



**Kansas Legislative Research Department**

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68-West–Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504  
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

October 31, 2023

**To:** 2023 Special Committee on Child Care Centers and Child Care Homes

**From:** Chardae Caine, Senior Fiscal Analyst

**Re:** Major Statutory Changes to Child Care Regulation in Kansas

This memorandum provides an overview of child care regulation in Kansas, including a discussion on the history of child care licensing laws, details of the child care system, and analysis of current child-staff ratio requirements. The original licensing law, passed in 1919, placed the licensing authority with the State Board of Health, now Kansas Department of Health and Environment (KDHE).

## 1919<sup>1</sup>

### Definitions

- “Boarding home” means a house or other place conducted or maintained by anyone who advertises or holds himself out as conducting such a place as a boarding house or home for infants and children; or who has in his control or custody or more infants under 3 years of age or children under 16 years of age unattended by parent or guardians for the purpose of providing such children with food or lodging, or both, except children related by blood or marriage, or legal adoption; or any children’s home, orphanage, day nursery, or other institution; or association, organization, or individual engaged in receiving, caring for, or finding homes for orphans, dependent, or neglected children; or any receiving aid from any city or county or the state.

### Fees

- The fee for license to conduct a maternity hospital or home for infants or children shall be two dollars.

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<sup>1</sup> L. 1919, ch. 210

## **Licensing**

- The State Board of Health shall have the power to grant license to a person, firm, corporation, or association to maintain a home for infants under 3 years of age, or children under 16 years of age.
- The license shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, and the number of infants or children that may be treated, maintained, boarded, or cared for at any time.
- No greater number of infants or children than is authorized in the license shall be kept or disposed of in a building or place not designated in the license.
- The license shall be kept posted in a conspicuous place in the house in which the business is conducted.
- No license shall be granted for a term exceeding one year.
- The State Board of Health shall grant no license in any case until careful inspection and compliance of the home for infants or children shall have been made.

## **Revocation of License**

- Upon finding a violation during an investigation that a home for infants or children is maintained without due regard to the health, comfort, or morality, it shall after reasonable notice, revoke such license and give notice in writing of such revocation to the licensee in person or by registered mail.

## **Recordkeeping**

- The licensee of a home for infants or children shall keep a record upon form prescribed and provided by the State Board of Health, including:
  - Name and age of each child received and cared for in such home;
  - Name of the physician who attended any sick children;
  - Names and addresses of the parents or guardians of such children; and
  - Other information as the State Board of Health may require.

## **Sanitary and Safety Conditions**

- Any home for infants or children shall be properly heated, plumbed, lighted, and ventilated.

- In all cities, towns, and villages where there is a system of waterworks and sewerage maintained for public use, homes for infants or children shall be equipped with suitable toilets, lavatories, bathtubs, sinks, and drains, shall be connected by proper plumbing with such water and sewerage systems, and shall be kept at all times in a cleanly and sanitary manner.
- In all cities, towns, and villages not having a system of waterworks or sewerage for public use, homes for infants or children shall have properly constructed privies or over-vaults to receive night soil, the same to be ventilated, screened, disinfected, and kept free from foul odor, in a cleanly and sanitary condition.

### **State Fire Marshal Requirements**

- Every home for infants or children shall be provided with one fire extinguisher of a style and size approved by the State Fire Marshal.
- Every home for infants or children which is more than one story high and containing and offering accommodations for, at any one time, ten or more infants or children, shall be provided with a suitable fire escape constructed of iron or steel, approved by the State Fire Marshal.

### **Inspections**

- The State Board of Health shall inspect or cause to be inspected every home for infants or children once every six months and for that purpose shall have the right of entry and access to every place in the premises, and shall examine the records which are required to be kept.
- If the authorized agent of the State Board of Health finds a home for infants or children that is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of such changes necessary to comply with the requirements of the law and provide a copy to the State Board of Health.

## **1951<sup>2</sup>**

### **Licensing**

- No license shall be granted, without the approval of the Division of Child Welfare Services of the State Department of Social Welfare.
- In all cases where the State Department of Social Welfare deems it necessary, an investigation of said home shall be made under the supervision of the Division of Child Welfare Services by the county welfare department or other designated qualified agents.

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2 L. 1951, ch. 358

- In all cases where an investigation is made, a report of the investigation of such home shall be filed with the State Board of Health. Provided, however, that in cases whether neither approval or disapproval can be given within a period of 30 days following formal request for such a study, a temporary license without fee may be issued pending final approval or disapproval.

