contagious disease listed in K.A.R. 28-1-2, the ~~operator~~ applicant with a temporary permit or licensee shall report the disease to the secretary's designee by the next working day.

(3) The ~~operator~~ applicant with a temporary permit or licensee shall follow the protocol recommended by the county local health department and shall cooperate fully with any

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

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SCOTT SCHWAB
SECRETARY OF STATE

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K.A.R. 28-4-592, page 7

investigation, disease control, or surveillance procedures initiated by the ~~county~~ local health department or the department.

(g) Reporting critical incidents.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee 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~~ emergency safety intervention 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 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~~ applicant with a temporary permit and each licensee 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.

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

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SCOTT SCHWAB
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Proposed

K.A.R. 28-4-592, page 8

(3) Each ~~operator~~ applicant with a temporary permit and each licensee 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~~ applicant with a temporary permit, each licensee, 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 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended June 23, 2017; amended P-

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-593. ~~Program-sponsored~~ Transportation. (a) Program-sponsored transportation.

If the ~~operator~~ applicant with a temporary permit or licensee provides or arranges for transportation for children and youth to and from the premises or for program-sponsored activities, the ~~operator~~ applicant with a temporary permit or licensee shall ensure that the following requirements are met:

(1) Written permission. Prior written permission is obtained for each child ~~or youth~~ to be transported as specified in K.A.R. 28-4-582. The ~~operator~~ applicant with a temporary permit or licensee shall ensure that the authorization for emergency medical care for each child ~~or youth~~ is in the vehicle in which the children ~~or youth~~ are being transported or is immediately available to emergency personnel. If the ~~operator~~ applicant with a temporary permit or licensee is unable to obtain written permission or authorization for emergency medical care, the ~~operator~~ applicant with a temporary permit or licensee shall follow the plan ~~approved by the secretary~~ as specified in K.A.R. 28-4-582.

~~(b)~~ (2) Transportation safety.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that the following transportation safety requirements are met while transporting children ~~or youth~~:

(A) No child ~~or youth~~ under 13 years of age shall be seated in the front seat of a vehicle that is equipped with a passenger air bag.

(B) No child ~~or youth~~ shall be transported in a trailer pulled by another vehicle, a camper shell, or a truck bed.

(C) Each vehicle that is owned or leased by the ~~operator~~ applicant with a temporary permit or licensee and is used to transport children ~~or youth~~ shall be maintained in safe operating

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APR 24 2026

DEPT. OF ADMINISTRATION ATTORNEY GENERAL

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APR 29 2026

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MAY 06 2026

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condition and shall contain a first-aid kit as specified in K.A.R. 28-4-592.

(2) (3) Driver requirements. Each driver shall comply with the following safety requirements:

(A) Be 18 years of age or older, hold ~~an operator's~~ a valid driver's license of the 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, and observe all traffic laws;

(B) not allow the capacity of the transporting vehicle to be exceeded;

(C) remove accumulated trash from the transporting vehicle daily;

(D) lock or have under control each vehicle door while the vehicle is in motion;

(E) maintain order in the vehicle and ensure that all parts of each passenger's body remain inside the vehicle at all times;

(F) not permit any child ~~or youth~~ to enter the vehicle from or exit the vehicle into a traffic lane;

(G) leave no child ~~or youth~~ unattended in the vehicle at any time and, when the vehicle is vacated, ensure that no child ~~or youth~~ is left in the vehicle;

(H) prohibit ~~smoking~~ tobacco product use in the vehicle while children ~~or youth~~ are in the vehicle;

(I) ~~not use a cellular phone while~~ 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; and

(J) transport each child ~~or youth~~ directly to the location designated by the operator

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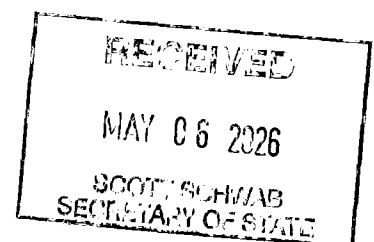
APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

ATTORNEY GENERAL



applicant with a temporary permit or licensee and make no unauthorized stops along the way except in an emergency.

(d) (4) Vehicle seat belt restraints.

(1) Except as specified in paragraph (d)(2), Each operator applicant with a temporary permit and each licensee shall ensure that the following requirements are met:

(A) Except as specified in paragraph (a)(4)(B), each driver and each child or youth uses an individual seat belt restraint and that no more than one child or youth is restrained in each seat belt.

(2) (B) If buses of the type used by schools are used to transport children and youth and are not equipped with individual restraints, no operator applicant with a temporary permit or licensee shall be required to install individual restraints.

(b) Drop-off and pick-up site. Each applicant with a temporary permit and each licensee shall ensure the following:

(1) Each drop-off and pick-up site shall contain a shelter or a permanent building that provides adequate protection from inclement weather for each child.

(2) Each applicant with a temporary permit and each licensee shall ensure that no child waits at the drop-off or pick-up site for more than one hour at the beginning of the program day or for more than one and one-half hours at the end of the program day.

(3) Each applicant with a temporary permit and each licensee shall ensure that each child does not board the transporting vehicle until immediately before it is time to leave. (Authorized by and implementing K.S.A. 2001 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002;

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APR 24 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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K.A.R. 28-4-593, page 4

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APR 24 2026

DEPT. OF ADMINISTRATION

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APR 29 2026

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-594. Swimming, wading, and water activities. (a) General.

(1) Each ~~operator~~ applicant with a temporary permit and each licensee shall have written permission on file as specified in K.A.R. 28-4-582 for each child ~~or youth~~ participating in water activities.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that an individual who can swim and who has a current certificate in first aid and a current certificate in CPR appropriate to the age of the children ~~and youth~~ attending the program is in attendance if children ~~or youth~~ are participating in water activities.

(3) Each activity shall be conducted with strict regard for the life and safety of each child ~~and youth~~.

(4) Each staff member ~~responsible for the providing supervision of~~ to children or youth who are participating in swimming, wading, or water activities shall review the safety rules with each child ~~or youth~~ before the child ~~or youth~~ participates in the activity.

(5) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that no child ~~or youth~~ is permitted to dive from a diving board unless the requirements governing high-risk sports and recreational activities as specified in K.A.R. 28-4-588 are met.

(b) Swimming pools on the premises.

