

## **Regulations to Consider when Opening a Child Care Center**

### Orientation

- Each person shall, before applying for a license, complete an orientation program on the requirements for operating a preschool or a child care center. If the person is not an individual, the person shall designate an individual to meet this requirement. The orientation shall be provided by the county health department or the secretary's designee that serves the county in which the preschool or child care center will be located. K.A.R. 28-4-428a

### Building Requirements

- Site Approval. The proposed site shall be approved by the Kansas department of health and environment, the local building inspector when required, and a fire safety inspector. Inspection reports shall accompany the application for license. When a building is to be constructed or an existing building is to be remodeled, construction or remodeling plans shall be submitted to the Kansas department of health and environment. K.A.R 28-4-422(c)(1)
- Fire Safety Approval. Written approval from the Office of the State Fire Marshal of fire safety for the building must be obtained. K.S.A. 65-508(b)
- Local Code Approval. Written approval must be obtained from the appropriate local agencies stating local codes are met. K.A.R. 28-4-423(a)(1)
- Units shall be separated by walls or partitions not less than 5 feet high. K.A.R. 28-4-420(y)
- Ceiling height shall be not less than seven feet six inches. K.A.R. 28-4-423(a)(9)
- There shall be one toilet and one washbasin for each fifteen children. There must be one potty chair or child-sized toilet for every five toddlers. K.A.R. 28-4-423(c)(5), K.A.R. 28-4-440(q)(9)
- License capacity shall be determined by the age of children, available space, program director qualifications, and number of self-contained units per facility. K.A.R. 28-4-421(a)(1)
- The designated area for children's activities shall contain a minimum of 35-square-feet of usable floor space per child, excluding the kitchen, passageways, storage areas, and bathrooms. There must be exclusive use of all units, activity areas, restrooms, walkways, and the kitchen during operating hours. K.A.R. 28-4-423(a)(2)
- The Program Director is responsible for implementing and supervising the program, must be employed full-time, and must meet requirements based on facility license capacity. K.A.R. 28-4-428(d)(1), K.A.R. 28-4-429
- Facility Insurance. Accident and Liability insurance must be obtained for the facility and documentation kept on file. K.A.R. 28-4-426(c)

### Infants & Toddlers

- 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. K.A.R. 28-4-420(k)
- Toddler means a child who has learned to walk and is between 12 and 30 months of age. K.A.R. 28-4-420(dd)

- Active Play Area Requirements
  - Infant & Toddler programs must be conducted on the ground floor only. K.A.R. 28-4-440(a)
  - Infant & Toddler units are to be separate from units for older children. This includes a separate outdoor play area with equipment age-appropriate for infants and toddlers. K.A.R. 28-4-440(b)
- Sleeping Area Requirements
  - A sleeping area separate from the active play area shall be provided for infants. The sleeping area is NOT included in the square footage as space available for children's activities. K.A.R. 28-4-440(d)
  - The sleeping area may be separated from the active play area by one of the following methods:
    - A separate room which allows visibility from the play area or has a staff person in both play and sleep areas for purposes of supervision.
    - Room dividers or shelves that are firmly anchored or constructed in a way to prevent tipping or climbing. The height of the dividers or shelves must not impair the visual supervision of all areas of the unit by staff.
  - A crib or playpen shall be provided for each infant in care at any one time. K.A.R. 28-4-440(e)
  - Cribs and playpens shall be separated from each other by at least 2-feet in all directions except when bordering on the wall. K.A.R. 28-4-436(b)(5)
- Diapering/Toileting Requirements
  - A changing table is required in each unit for infant and toddlers. K.A.R. 28-4-440(q)(4)
  - Handwashing facilities shall be in or adjacent to the diaper-changing area. The water source for the sink must be plumbed. K.A.R. 28-4-440(q)(3), K.A.R. 28-4-423(c)(1)
  - There shall be one potty chair or child-sized toilet for every five toddlers. K.A.R. 28-4-440(q)(9)
  - An additional sink may be necessary as a bottle/food preparation and toy cleaning area. The diaper handwashing sink cannot be used for bottle/food preparation and toy cleaning.

#### Preschool

- Preschool-age means a child who is between 30 months of age and the age of eligibility to enter kindergarten. K.A.R. 28-4-420(u)
- It is a good idea to have a bathroom in or adjacent to the unit so the teacher does not have to leave the unit to assist in the bathroom, leaving the remaining children unsupervised. If you are unable to meet this requirement, a plan must be in place to have staff available to supervise toileting.