### **1961<sup>3</sup>**

#### **Licensing**

- Whenever a license is refused, an order stating the reasons for such denial shall be issued and a copy shall be provided to the applicant within five days by certified mail.
- Whenever a license is revoked, an order stating the reasons for such revocation shall be issued. Any applicant aggrieved by the order may file an appeal by filing a petition.

### **1978<sup>4</sup>**

#### **Definitions**

- References to “infants” and “infants under three years of age” are replaced with references to “children under sixteen years of age.”

#### **Rules and Regulations**

- The Secretary of Health and Environment (Secretary) shall develop and adopt rules and regulations for the operation and maintenance of homes for children and for the granting, suspending, and revoking of licenses.
- The rules and regulations for operating and maintaining homes for children shall be designed to promote the health, safety, and welfare of the residents who are to be served in such facilities by assuring safe and adequate physical surroundings, healthful food, supervision and care of the residents by capable, qualified persons of sufficient number, an adequate program of activities and services, and such appropriate parental participation as may be feasible under the circumstances.

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3 L. 1961, ch. 285

4 L. 1978, ch. 236

- The rules and regulations with respect to granting, suspending, and revoking licenses shall be designed to promote the proper and efficient processing of matters relating to licensure to assure applications and licenses fair and expeditious treatment under the law.

## 1980<sup>5</sup>

### Definitions

- “Boarding home” means:
  - A children’s home, orphanage, or any day nursery, or other institution of a type determined by the Secretary to require regulation;
  - An association, organization, or individual engaged in receiving, caring for, or finding homes for orphans, or deprived children, or children needing day care who are under 16 years of age or a place maintained by such association, organization, or individual for the purpose of caring for children under 16 years of age; or
  - Any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from any city or county or the State.
- “Family day care home” means a place maintained for the purpose of providing children with food or lodging, or both, away from such children’s home or homes, for less than 24 hours a day, if:
  - Not more than 6 of the children cared for at such place are less than 16 years of age; and
  - Not more than 3 of the children cared for at such place are less than 18 months of age.
- Any children of a person maintaining a family day care home shall count toward the limitations if such children are cared for at such place.
- A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage, or legal adoption to such person are cared for.
- No person shall maintain a boarding home for children or maintain a family day care home, if in such boarding home or family day care home resides any person who has been convicted of child abuse, who has been convicted of a sexual offense, or who has an infectious or contagious disease.

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5 L. 1980, ch. 184

## Registration

- Any person maintaining a family day care home shall register such home with the Secretary on forms furnished by the Kansas Department of Health and Environment (KDHE).
- The Secretary shall issue a certificate of registration to any person who applies for registration and who certifies that no person residing in the family day care home has been convicted of child abuse or a sexual offense, has no infectious or contagious disease, and further attests to the safety of the family day care home for the care of children.
- The Secretary shall furnish each application for registration with a family day care home safety evaluation form to be completed by the applicant and submitted with the application.
- The certificate of registration shall be renewed annually.
- The Secretary may revoke or refuse to renew a certificate of registration upon the determination that the registrant falsified information on the application or willfully and substantially has violated the law.

## 1982<sup>6</sup>

### Revocation of License

- Unless a denied or revoked license is appealed, the order shall become final and effective 20 days after the date of issuance.
- Any application who is aggrieved by the order of the Secretary in denying or revoking a license may appeal within 20 days after its issuance by filing with the licensing agency a written notice of appeal which shall specify wherein the order is unreasonable, unjust, or illegal.
  - Upon receipt of such notice, the licensing agency shall fix a date for hearing which shall not be later than 30 days after the date of receipt of the notice of appeal.
- In conducting appeal hearings, the Secretary or hearing officer may issue subpoenas to compel the attendance of witnesses, administer oaths, take testimony, require the production of books, papers, records, correspondence or other documents which the Secretary or hearing officer deems relevant, and render decisions. After the hearing, the Secretary shall forward a certified copy of the order to the applicant or licensee by certified mail.
  - In the case of refusal to comply with any subpoena issued under this section or to testify with respect to any matter about which the person

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<sup>6</sup> L. 1982, ch. 258, 259

may be lawfully questioned, the district court of any county on application of the licensing agency may issue an order requiring such person to testify, and any failure to obey the order of the court may be punished by the court as a contempt thereof.