(1) Safety and maintenance. Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that the following requirements for safety and maintenance are met:

(A) The water in each swimming pool shall be treated with chlorine, bromine, or an equivalent agent approved by the local health department, and shall be maintained between pH 7.2 and pH 7.6 7.8. The available free chlorine content for water treated with chlorine shall be

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APR 06 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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K.A.R. 28-4-594, page 2

between 1.0 and 3.0 parts per million. The available free bromine content for water treated with bromine shall be between 1.0 and 6.0 parts per million. 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.

(B) Each swimming pool shall be cleaned daily, and the chlorine or bromine level and pH level shall be tested daily during the swimming season. The results of these tests shall be recorded and kept on file at the premises.

(C) 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. This equipment shall be long enough to reach the center of the pool from the each edge of the swimming pool.

~~(D) A sensor or a remote monitor shall not be used in lieu of a fence around each swimming pool.~~

~~(E) During the months a swimming pool is not in use, the pool shall be covered with a safety cover.~~

~~(F) If a swimming pool on the premises is to be used by children or youth enrolled in the program, the operator shall ensure that legible safety rules for the use of the pool are posted in a conspicuous location.~~

(2) ~~In-ground~~ Outdoor swimming pools, spas, and hot tubs. Each operator applicant with a temporary permit and each licensee shall ensure that the following requirements are met: there is a physical barrier to prevent chance access by children.

~~(A) Each in-ground swimming pool located outdoors shall be enclosed by a five-foot~~

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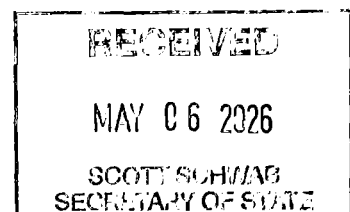
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MAR 27 2026

APR 21 2026

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL



Proposed

K.A.R. 28-4-594, page 3

~~fence on all four sides to prevent chance access by children and youth. The fence shall have a gate that has a self-closing latch with a locking device.~~

~~(B) If an in-ground swimming pool is within a building, the building shall be designed to prevent unsupervised access to the pool by each child and youth.~~

~~(C) Each in-ground swimming pool shall be surrounded by a nonskid surface that is at least four feet wide, is in good repair, and is free of tears, breaks, and splinters.~~

(3) Aboveground Indoor swimming pools, spas, and hot tubs. Each operator applicant with a temporary permit and each licensee shall ensure that the following requirements are met: there is a physical barrier to prevent unsupervised access by children.

~~(A) Each aboveground swimming pool shall have sides at least five feet high or shall be enclosed by a five-foot fence. Side extenders may be installed to increase the height of the sides of the swimming pool.~~

~~(B) Ladders shall be removed when the aboveground pool is not in use.~~

(4) Swimming pools operated by governmental entity. Each swimming pool operated by a governmental entity for public use shall be governed by the entity's policies and regulations on pool safety and maintenance and shall meet the regulations applicable to swimming pools included in this regulation, with the exception of paragraphs (b)(1)(A) and (B) and are exempt from the requirements in paragraph (b)(1).

~~(c) Wading pools. The water in each wading pool shall be emptied immediately after use.~~

~~(d) Spas and hot tubs. Each spa or hot tub shall be covered with an insulated cover, which shall be secured by locks when the spa or hot tub is not in use.~~

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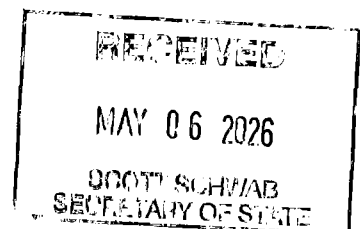
MAR 27 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL



K.A.R. 28-4-594, page 4

(e) Ponds, rivers, and lakes on or off the premises. If a pond, river, or lake is used for swimming, the ~~operator~~ applicant with a temporary permit or licensee shall ensure that the body of water is approved for swimming by one of the following:

(1) The local health department of the county in which the swimming site is located, if the swimming site is in Kansas;

(2) the secretary; or

(3) the designated authority in the state in which the swimming site is located, if the swimming site is not in Kansas. (Authorized by and implementing K.S.A. 2001 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-

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MAR 27 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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K.A.R. 28-4-595. Animals on the premises. (a) ~~(1)~~ If animals are kept on the premises, each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that each area in which an animal is permitted is maintained in a clean and sanitary manner, with no evidence of disease, flea, tick, or worm infestation in the area.

~~(2) (b) Each operator shall prohibit poisonous animals, pit bulls, and other animals that present a health or safety hazard to children and youth on the premises; Any non-domesticated or aggressive animal, including any animal that has a history of inflicting injury or show signs of aggression, shall be prohibited, unless the animals are displayed as part of in an animal exhibit and are supervised at all times by trained under the control of professional animal care personnel presenting the exhibit.~~

~~(b) (c) Each operator~~ applicant with a temporary permit and each licensee shall ensure that animals are not present in the following areas:

- (1) The kitchen while food is being prepared;
- (2) the dining area while children ~~or youth~~ are eating; and
- (3) each food storage area.

~~(e) (d) Each staff member and each child or youth shall wash that individual's hands with soap and water after handling animals, animal food, and animal wastes.~~

~~(d) (e) Each operator~~ applicant with a temporary permit and each licensee shall ensure that each domesticated cat, ~~dog, or ferret~~ and each domesticated dog on the premises has a current rabies vaccination. A record of each vaccination shall be kept on file on the premises or at a designated central office location and shall be available for review by the secretary's designee.

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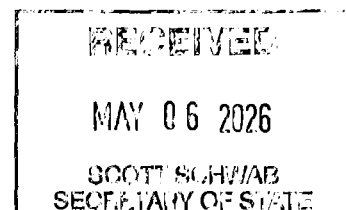
APR 06 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL



~~(e)~~ (f) Before handling any animal, each operator applicant with a temporary permit and each licensee shall ensure that each child or youth is taught safe procedures to follow when handling animals. The operator applicant with a temporary permit, licensee, or staff member supervising the activity shall separate a child or youth from an animal intervene immediately if either of the following occurs:

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

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

~~(f)~~ (g) If a child or youth is injured by an animal, the operator applicant with a temporary permit or licensee shall immediately notify the parent or other adult responsible for the child or youth about the injury. The operator applicant with a temporary permit or licensee shall submit a critical incident report about the injury to the secretary's designee by the next working day as specified in K.A.R. 28-4-592(g)(1). The operator shall keep a copy of the incident report in the child's or youth's file. (Authorized by and implementing K.S.A. 2001 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-

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MAR 27 2026

DEPT. OF ADMINISTRATION

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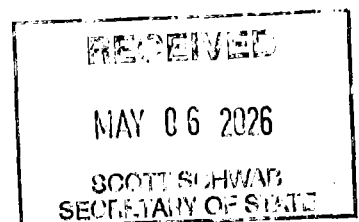
APR 21 2026

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APR 30 2026

DIVISION OF THE BUDGET



K.A.R. 28-4-596. Day reporting program. (a) (1) Each ~~operator~~ applicant with a temporary permit and each licensee conducting a day reporting program shall comply with the requirements specified in this regulation and the requirements in K.A.R. 28-4-577 through K.A.R. 28-4-584, K.A.R. 28-4-587, and K.A.R. 28-4-589 through K.A.R. 28-4-592.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall meet the following requirements if the secretary determines that they are applicable to the program and services:

- (A) K.A.R. 28-4-576;
- (B) K.A.R. 28-4-585 through K.A.R. 28-4-586; and
- (C) K.A.R. 28-4-593 through K.A.R. 28-4-595.

