

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
NEW AND AMENDED CHILD CARE REGULATIONS
Significant Post-Hearing Changes

K.A.R. 28-4-93. Online information dissemination system.

(b) required a provider to notify the department if the provider did not want the department to include the address and telephone number of the facility on the online system. This was a change from an “opt-out” to an “opt-in” option, so the information will not be displayed without the provider’s permission.

K.A.R. 28-4-113 through 28-4-116a. Licensed day care and group day care homes.

K.A.R. 28-4-113. Definitions.

- (g) “Evening care” and (p) “Overnight care” were changed to clarify that they referred only to care of children “enrolled at a facility and present during operating hours.” Feedback had indicated a concern that the terms related to personal or family time, such as sleepovers for the provider’s own child.
- (s)(1) “Substitute” required a substitute in the temporary absence of the primary care provider to meet all training and certification requirements for a provider specified in K.A.R. 28-4-114a. Based on concerns that a substitute in a temporary absence should not be required to meet all requirements, the regulation was changed to specify only an orientation, training on safe sleep practices, and pediatric first aid and CPR certifications.

K.A.R. 28-4-114. Applicant; licensee.

- (j) additional children on the premises. The proposed regulation stated that not more than 2 additional children ages 3 and older who attend part-day preschool or part-day kindergarten may be present for one hour over the noon hour when school is in session. The department determined the age should be changed to 2½ and older for consistency with other age ranges in the regulations and the wording on the noon hour should be clarified to read “at any time between the hours of 11:00 a.m. and 1:00 p.m.”
- (j)(1) and (2) required a second provider when 3 children under 18 months of age are in care during the time additional children are in care. Based on feedback the requirement for a second provider was removed from both paragraphs.
- (j)(4) required that the parent of each child in care be informed in advance if additional children will be present. Based on feedback, this requirement was deleted.

K.A.R. 28-4-114a. Initial and ongoing professional development.

- (b) lists the health and safety training required for each applicant with a temporary permit, licensee, and provider. Paragraph (4)(A) required training recognizing the signs of child abuse or neglect, including “shaken baby syndrome”. This was changed to “prevention of abuse head trauma” in response to feedback that this is the term used by the American Academy of Pediatrics.
- Feedback on the training requirements for a substitute was addressed through changes to the definition of “substitute” as noted in the description of K.A.R. 28-4-113 above.

K.A.R. 28-4-115. Facility.

- (c) includes a list of general environmental requirements. Several changes were made, based on feedback:
 - “Working” was added to (c)(4) – a smoke detector on each level of the home.
 - “Accumulation of visible dirt” was changed to “visibly clean” in (c)(5).

- “Guarded” was changed to “equipped with” balusters in (c)(11) for stairways if children under 2 ½ years of age are in care. Additionally, “a secured door” was added as an alternative safeguard to gating a stairway.
- (g) storage of hazardous items in drawers with childproof devices or out of reach of children. Cabinets were added as a storage option, and “cigarettes” was changed to “tobacco products.”
- (i) outdoor play area requirements. On the list of hazards that would require a fence, a busy street was deleted.
- (j) requires each facility licensed after a specific date to have a designated area for outdoor play as part of the licensed premises. Based on the anticipated effective date of these regulations, the date was changed from July 1, 2011 to March 1, 2012.

K.A.R. 28-4-115a. Supervision.