## **Rules and Regulations**

- The Secretary shall prescribe by rule and regulation the procedure for hearing all appeals and may designate a hearing officer to conduct the hearing. The hearing officer shall have the same powers in conducting the hearing as the Secretary.

## **Fees**

- The fees were amended to an amount set by the Secretary by rules and regulations. Such fee shall not exceed \$10 except, for a home which is licensed to care for five or more residents, such fee shall not exceed \$30.

**1983<sup>7</sup>**

## **Registration**

- No person shall maintain a family day care home if, in such family day care home, there resides any person who has been convicted of child abuse, has had a child declared to be deprived or a child in need of care, has had a child removed from the home pursuant to the Kansas Juvenile Code or the Kansas Code for Care of Children, has been convicted of a sexual offense, has signed a diversion agreement involving a charge of child abuse or sexual offense, has been found to be unfit to have custody of a minor child, or has an infection or contagious disease.
- The Secretary shall have access to any court order or adjudications of any court of record, any records of such orders or adjudications in the possession of the Department of Social and Rehabilitation Services (SRS) concerning persons residing in a family day care home to determine whether the home meets registration requirements.

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<sup>7</sup> L. 1983, ch. 140, § 45, 47

## Staffing

- No person shall maintain a family day care home if, in such family day care, there resides, works, or volunteers any person who:
  - Has a felony conviction or has a conviction of any act with which is described in Articles 34, 35, or 36 of Chapter 21 of the KSA or has committed an act of physical, mental, or emotional abuse or neglect, or sexual abuse as validated by SRS; or
  - Has had a child removed from the home pursuant to the Kansas Juvenile Code or the Kansas Code of Care of Children or a similar statute of other states.
- No person shall maintain a family day care home if such person has been found to be a disabled person in need of a guardian or conservator, or both.
- Any person who resides in the home who has been found to be a disabled person in need of a guardian or conservator, or both, shall be counted in the total number of children allowed in care.

## Licensing

- The licensing statute was amended to remove the requirement that notification of license refusal be forwarded by certified mail. Upon application not more than 20 days after the date of its issuance, a hearing on the order shall be held in accordance with the provisions of the Kansas Administrative Procedure Act.

## Revocation of License

- When an investigation has found a violation, the Secretary shall give notice and conduct a hearing in accordance with the provisions of the Kansas Administrative Procedure Act.
- The requirements for the appeal process are removed and the process should be in accordance with the Act for Judicial Review and Civil Enforcement of Agency Actions (renamed the Kansas Judicial Review Act in 2009).

## Registration

- The Secretary shall not revoke or refuse to renew any certificate without first giving notice and conducting a hearing in accordance with the provisions of the Kansas Administrative Procedure Act.

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8 L. 1984, ch. 225, 313



## Recordkeeping

- Information received by the licensing agency through filed reports, inspections, or otherwise authorized documents shall not be disclosed publicly in such manner as to identify individuals. In any hearings conducted, the hearing officer may close the hearing to the public to prevent public disclosure of matters relating to individuals restricted by other laws.

## Licensing

- No person shall knowingly maintain a family day care home if, in such family day care home, there resides, works, or regularly volunteers any person who:
  - Has a felony conviction under the Uniform Controlled Substances Act;
  - Has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of a felony and which is a crime against persons;
  - Has had parental rights terminated pursuant to the Kansas Juvenile Code; or
  - Has signed a diversion agreement involving a charge of child abuse or a sexual offense.
- No license shall be granted without the approval of the Secretary of SRS, except that the Secretary of Health and Environment may issue, without the approval of the Secretary of SRS, a temporary permit to operate for a period not to exceed 90 days upon receipt of an initial application for license.
- The Secretary may suspend any license certificate of registration, or temporary permit issued, upon any of the following grounds:
  - Violation by the licensee, registration, or holder of a temporary permit of any provision of this act;
  - Aiding, abetting, or permitting the violation of any provision of this act;
  - Conduct in the operation or maintenance, or both, of a family day care home which is inimical to health, morals, welfare, or safety of either an individual receiving services from the home or the people of this state; and

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9 L. 1985, ch. 209, 210

- The conviction of a licensee registrant, or holder of a temporary permit, at any time, during the licensure or registration or during the time the temporary permit is in effect.