(3) If the requirements of this regulation appear to conflict with any other regulation governing ~~school-age~~ out of school time programs, the more stringent regulation shall apply.

(b) (1) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that the program is administered by an individual with job-related experience working with juvenile offenders, and with a knowledge of laws and standards governing programs for juvenile offenders.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that each child ~~or youth~~ who attends the program is 10 years of age or older and meets one of the following criteria:

- (A) The child ~~or youth~~ is in the custody of the ~~juvenile justice authority~~ department of corrections.
- (B) The child ~~or youth~~ is court-ordered to attend.

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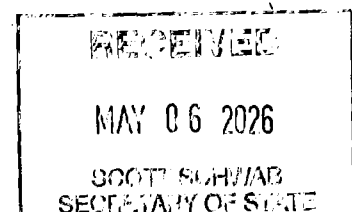
APR 06 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL



(C) The child ~~or youth~~ is required to attend as a condition of diversion, probation, or release from a juvenile correctional facility, or diverted by the court from direct commitment to a juvenile correctional program.

(c) Each ~~operator~~ applicant with a temporary permit and each licensee conducting a day reporting program shall develop and implement an IPP for each child ~~or youth~~, which shall include any combination of the following:

- (1) Assistance to each child ~~or youth~~ in organizing a daily schedule of activities;
- (2) monitoring the child's ~~or youth's~~ court orders;
- (3) situational counseling and referrals, if needed;
- (4) conflict resolution and crisis intervention;
- (5) contact with each child's ~~or youth's~~ parent or other adult responsible for the child ~~or youth~~;
- (6) drug testing and substance abuse education;
- (7) pregnancy prevention and human sexuality education;
- (8) assistance with educational and vocational needs;
- (9) employment training, as appropriate; and
- (10) community service work.

(d) Each ~~operator~~ applicant with a temporary permit and each licensee shall keep the following in the child's ~~or youth's~~ file:

- (1) The information required by K.A.R. 28-4-582;
- (2) the child's ~~or youth's~~ legal status as specified in paragraph (b)(2);

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

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- (3) the date the child ~~or youth~~ was admitted to the program;
- (4) intake information for each child ~~or youth~~ gathered at the time of admission;
- (5) a summary of the child's ~~or youth's~~ daily activities;
- (6) the IPP, progress reports, and any changes made in the plan;
- (7) the discharge summary; and
- (8) any critical incident reports.

(e) (1) Each ~~operator~~ applicant with a temporary permit and each licensee shall establish written rules of child ~~and youth~~ conduct that define expected behaviors and related consequences. Each ~~operator~~ applicant with a temporary permit and each licensee shall give each child ~~or youth~~ attending the program a rule book specifying the expected behaviors, ranges of consequences, and disciplinary procedures.

(2) Each ~~operator~~ applicant with a temporary permit and each licensee shall obtain a signed acknowledgment from each child ~~or youth~~ that the child ~~or youth~~ has received a copy of the rule book and understands it. The signed acknowledgment shall be kept in the child's ~~or youth's~~ file.

(f) Each ~~operator~~ applicant with a temporary permit and each licensee shall ensure that child ~~and youth~~ services are coordinated with the referring agency or the court, the local mental health center, the local school district, and the local health department, as necessary to implement the day reporting program.

(g) ~~The supervisory ratio~~ There shall be one staff member for every 10 children ~~and youth~~ attending the day reporting program. The maximum group size shall not exceed 20

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

SCOTT SCHWAB
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K.A.R. 28-4-596, page 4

children ~~or youth~~.

(1) Each ~~operator applicant with a temporary permit and each licensee~~ shall ensure that each group has a ~~program-director~~ site coordinator who meets the following qualifications:

(A) Is 21 years of age or older;

(B) meets the staff qualifications for a ~~program-director~~ site coordinator for the licensed capacity of the program, as specified in K.A.R. 28-4-587; and

(C) has knowledge and experience working with juvenile offenders, high-risk children ~~and youth~~, community youth programs serving children 12 years of age or older, or social service programs serving children ~~and youth~~.

(2) Each ~~operator applicant with a temporary permit and each licensee~~ shall ensure that each group has a group leader who meets the following qualifications:

(A) Is 21 years of age or older;

(B) meets the staff qualifications for group leader as specified in K.A.R. 28-4-587; and

(C) has knowledge and experience working with juvenile offenders, high-risk children ~~and youth~~, community youth programs serving children 12 years of age or older, or social service programs serving children ~~and youth~~.

(3) Each ~~operator applicant with a temporary permit and each licensee~~ shall ensure that each group has an assistant group leader who meets the following qualifications:

(A) Is 18 years of age or older and at least three years older than the oldest child ~~and youth~~ in the group to which the assistant group leader is assigned;

(B) meets the qualifications for an assistant group leader as specified in K.A.R. 28-4-587;

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MAR 27 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 21 2026

ATTORNEY GENERAL

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MAY 06 2026

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K.A.R. 28-4-596, page 5

and

(C) has experience working with children and youth. (Authorized by and implementing K.S.A. ~~2001~~ 2025 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended P-_____.)

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MAR 27 2026

DEPT. OF ADMINISTRATION

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APR 21 2026

ATTORNEY GENERAL

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APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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K.A.R. 28-4-700. Definitions. (a) "Adult responsible for a child or youth" means any of the following adults who is other than the child's or youth's legal parent and who is responsible for the care and upbringing of the child or youth:

- (1) A stepparent;
- (2) a grandparent;
- (3) another relative; or
- (4) a foster parent.