- (a) a supervision plan for the facility, including a description of the rooms and areas, manner in which supervision will be provided, and any evening or overnight care arrangements.
 - Proposed (a)(3) permitting an individualized plan to meet the needs of any specific child was deleted.
 - Proposed (a)(4) requiring a discussion of the plan with the parent before the first day of care and discussion of updates to the plan was deleted.
 - Proposed (a)(5) requiring documentation of discussions with parents about the supervision plan was deleted.
- (b) general supervision requirements. Paragraph (4), electronic monitoring devices, was reworded by adding “if used” to indicate that they could be used, but still could not replace any of the supervision requirements of the regulation.
- (c) indoor supervision
 - (c)(1) - age limit for which a provider must be within sight of and in proximity to the child was changed from “under two years of age” to “under 2 ½ years of age”.
 - (c)(2) - age limit for allowing a child to go unattended into another room was changed from “two years of age and older” to “2 ½ years of age and older.”
 - Proposed (c)(2)(E) requiring that a provider remain on the same level of the home if a child between 2 and 5 years of age is in another room was deleted.
- (d) outdoor supervision
 - (d)(2) Concerning a child going outdoors unattended, the requirement that the provider make the determination “based on observation of the child’s and information from the parent or legal guardian” was deleted, for consistency with other changes to the regulations.
- (e) evening care and overnight care. As described above, the definitions of both terms were changed in K.A.R. 28-4-113. In this subsection the reference to care being provided “as part of the regular child care services” was deleted. In addition, the paragraph with requirements for evening and overnight care that is not part of the regular child care services was deleted in its entirety.

K.A.R. 28-4-116. Daily care of children.

- The proposed subsection (a), requiring communication with parents/guardians, including informing them of the policies of the facility and communicating about the child’s daily activities, was deleted in its entirety.
- (a) addresses daily activities.
 - Renumbered (5) – required that all use of electronic devices, computers, and media viewing be included in the schedule of daily activities. This requirement was deleted. Limitations on the use of electronic devices, computers, and media viewing were deleted. The requirement to inform the parent/guardian of the use of electronic devices, computers, or media viewing was deleted.

- The prohibition of programs or material that are sexually explicit or violent was deleted but the requirement that programs be age-appropriate and have a rating appropriate for the children was kept.
- (e) addresses nutrition and food services.
 - The requirement that menu plans limit “highly processed foods and foods and beverages that are of low nutritional value” was deleted.
 - (3)(C) – The options were changed to ensure that juice and milk were not the only components of a snack.
 - Proposed (7) prohibiting sugar-sweetened drinks and carbonated drinks was deleted.
 - New (7) changed “low-fat” milk to milk with “a fat content of one percent or less.”

K.A.R. 28-4-116a. Napping and sleeping.

- (b)(5)(F) The requirement that a child under 12 months of age who is napping or sleeping be visually checked and physically touched at least every 15 minutes was deleted. K.A.R. 28-4-115a (c)(3)(A) requires that any child napping or sleeping be visually checked on by the provider at least once every 15 minutes.
- (c) The requirements for the use of drop-side cribs and playpens were deleted and replaced with the requirement that “On and after December 28, 2012, each ...licensee shall ensure that no crib purchased before June 28, 2011 is in use in the facility.” This change was a result of new requirements from the Consumer Product Safety Commission.

K.A.R. 28-4-428a and 28-4-440. Preschools and Child Care Centers.

K.A.R. 28-4-428a. Education and Training requirements.

- (b)(2)(A) addresses health and safety training. For consistency with the day care home regulation K.A.R. 28-4-114a, concerning child abuse or neglect, the wording was changed from “shaken baby syndrome” to “prevention of abusive head trauma”.

K.A.R. 28-4-440. Infant and toddler programs.

- (f) addresses sleeping surfaces. For consistence with the day care home regulation K.A.R. 28-4-116a (c), the requirements for the use of drop-side cribs and playpens were deleted and replaced with the requirement that “On and after December 28, 2012, each ...licensee shall ensure that no crib purchased before June 28, 2011 is in use in the facility.” This change was a result of new requirements from the Consumer Product Safety Commission.
- Proposed (h)(2)(F) required that each napping or sleeping infant be visually checked and physically touched at least every 15 minutes. This paragraph was deleted.
- (j) required an adult-sized rocking chair in each unit of infants and each unit of toddlers. The requirement for toddler units was deleted.
- (q)(4) addresses diapering children in their own crib or playpen or on a changing table. It was determined that this requirement is addressed in general regulation K.A.R. 28-4-132 (c)(4) and therefore was deleted here.