## **Registration**

- The Secretary may suspend any license, certificate, or registration or temporary permit issued prior to any hearing when the action is necessary to protect any child in the family day care home from physical or mental abuse, abandonment, or any other substantial threat to health and safety.
- The Secretary shall have access to any court order or adjudications of any court of record, any records of such orders or adjudications in the possession of the Kansas Bureau of Investigation (KBI) concerning persons residing in a family day care home to determine whether the home meets registration requirements.

## **Staffing**

- No family day care home or its employees shall be liable for civil damages to any person refused employment or discharged from employment by reason of such home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

## **Fees**

- Licensure fees were amended, to not to exceed \$12.50 except that the fee for a hospital or home which is licensed to care for five or more residents shall not exceed \$35.

**1986<sup>10</sup>**

## **Fees**

- The fees were amended to not exceed \$15 except that the fee for a hospital or home which is licensed to care for five or more residents shall not exceed \$75.

## **Registration**

- The Secretary shall issue a certificate of registration to any person who applies for registration on forms furnished by the Secretary, who attests to the safety of

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10 L. 1986, ch. 230

the family day care home for the care of of children, submits a fee of \$5, and who certifies that anyone who resides or volunteers in the family day care meets the qualifications of the definition.

- The Secretary of Health and Environment shall remit all moneys received by the Secretary from fees under the provisions of this act to the State Treasurer at least monthly, to be credited to the State General Fund.

## **Inspection**

- KDHE shall inspect or cause to be inspected every home for children at least every 12 months.

## **1987<sup>11</sup>**

## **Staffing**

- No person shall knowingly maintain a family day care home if, in such family day care home, there resides, works, or regularly volunteers any person who has committed an act of physical, mental, or emotional abuse or neglect, or sexual abuse as validated, and a person has failed to successfully complete a corrective action plan which has been deemed appropriate and approved by SRS or the record has not been expunged pursuant to rules and regulations adopted by the Secretary of SRS.
- An act of abuse or neglect shall not be considered to have been validated by SRS unless the alleged perpetrator has:
  - Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect;
  - Been given notice of the proposed agency finding as a result of the investigation and an opportunity to reply, in writing or in person, regarding the proposed findings; and
  - Been given notice of the agency decision and an opportunity to appeal such decision to the Secretary and to the courts pursuant to the Act for Judicial Review and Civil Enforcement of Agency Actions.

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11 L. 1987, ch. 233

## 1988<sup>12</sup>

### Licensing

- If the Secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license for a period of one year subsequent to the date such revocation or refusal to renew becomes final.

### Registration

- If the Secretary revokes or refuses to renew a certificate of registration, the registrant who had a certificate of registration revoked or not renewed shall not be eligible to apply for a certificate of registration for a period of one year subsequent to the date such revocation or refusal to renew becomes final.

### Fines

- The Secretary may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee or registrant for a violation of statute or rules and regulations adopted pursuant thereto which affect significantly and adversely the health, safety, or sanitation of children in a family day care home. A civil fine assessed may not exceed \$500.

## 1989<sup>13</sup>

### Licensing

- If the Secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license or for a certificate of registration to maintain a family day care home for a period of one year subsequent to the date such revocation or refusal to renew becomes final.

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12 L. 1988, ch. 239

13 L. 1989, ch. 188, § 1

## Definitions

- “Child care program” means a day care center, group day care home, or day care home.
- “Recreation center” means any building used by a political or taxing subdivisions of this state, or by an agency thereof, for recreation programs which serve children who are 16 years of age or under.
- “School” means any building used by a unified school district or an accredited nonpublic school for student instruction or attendance of pupils enrolled in kindergarten or any of the grades 1 through 6.

## Licensing

- No license for a child care program for school age children shall be denied on the basis that the building does not meet requirements for licensure if the building:
  - Is a recreation center or school;
  - Complies, during all hours of operation of the child care program, with the Kansas Fire Prevention Code or a building code compliance that is by law deemed to be in compliance with the Kansas Fire Prevention Code;
  - Complies, during all hours of operation of the child care program, with all local building code provisions that apply to recreation centers, if the building is a recreation center, or schools, if the building is a school; and
  - As a recreation center or school, is used by school age children and the same age children are cared for in the child care program.