(b) "Annual renewal date" means the date assigned to each licensee for the submission of the documents required to renew the license ~~and payment of the annual license fee.~~

(c) "Applicant" means any person who has submitted an initial application for a license to operate a ~~drop-in youth development~~ program but has not received a temporary permit or a license.

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

(e) ~~"Drop-in program" means a child care facility that is not located in an individual's residence, that serves exclusively school-age children and youth, and in which the operator permits children and youth to arrive at and depart from the program at their own volition and at unscheduled times. This term shall not include a program, instructional class, or activity as specified in K.A.R. 28-4-578(b).~~

(~~f~~) "Kindergarten-age child" means a child who is attending kindergarten or who has completed kindergarten and has not entered first grade.

(~~g~~) (f) "License" means the document issued by the secretary that authorizes a person to operate a ~~drop-in youth development~~ program.

(~~h~~) (g) "Operator" means a person who holds a temporary permit or a license to conduct a

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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~~drop-in~~ youth development program.

~~(i) "Premises" means the location, including each building and the adjoining grounds, for which the operator has a temporary permit or a license to conduct a drop-in program.~~

~~(j) (h) "School-age child" and "child" mean~~ means an individual who is of kindergarten age through the academic year in which the child is in the sixth grade and who is attending the ~~drop-in~~ youth development program. Any reference to "child" in K.A.R. 28-4-700 through 28-4-705 shall have the same meaning as "school-age child" as defined in this regulation.

~~(k) (i) "School-age youth" and "youth" mean~~ an individual who meets the following conditions:

- (1) Has completed sixth grade or is 12 years of age or older;
- (2) is less than 18 years of age;
- (3) is attending the program; and
- (4) is not a volunteer or employee.

~~(l) (j) "Secretary" means~~ the secretary of the Kansas department of health and environment.

~~(m) (k) "Secretary's designee" means~~ the person designated by the secretary to assess compliance with ~~drop-in~~ youth development program regulations.

~~(n) (l) "Staff member" means~~ both of the following:

- (1) All personnel, including employees' substitutes and volunteers, who provide administrative or direct services to children and youth; and
- (2) auxiliary personnel, including cooks, drivers, office workers, and housekeeping staff, who provide indirect services.

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

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MAY 06 2026

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K.A.R. 28-4-700, page 3

(e) (m) "Temporary permit" means the document issued pursuant to K.S.A. 65-504, and amendments thereto, that authorizes a person to operate a ~~drop-in~~ youth development program before receiving a license as required by K.S.A. 65-501, and amendments thereto. (Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004; amended P-_____.)

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APR 23 2026

DEPT. OF ADMINISTRATION

APPROVED

APR 29 2026

ATTORNEY GENERAL

APPROVED

APR 30 2026

DIVISION OF THE BUDGET

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MAY 06 2026

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K.A.R. 28-4-701. Licensure; application; renewal. (a) Each person shall have a temporary permit or a license to operate a ~~drop-in~~ youth development program before children or youth are in attendance.

(b) Each operator shall submit a new application, the required forms, ~~and the license fee,~~ and shall obtain a new temporary permit or a new license from the secretary, as follows:

- (1) Before a ~~drop-in~~ youth development program that has been closed is reopened;
- (2) if there is a change in the location of the ~~drop-in~~ youth development program; or
- (3) if there is a change of ownership of the ~~drop-in~~ youth development program.

(c) Each person wishing to conduct a ~~drop-in~~ youth development program shall submit a complete application on forms supplied by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the ~~drop-in~~ youth development program and shall include the following:

- (1) A description of activities and services to be offered; and
- (2) a request for a criminal history and child abuse registry background check as specified in K.A.R. 28-4-705; ~~and~~
- ~~(3) a nonrefundable license fee of \$20.00.~~

(d) Each individual applying for a license shall be 21 years of age or older at the time of application, and shall comply with K.A.R. 28-4-587(b)-(2)-(A), (B), or (C); ~~or (D).~~

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

(f) (1) Before the annual renewal date, each licensee ~~wishing~~ wanting to renew the license shall ~~submit the annual nonrefundable license fee and shall~~ complete and submit the following to the secretary, on forms supplied by the department:

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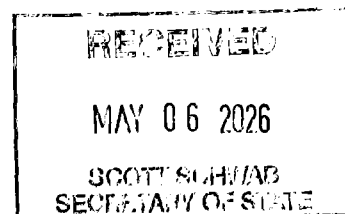
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Proposed

K.A.R. 28-4-701, page 2

(A) An application to renew the license; and

(B) a request to conduct a criminal history and child abuse registry background check.

(2) Each failure to submit the annual renewal documents and fee as required by paragraph

(f) (1) of this regulation ~~shall result in an assessment of a \$10.00 late fee payable to the secretary~~

~~and may result in suspension of the license. Each late renewal fee assessed shall be paid upon~~

~~request.~~ (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-501,

K.S.A. 65-504, ~~65-505~~, and K.S.A. 2025 Supp. 65-516; effective, T-28-3-19-04, March 19, 2004;

effective Sept. 10, 2004; amended P-_____.)

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Proposed

K.A.R. 28-4-702. Inspections; investigations. Each applicant and each operator shall give the secretary or the secretary's designee immediate entry and access to the premises and to any records kept, to determine compliance with applicable statutes and with the drop-in youth development program regulations. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-512; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004; amended P-_____.)

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Proposed

K.A.R. 28-4-703. Recordkeeping. (a) Each operator shall obtain the following information for each child or youth before or on the first day of attending the ~~drop-in~~ youth development program:

(1) The first and last name and date of birth; and

(2) the name, address, and telephone number of each parent or other adult responsible for the child or youth, the names of any other persons authorized to pick up the child or youth, and emergency contact information.

(b) Each operator shall obtain written authorization for emergency medical care, signed by the parent or legal guardian of each child or youth, before the child or youth attends the program or within the second week of attendance. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 65-507 and K.S.A. 2025 Supp. 65-508; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004; amended P-_____.)

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Proposed

K.A.R. 28-4-704. Attendance policy; supervision. (a) Each operator of a ~~drop-in~~ youth development program shall meet the following requirements:

(1) Each operator ~~shall develop and implement an attendance policy~~ that allows children and youth to arrive at and depart the premises unsupervised, at unscheduled times and at their own volition shall develop and implement an attendance policy.

(2) The operator shall inform the parent or other adult responsible for each child or youth of the policy specified in paragraph (a)(1). The parent or guardian of each child or youth utilizing the ~~drop-in~~ youth development program shall receive a written disclosure describing the activities in which the child or youth can participate and the level of supervision provided.