#### School-Age

- School-age means a child who will attain the age of six years on or before the first day of September of any school year. K.A.R. 28-4-420(x)
- Each unit for school-age children shall be separate from units for younger children, except for periods not to exceed two hours before and after school. K.A.R. 28-4-441(b)(2)
- Bathroom placement and toileting supervision should also be considered for school-age children.

#### Equipment

- Equipment must be scaled to the size of the children. K.A.R. 28-4-427(b)(2)
- Each child must have individual space for his/her garments, clothing, and possessions during the session attended. K.A.R. 28-4-427(b)(7)
- Each child remaining at the center for more than four hours shall be encouraged to nap or rest according to their individual needs. Cribs, playpens, nap pads, and/or nap cots will be needed. K.A.R. 28-4-436(b)(1-5)

### Outside Area

- Outdoor play space must be available on the premises, must have at least 75 square feet per child based on half the maximum capacity of the facility, and must be enclosed with a fence not less than four feet high. Shade must be available. Play areas for infants and toddlers must be separated from play areas for older children. KAR 28-4-437; KAR 28-4-440(b)

### Food Preparation

- Most facilities choose to serve meals in the units. If this is the plan, consider having children eat at tables over a non-carpeted area in each unit for easier clean-up.
- When meals are prepared on the premises, a staff person (cook) must be employed who has knowledge of children's nutritional needs. K.A.R. 28-4-439(a)
- The kitchen shall be separate from the eating, play, and bathroom areas, and shall not be used as a passageway while food is being prepared. K.A.R. 48-4-439(j)
- The kitchen must have a three-compartment sink supplied with hot and cold running water and a drain board for washing, rinsing, sanitizing, and air-drying; or a mechanical dishwasher. K.A.R. 28-4-439(l).
- If meals are catered, food shall be obtained from sources licensed by the Kansas department of health and environment and shall be transported in covered and temperature-controlled containers. K.A.R. 28-4-439(o)
- Child and Adult Care Food Program reimbursement is available through the Kansas State Department of Education. If interested, visit the website at [www.kn-eat.org](http://www.kn-eat.org) or call (785) 296-2276.

### Laundry

- If laundry is done at the center, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in such a manner as to safeguard the health and safety of the children. Separate areas shall be provided for soiled and clean items. K.A.R. 28-4-436(c)

### Transportation

- If transportation is provided for any reason (to/from school, field trips, etc.), refer to K.A.R. 28-4-130 for requirements.
- Parent permission to go off-premises must also be obtained. K.A.R. 28-4-124

### Supervision

- Each child in day care shall be under the supervision of a person 16 years of age or older who is responsible for the child's health, safety, and well-being. K.A.R. 28-4-132(a)
- Children are to be supervised at all times. This includes in the classroom, bathroom, during naps, lunch, on the playground, walking to and from school, during field trips, etc. K.A.R. 28-4-428(a)(3)

### Staff Qualifications

- Minimum staff-child ratio. The ratio between staff and children shall be determined by the age of children and type of service provided. The required staff-child ratio shall not fall below the minimum level at any time. K.A.R.28-4-428(a)
  - It is best when the unit size will allow for the maximum number of children per each staff member in the unit. For example, the staff-child ratio for children ages 2 ½ years to school-age is one staff member for each 10 children, so it is best if the size of the unit will accommodate at least 10 children, which would be a minimum of 350 square feet. Also note the maximum number of children per unit allowed.
- To determine qualifications, refer to K.A.R. 28-4-429(h), and then refer to K.A.R. 28-4-429 (b-d). When the regulation speaks to facility size it also means unit size. For example, if the unit is licensed for up to 12 children, at least one staff person in that unit must meet one of the four options under K.A.R. 28-4-429(b).

If the unit is licensed for up to 20 children, the staff person in that room must meet the qualifications outlined in K.A.R. 28-4-429(c).

- At least one staff member in each unit of infants and each unit of toddlers must meet requirements outlined in K.A.R. 28-4-440(n).
- At least one staff member in each unit of school-age children must meet requirements outlined in K.A.R. 28-4-441(b)(1).
- Substitute staff persons must meet the requirements of the person they are replacing.