## Immunizations

- On and after January 1, 1993, each child cared for in a family day care home, including children of the person maintaining the home, shall be required to have current such immunizations as the Secretary of Health and Environment considers necessary. The person maintaining a family day care home shall maintain a record of each child’s immunizations, and shall provide to the Secretary of Health and Environment such information relating thereto, in accordance with rules and regulations of the Secretary.
- The immunization requirement shall not apply if one of the following is obtained:

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14 L. 1992, ch. 55, 125

- Certification from a licensed physician stating that the physical condition of the child is such that an immunization would endanger the child's life or health; or
- A written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

## 1994<sup>15</sup>

### Definitions

- “Child care facility” means:
  - A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing children with food or lodging, or both, except children related to the person by blood, marriage, or legal adoption; or
  - A children’s home, orphanage, maternity home, day care facility, or other facility of a type determined by the Secretary to require regulation.
  - “Child care facility” shall not include a family day care home.
- “Person” means any individual, association, partnership, corporation, government, governmental subdivision, or other entity.

### Fees

- The fees were amended to not to exceed \$35 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time for child care facilities.
- The fees were amended to not to exceed \$15 for family day care homes.
- Any person who fails to renew their license within the time required by rules and regulations of the Secretary shall pay a late renewal fee of \$10.
- Any licensee applying for an amended license shall pay to the Secretary a fee established by rules and regulations in an amount not exceeding \$35.

### Sanitary and Safety Conditions

- A child care facility shall have plumbing, water, and sewerage systems which conform to all applicable state and local laws; and be operated with strict regard to the health, comfort, safety, and social welfare of the residents.

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15 L. 1994, ch. 279

## Registration

- The Secretary shall provide to each person maintaining a family day care home a list of the requirements for registration of family day care homes. The person maintaining a family day care home shall provide a copy of such list to the parent or guardian of each child cared for in such home and shall maintain on the premises a copy of the list which has been signed and dated by the parent or guardian.

**1995<sup>16</sup>**

## Revocation of License

- A person maintaining a child care facility or family day care home shall not have such person's license revoked solely for failure to have or to maintain the immunization records required. [*Note:* Immunization requirements were added in statute in 1992.]

**2001<sup>17</sup>**

## Records Confidentiality

- Records containing the name, address, and telephone number of a child care facility or family day care home in the possession of KDHE or its agents shall not be released publicly unless required by law.
- Records may be released to:
  - An agency or organization authorized to receive notice;
  - A criminal justice agency;
  - Any state or federal agency that provides child care services, funding for child care, or child protective services;
  - Any federal agency for the purposes of compliance with federal funding requirements;
  - Any local fire department;
  - Any child and adult food care program sponsoring agency; and
  - Any local disaster agency.

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16 L. 1995, ch. 183

17 L. 2001, ch. 190

- Any state or federal agency or any person receiving records shall not disseminate the records without the consent of the person whose records will be disseminated unless required by law.
- Any state or federal agency or any person receiving records may disseminate the information contained in the record without the consent of the person whose record will be disseminated.
- The Secretary may release the name, address, and telephone number of a child care facility or family day care home when the Secretary determines the release of the information is necessary to protect the health, safety, or welfare of the public or children enrolled.

## Definitions

- “Child care facility” means a facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing children with food or lodging, or both, except children in the custody of the Secretary of SRS who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage, or legal adoption.

**2007<sup>18</sup>**

## Staffing

- No person shall knowingly maintain a child care facility or maintain a family day care home, if, in the child care facility or family day care home there resides, works, or regularly volunteers, any person who in this state or in other states or as determined by the federal government has a:
  - Conviction of conspiracy;
  - Listing in the child abuse and neglect registry maintained by SRS; or
  - Child removed from the home based on a court order or any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental, or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan.
- A person listed in the child abuse and neglect central registry shall not be prohibited from residing, working, or volunteering in a child care facility or family day care home unless such person has:

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18 L. 2007, ch. 147



- Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and
- Been given notice of the agency decision and an opportunity to appeal such decision to the Secretary and to the courts pursuant to the Act for Judicial Review and Civil Enforcement of Agency Actions.

## **Background Checks**

- The Secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working, or regularly volunteering in a child care facility or family day care home. In order to conduct a national criminal history check, the Secretary shall require fingerprinting for identification and determination of criminal history.
- The Secretary shall submit the fingerprints to KBI and to the Federal Bureau of Investigation and receive a reply to enable the Secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working, or regularly volunteering in a child care facility or family day care home.
- The Secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work, or regularly volunteer in a child care facility or family day care home.
- The Secretary shall notify the child care applicant, licensee, or registrant within seven days by certified mail with return receipt requested, when the results reveal unfitness.