(3) Each operator shall immediately notify the parent or guardian when a child or youth either is injured and requires medical attention or dies.

(b) Each staff member working with children and youth shall provide attentive supervision to protect the health, safety, and welfare of the children and youth, and to reduce the risk of injury, illness, and abuse. (Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004; amended P-_____.)

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Proposed

K.A.R. 28-4-705. Background checks. Each applicant and each operator shall meet the following requirements:

(a) Submit to the department the identifying information necessary to complete background checks for each individual who works or regularly volunteers in the ~~drop-in~~ youth development program and any other individual in the ~~drop-in~~ youth development program whose activities involve either supervised or unsupervised access to children or youth. The identifying information shall be submitted as follows:

(1) When submitting an application for a license;

(2) when submitting an application to renew a license; and

(3) before allowing any individual to work or regularly volunteer in the ~~drop-in~~ youth development program and before allowing any individual whose activities involve either supervised or unsupervised access to children or youth to be in the ~~drop-in~~ youth development program;

(b) ensure that fingerprint-based background checks are completed for each of the following:

(1) The applicant;

(2) the operator;

(3) each staff member;

(4) each volunteer providing supervision to children or youth; and

(5) any other individual regularly in the ~~drop-in~~ youth development program whose activities involve unsupervised access to children or youth;

(c) ensure that the information submitted for each individual specified in subsection (b) includes the required information for background checks from each state of residence throughout

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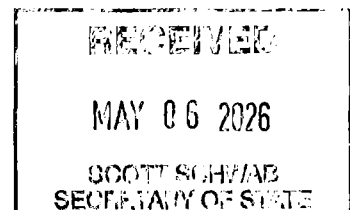
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the five-year period before allowing the individual to work or regularly volunteer in the ~~drop-in~~ youth development program;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following individuals:

(1) Each volunteer who does not have unsupervised access to children or youth;

(2) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student does not have unsupervised access to children or youth; and

(3) any other individual regularly in the ~~drop-in~~ youth development program if the individual's activities do not involve unsupervised access to children or youth; and

(e) ensure that no individual works or regularly volunteers in the ~~drop-in~~ youth development program until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto. (Authorized by K.S.A. 2017 2025 Supp. 65-508; implementing K.S.A. 2017 2025 Supp. 65-516; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004; amended June 7, 2018; amended P-_____.)

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Proposed

Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Health and Environment
Agency

Nick Schneider
Agency Contact

785-296-0685
Contact Phone Number

K.A.R. 28-4-92, 28-4-113, 28-4-114, 28-4-114a, 28-4-122, 28-4-126, 28-4-128, 28-4-129, 28-4-130, 28-4-132, 28-4-420, 28-4-422, 28-4-423, 28-4-426, 28-4-429, 28-4-430, 28-4-437, 28-4-439, 28-4-440, 28-4-576, 28-4-577, 28-4-578, 28-4-579, 28-4-580, 28-4-581, 28-4-582, 28-4-583, 28-4-584, 28-4-585, 28-4-586, 28-4-587, 28-4-588, 28-4-589, 28-4-590, 28-4-591, 28-4-592, 28-4-593, 28-4-594, 28-4-595, 28-4-596, 28-4-700, 28-4-701, 28-4-702, 28-4-703, 28-4-704, 28-4-705

☒ Permanent ☐ Temporary

K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

☐ Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The proposed amended regulations are the entirety of the regulations governing School-Age Programs, hereafter referred to as Out of School Time (OST) programs (K.A.R. 28-4-576 *et seq.*), Drop-In Programs (DIPs) (K.A.R. 28-4-700 *et seq.*) and some regulations governing Family Child Care Homes, Child Care Centers, and Preschools. While some of these regulation amendments are the result of HB 2045, the majority of these amendments are the result of reviewing and re-imagining the Out of School Time programs with our regulated community's input, which are proposed to:

- Comply with current federal Child Care Development Fund (CCDF) requirements. The Department for Children and Families (DCF) is the lead agency for the administration of the CCDF federal-state partnership. KDHE is the agency responsible for regulating the provision of child care and carrying out the CCDF State Plan (2022-2024) requirements for health and safety. The Federal Office of Child Care (OCC) conducted a monitoring visit in April 2021 and issued a letter of decision in December 2021 documenting that Kansas is not in full compliance with the health and safety requirements found in the 2016 final rules (45 CFR Part 98).
- Align regulations with Kansas early childhood systems work including efforts to increase access and capacity to serve, increase licensee flexibility in enrollment practices, and reduce burden, while maintaining foundational protections for young children while in regulated child care settings.
- Modernize outdated language, increase consistency, standardize terms, and incorporate current research, foundational standards, and practices.

Additionally, after the last set of Article 4 Regulations were promulgated August 2, 2024, KDHE received feedback from licensing specialists and providers on a few minor changes that needed to be made. Initially, KDHE created policy exceptions to remove those burdens and used this opportunity to permanently fix those minor issues, which majorly consists of a few word changes or removals. Specifics may be found below.

K.A.R. 28-4-92, License fees. Proposed changes align with HB 2045 to remove fees for Family Child Care Homes, Child Care Centers, Preschools, School-Age Programs, and Drop-In Programs.

K.A.R. 28-4-113, Definitions. Proposed changes align with HB 2045 to redefine "Family Child Care Home." Additionally, propose removing the requirement for a disinfectant to be fragrance-free.

K.A.R. 28-4-114, Applicant; licensee. Proposed changes align with HB 2045 to remove language around fees and adding a staff-to-child ratio that includes the option to care for four infants.

K.A.R. 28-4-114a, Proposed changes align with HB 2045 to reduce the number of annual training hours to 10 and adding a requirement of three training hours for when one provider cares for more than three children under 12 months of age simultaneously.

K.A.R. 28-4-122, Definitions. Covers the definitions applicable to all General Regulations, which cover Family Child Care Homes, Child Care Centers, Preschools, Residential Centers, and Group Boarding Homes. Propose removing the requirement for a disinfectant to be fragrance-free.

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K.A.R. 28-4-126, Health of individuals at least 16 years of age. Health requirements, tuberculosis testing for employment, records, and health assessment forms only for residential centers and group boarding homes. Propose removing the reference of a department-generated tuberculosis form and instead allows the tuberculosis results to be on any form.

K.A.R. 28-4-128, Safety and emergency procedures. Emergency plans and drills, standard precautions, first aid kit contents. Propose changing the reference of sanitation to disinfection and update incorrect numbering.

K.A.R. 28-4-129, Swimming and wading activities. Pool, hot tub, and spa general safety and supervision, pool fencing, chemical concentration, safety devices, and temperature, hot tub or spa usage, ponds and lakes. Propose removing the requirement that a fence surround an entire aboveground pool when connected to a deck or berm and instead require some form of a barrier to prevent chance access to children. Additionally, update chemical level monitoring to only during periods of use.

K.A.R. 28-4-130, Transportation. Driver requirements, license requirements, vehicle condition, safety check, prohibit unsafe transportation options, medical forms when residential center or group boarding home children are being transported, first aid kit, seat belts and child safety seats, posting of rules and regulations, direct travel. Propose removing the prohibited use of 15-passenger vans.

K.A.R. 28-4-132, Child care practices. Supervision, behavior management practices, prohibited punishment, hand washing, clothing, diapering, bedding, toileting, medication administration. Propose removing the requirement of trash containers used for diapering to be hands-free.

K.A.R. 28-4-420, Definitions. Covers the definitions applicable to the full set of Child Care Center and Preschool regulations. Propose removing the requirement for a disinfectant to be fragrance-free.

K.A.R. 28-4-422, Applicant requirements; exclusions; application process; amended license; renewal; exceptions; advertising. Applicant requirements; exclusions, application process; amended license; renewal; exceptions; advertising. Propose to clarify language regarding an exclusion.

K.A.R. 28-4-423, Physical plant. Proposed changes align with HB 2045 to reduce the number of indoor square feet required per child from 35 to 28.

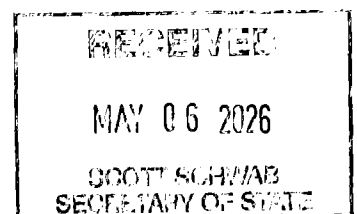
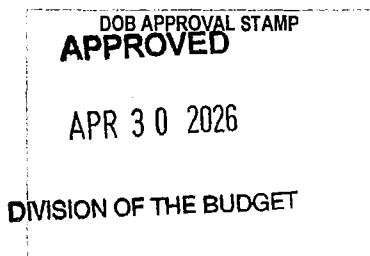
K.A.R. 28-4-426, Administration. Line of authority, admission policy, insurance, staff records, and children's records. Propose removing the statute referenced to discrimination.

K.A.R. 28-4-429, Staff qualifications. Program director, lead teacher, and assistant teacher requirements. Propose to clarify that a program director may act as a lead teacher when licensed for up to 60 children.

K.A.R. 28-4-430, Proposed changes align with HB 2045 to remove the requirement of brushing each child's teeth daily.

K.A.R. 28-4-437, Child care centers: outside area. Proposed changes align with HB 2045 to reduce the number of outdoor square feet required per child from 75 to 60.

K.A.R. 28-4-440, Programs serving infants and toddlers. The units shall be conducted on the ground floor only, prohibit floor furnaces, equipment and furniture, number of toilet training devices required. Propose



increasing the number of children for when a toilet training device is needed in alignment with the increase in the number of children allowed in that age category to reflect changes made in August 2024.

K.A.R. 28-4-576, Definitions. Covers the definitions applicable to the full set of Out of School Time regulations. Propose removing outdated definitions, modernizing terms, and incorporating new definitions identified as necessary during the regulation review.

K.A.R. 28-4-577, Terms of temporary permit or license; exclusions. When a license is required, validity of a temporary permit or license, exclusions from licensure, requirements of the license. Propose consolidation of several regulations into K.A.R. 28-4-577, restructure as well.

K.A.R. 28-4-578, Applicant requirements; application procedures; licensure; notification; renewal; amended license; exceptions. Requirements for an applicant for a license, multiple license restrictions, multiple facility requirements, application procedures and required documents for approval of a license, when a new license or temporary permit is required, renewal process, process for receiving and managing an exception to the licensure requirements. Propose consolidation of several regulations into K.A.R. 28-4-578, modernization of procedures, restructuring of regulation.

K.A.R. 28-4-579, Applicant requirements. Revoke.

K.A.R. 28-4-580, Application procedures; advertising. Revoke.

K.A.R. 28-4-581, Inspections; surveys; investigations; posting administrative order. Revoke.

K.A.R. 28-4-582, Administration; training; recordkeeping. Line of authority, staff record requirements, child record requirements, confidentiality, attendance. Propose restructuring, modernization of processes, and incorporating CCDF compliance on record obtaining grace period.

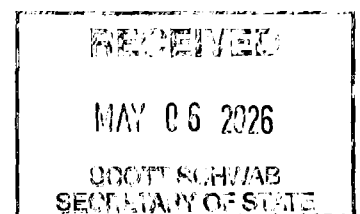
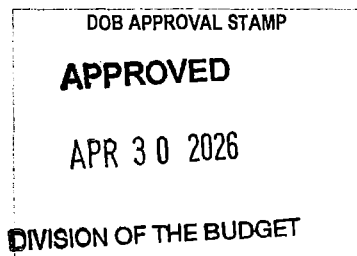
K.A.R. 28-4-583, Access to the premises; safety of off-premises activities. Parental access to premises rights, written permission for off-premises activities and procedures for off-premises activities. Propose streamlining of regulation, modernization of procedures.

K.A.R. 28-4-584, Background checks. Requirements for background checks of individuals involved in the program. Propose modernization and updating of terms.

K.A.R. 28-4-585, Building and outdoor premises. Safety and maintenance of each building, public and accredited non-public school buildings, public recreation center buildings, buildings that are not public or accredited non-public school buildings or public recreation centers, and outside premises of public recreation centers of other programs. Propose to add the storage, handling, and disposal of hazardous items as a CCDF finding. Also propose to include weapons and high-risk equipment storage requirements, update terminology, and modernize processes.

K.A.R. 28-4-586, Outdoor summer programs. Exemptions from certain regulations, specific requirements for outdoor summer programs use of space, access to certain facilities. Propose removal of language from regulation, was relocated to another regulation. Streamlining of processes.

K.A.R. 28-4-587 Staff member qualifications. Staff qualifications for single or multi-site coordinator, site leader, group leader, assistant group leader, substitutes, volunteers, professional development training including orientation training, health and safety training including medication administration, first aid and



CPR, ongoing professional development requirements and documentation. Proposed amendments address CCDF requirements that all individuals caring for children complete foundational health and safety training including medication administration and first aid and CPR. To clarify the intent, medication is now incorporated as one of the foundational health and safety subject areas. Additional changes removed obsolete phase-in provisions intended to allow a smooth transition to the 2017 amendments. Propose adding a maximum group size with exceptions and remove all references to K.A.R. 28-4-428a for staff qualifications. Additionally propose that there is a rework of the positions required and their qualifications per regulation allowing for greater program flexibility. Separate orientation from health and safety topics and lower number of annual training hours for staff.