## **2010 (LEXIE'S LAW)<sup>19</sup>**

### **Definitions**

- The term "licensed day care homes" replaced "family day care homes" throughout the statutes.

### **Licensing**

- The license shall have on its face an expiration sticker stating the date of expiration of the license.
- If the Secretary revokes or refuses to renew a license of a licensee who is a repeat, three or more times, violator of statutory requirements or rules and regulations, or is found to have contributed to the death or serious bodily harm of

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19 L. 2010, ch. 161

a child under such licensee's care, such licensee shall be permanently prohibited from applying for a new license to provide child care or from seeking employment under another license.

## **Fees**

- The fees were amended not to exceed \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time for child care facilities.
- Any person who fails to renew their license within 30 days after the expiration of the license shall pay the renewal fee plus a late fee in an amount equal to the fee for the renewal of a license.

## **Inspections**

- Family day care homes no longer receive a certification of registration, as they are inspected every 12 months.
- The Secretary shall conduct an inspection upon receiving a complaint.
- Any new child care facility shall be inspected prior to issuance of a license.
- The Secretary may at any time inspect any child care facility that has a record of repeated complaints or serious violations.
- The Secretary shall inspect any child care facility that provides services to military families receiving military assistance for child care every 12 months.

## **Sanitary and Safety Conditions**

- The following rules and regulations requirements are codified into the statutes:
  - Adequate handwashing;
  - Safe storage of toxic substances and hazardous chemicals;
  - Sanitary diapering and toileting;
  - Home sanitation;
  - Sudden infant death syndrome (SIDS) and safe sleep practices training;
  - Prohibition on corporal punishment;
  - Crib safety;
  - Protection from electrical hazards;
  - Protection from swimming pools and other water sources;

- Fire drills;
  - Emergency plans;
  - Safety of outdoor playground surfaces;
  - Door locks; and
  - Safety gates and transportation.
- Rules and regulations developed shall include provisions for the competent supervision and care of children in child care facilities.
- Competent supervision as it relates to children less than 5 years of age includes, but is not limited to:
    - Direction of activities;
    - Adequate oversight including sight or sound monitoring, or both;
    - Physical proximity to children; and
    - Diapering and toileting practices.
- Competent supervision as it relates to all children includes, but is not limited to:
    - Planning and supervision of daily activities;
    - Safe sleep practices;
    - Visual or sound monitoring;
    - Period checking;
    - Emergency response procedures and drills;
    - Illness and injury response procedures;
    - Food service preparation and sanitation;
    - Playground supervision; and
    - Pool and water safety practices.

## **Staffing**

- No person shall maintain a child care facility unless such person is a high school graduate or the equivalent thereof, unless they already maintain a facility.

## **Online Information Dissemination System**

- The Secretary shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants, and history of citations or substantiated findings.

- The Secretary shall adopt rules and regulations which are consistent with the requirements for the receipt of federal child care funds and which provides for the establishment of an online information dissemination system.

## 2012<sup>20</sup>

### Definitions

- “Day care facility” means a child care facility that includes a day care home, preschool, child care center, school-age program, or other facility of a type determined by the Secretary to require regulation.

### Licensing

- A license granted to maintain a child care facility shall:
  - State the name of license;
  - Describe the particular premises in or at which the business will be carried on; and
  - The number of children that may be cared for at one time.

## 2017<sup>21</sup>

### Sanitary and Safety Conditions

- Child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:
  - A child shall be placed to sleep only on a surface approved for use as such by the Secretary;
  - The sleep surface shall be free from soft or loose bedding; including but not limited to blankets, bumpers, and pillows; and
  - The sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.
- Child care facilities shall ensure a child shall be placed to sleep only on a surface approved for use as such by the Secretary. The Secretary may use discretion where special health needs exist.

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20 L. 2012, ch. 99

21 L. 2017, ch. 41

## **Staffing**

- No person shall knowingly maintain a child care facility if there resides, works, or regularly volunteers any person who in this state or in other states or by the federal government has been convicted of a crime that is classified as a person felony under the Kansas Criminal Code or requires registration as a sexual offender.

**2018<sup>22</sup>**

## **Definitions**

- “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 where the operator permits children and youth to arrive at and depart from the program at the child or youth’s own volition at unscheduled times.

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