K.A.R. 28-4-588, Program plan, program of activities, and use of space. Program's plan of activities and available space requirements, materials, equipment, and furnishing standards, high-risk sports and recreational activities guidelines, children with special health care needs accommodation requirements. Proposed amendments address language modernization, program modernization.

K.A.R. 28-4-589, Behavior management. Behavior management practices, time-out, prohibited punishment, and physical restraint. Propose to modernize language, increase use of de-escalation techniques.

K.A.R. 28-4-590, Health-related requirements. Tobacco use, health of individuals working or volunteering, tuberculosis testing, health of children, medication administration, hand washing. Propose to allow the use of hand sanitizers when soap and running water are not available, child immunization records are not required if the child attended a Kansas public or accredited non-public school in the preceding year. Removed health assessment language. Modernized language.

K.A.R. 28-4-591, Food preparation, service, safety, and nutrition. Food preparation, handling, and storage. Propose modernized procedures and language, removed unnecessary requirements.

K.A.R. 28-4-592, Safety and emergency procedures. Telephone, emergency plans and drills, first aid kit, standard precautions, emergency medical care, and reporting critical incidents and suspected child abuse or neglect. Propose to add procedures for responding to and preventing allergic reactions and continuity of operations to the emergency plan, remove CPR and first aid certifications and move to K.A.R. 28-4-587, and add any injury to a child or youth by any animal as a critical incident.

K.A.R. 28-4-593, Transportation. Transportation procedures and requirements. Proposed amendments include modernization of language and incorporating the drop-off and pick-up site regulations removed from K.A.R. 28-4-586.

K.A.R. 28-4-594, Swimming, wading, and water activities. Procedures for permission and safety of children participating in water activities, safety and maintenance of swimming pools, standards for ponds, rivers, and lakes. Proposed amendments modernize procedures and reduce requirements, expand parameters for swimming pool sanitation chemicals.

K.A.R. 28-4-595, Animals on the premises. Guidelines for animals, domesticated and non, being allowed on the premises. Procedures for handling and injury reporting. Proposed amendments modernize language and procedures.

K.A.R. 28-4-596, Day reporting program. Specific requirements for day reporting programs. Proposed amendments modernize language and align terms with the rest of Out of School Time programs.

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K.A.R. 28-4-700, Definitions. Proposed changes align with HB 2045 to change all uses of “Drop-in program” to “Youth development program,” removing the definition of “Drop-in program,” adding the definition of “Youth development program,” and aligning the new definition of “School-age child” as defined by HB 2045.

K.A.R. 28-4-701, Licensure; application; renewal. Proposed changes align with HB 2045 to change all uses of “Drop-in program” to “Youth development program” and removing the mention of fees.

K.A.R. 28-4-702, Inspections; investigations. Proposed changes align with HB 2045 to change all uses of “Drop-in program” to “Youth development program.”

K.A.R. 28-4-703, Recordkeeping. Proposed changes align with HB 2045 to change all uses of “Drop-in program” to “Youth development program.”

K.A.R. 28-4-704, Attendance policy; supervision. Proposed changes align with HB 2045 to change all uses of “Drop-in program” to “Youth development program” and removes the requirement to create an attendance policy that allows children and youth to arrive at and depart the premises unsupervised and instead states that the DIPs that allow children to arrive and depart the premises unsupervised shall have an attendance policy. This aligns with the new definition of “Youth development program” that has replaced “Drop-in program.”

K.A.R. 28-4-705, Background checks. Proposed changes align with HB 2045 to change all uses of “Drop-in program” to “Youth development program.”

Section II

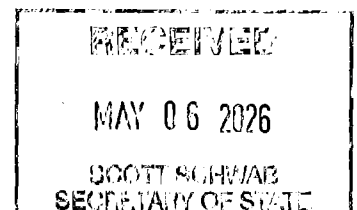
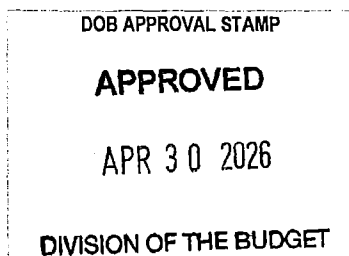
Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

These amendments are proposed for four primary reasons: to align with HB 2045, to correct identified noncompliance with federal CCDF requirements and to support statewide efforts to increase access and capacity, increase licensee flexibility in enrollment practices and reduce burden while maintaining foundational protections for young children when in regulated child care settings. Additionally, changes are proposed to modernize outdated language, increase consistency, standardize terms, and to incorporate current research, foundational standards, and practices.

As part of a comprehensive review of child care regulations, the Department relied heavily on the following:

- The Federal OCC letter of decision (December 2021), OCC and Region VII training and technical assistance resources, the 2016 final rules (45 CFR Part 98) and ongoing input from Kansas Department for Children and Families.
- Caring for Our Children National Health and Safety Performance Standards Guidelines for Early Care and Education Programs (4th edition).
- The regulations of the four contiguous states (Colorado, Oklahoma, Missouri, and Nebraska) as well as the regulations Arkansas, Idaho, Indiana and Iowa).

Additionally, the Department relied on input from stakeholders, including the Child Care Licensing Systems Improvement Team, licensees, and statewide training partners.



Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed rules and regulations are expected to both enhance and restrict business activities and growth. They will moderately enhance business activities by eliminating annual licensing fees, reducing the cost and hours of training per staff member, allowing more infant slots to open, and reducing the indoor and outdoor square feet per child, which allows more children to be in the building if permitted by the Kansas State Fire Marshal's designated capacity for that space. Staff qualifications were slightly lowered for a license capacity category of care, increasing the opportunity to more easily hire new staff that meet these qualifications. However, many of the other changes eliminate burdens and will enhance business activities as they have greater flexibility in hiring staff, and have more streamlined processes that are clearer to follow.

Driven by CCDF findings, these regulations propose adding a federal requirement for CPR and first aid requirement for all staff members, safety and emergency procedures for the handling, storage, and disposal of hazardous items and allergen procedures, which may slightly restrict business activity and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

There are approximately 15,000 child care providers in Kansas. Most 2-hour training classes cost an average of \$8. The regulation changes reduce annual training hours from 16 to 10. The 6-hour reduction equates to an approximate overall savings of \$360,000 across all providers ((3) \$8 training classes (\$24) x 15,000 providers). Additionally, the increase in the number of infants allowed for one provider may increase revenue for child care providers who opt to care for four children under 12 months of age, though it's difficult to calculate due to the wide range of rates providers charge for each of those slots.

Over the course of 2023 and 2024, child care licensing collected an average of \$403,000 yearly from initial and renewal applications, as well as late fees. These fees will no longer be collected under the proposed regulations. Therefore, the total economic effect is estimated to be a minimum of \$763,000 in yearly savings in compliance costs for child care providers across the state.

The additional requirement that all staff members be CPR and first aid certified and the addition of medication administration training will also have an impact. The American Red Cross offers this course for \$37, and there are approximately 34,621 child care slots available for the OST programs. They maintain a ratio of 1:15 for staff-child ratios, with an estimated 2,309 staff members in the state of Kansas. The maximum anticipated cost of the CPR and first aid certification is \$85,433. This cost is likely to be lower as many staff members will already be certified for CPR and first aid under current regulations, which specify there must be one staff member present with a CPR and first aid certification. However, the department is evaluating how it may offer CPR certification to providers in all corners of the state to improve affordability and accessibility.

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SECRETARY OF STATE

Proposed

The impact of medication administration training on school-age programs is estimated using the same \$13.71 median wage reported by the U.S. Bureau of Labor Statistics, multiplied by the estimated 2,309 staff members and allocated half an hour for the training. This yields an estimated maximum impact of \$15,828.20. However, many of these staff members will have already undergone this training so the real impact is anticipated to be less than this.

C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Prospective and all currently licensed child care providers, as well as training organizations and local health departments.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed regulations condense the regulatory burdens into the base requirements allowing greater flexibility for programs and an increased accessibility for understanding and navigating the regulations. Increased flexibility in hiring and meeting program requirements should allow licensed entities to meet their needs as programs with less government involvement.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

Regulations were eliminated as much as possible to allow greater flexibility to programs in order to offset the costs incurred by the federally required CPR and medication administration trainings. The removal of licensing fees may result in a loss of funds being awarded to local health departments. A portion of these fees were used to fund work at the local level. We are unaware of any measures taken by the agency to recoup these funds. Program will need to request additional funding from the federal level if more SGF is not allocated to the program.

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F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$101,261.20

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$101,261.20

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

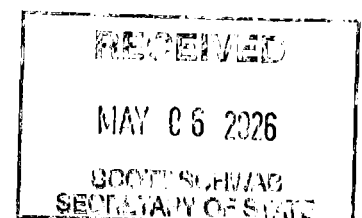
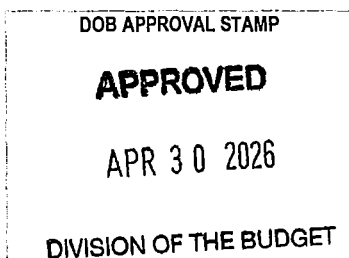
The American Red Cross offers the first aid and CPR course for \$37, and there are approximately 34,621 child care slots available for the OST programs. They maintain a ratio of 1:15 for staff-child ratios, with an estimated 2,309 staff members in the state of Kansas. The maximum anticipated cost of the CPR certification is \$85,433. Finally, the estimated cost of requiring medication administration training in OST programs if all 2,309 staff members are required to attend half an hour of additional training at a median wage of \$13.71 is \$15,828.20.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Over the course of 2023 and 2024, child care licensing collected an average of \$403,000 yearly from initial and renewal applications, as well as late fees. With these rule changes, these fees will no longer be collected from prospective and current child care facilities.



Proposed

Training organizations will have decreased funding due to fewer training hours needing to be acquired by providers. Local health departments may also have a decrease in revenue due to less volume of Family Child Care Home provider orientations and inspections should current licensed facilities choose to no longer be licensed due to greater threshold for licensure. These changes may also result in the loss of jobs due to a decrease in applications and subsequent work required to be licensed. This could mean a loss to state staff or contractors from local health departments hired to complete licensing work. Local health departments may also lose funding due to the removal of fees, as most of the funds collected for fees were distributed to local health departments to fund licensing work.

Additionally, these changes have resulted in \$71,190 worth of updates needing to be made to a current IT project regarding upgrading the child care licensing system.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There are approximately 15,000 child care providers in Kansas. Most 2-hour training classes cost an average of \$8. The regulations changes reduce annual training hours from 16 to 10. The 6-hour reduction equates to an approximate overall savings of \$360,000 across all providers ((3) \$8 training classes (\$24) x 15,000 providers).

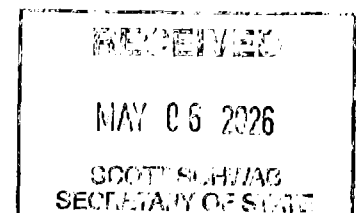
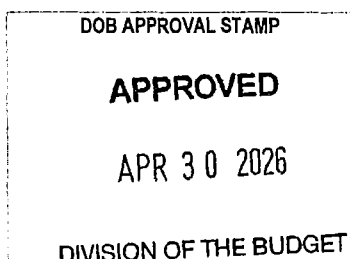
Over the course of 2023 and 2024, child care licensing collected an average of \$403,000 yearly from initial and renewal applications, as well as late fees. With these rule changes, these fees will no longer be collected from prospective and current child care facilities.

Additionally, the increase in the number of infants allowed for one provider may increase revenue for child care providers who opt to care for four children under 12 months of age, though it's difficult to calculate due to the wide range of rates providers charge for each of those slots.

The long-range impact for the addition of CPR requirements is estimated at a total of \$101,261.20 of maximum impact if all providers need recertification every year. Depending on the length of the CPR certification and the renewal for medication administration training, these costs are anticipated to be less as programs renew trainings.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

A copy of the proposed regulations will be sent to these three entities. There is no anticipated impact on local governments, unless a local unit of government is a licensee, their revenue may increase as described in the previous question.



- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

A day-long summit for OST programs was held in October 2024 to individually go through the regulations with licensees and stakeholders. The proposed changes were discussed in a virtual meeting with the systems improvement team, and a virtual meeting with licensees and stakeholders to discuss the proposed changes. Additionally, the minor changes and adjustments to the "clean-up" regulations included in this set was a result of collecting feedback from child care providers.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

