

Plan for Implementing New and Amended Regulations for Day Care Homes, Group Day Care Homes, Child Care Centers and Preschools

January 2012

In 2010 the Kansas Legislature passed significant changes to the Child Care Act. Known collectively as Lexie's Law, the changes increased health and safety protections for children in child care settings. In part, Lexie's Law directed the department to develop an online information dissemination system (K.S.A. 65-634) and to promulgate additional health and safety regulations.

The following new and amended regulations were adopted by the Secretary of Health and Environment and published in the Kansas Register on January 19, 2012. The regulations are effective February 3, 2012. Updated information including a copy of the Kansas Register containing the adopted regulations is available on the CCL website www.kdheks.gov/kidsnet.

New General Regulation

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

New and Amended Regulations for Day Care Homes and Group Day Care Homes

K.A.R. 28-4-113 Definitions (amended)
K.A.R. 28-4-114 Applicant; licensee (amended)
K.A.R. 28-4-114a Initial and ongoing professional development (new)
K.A.R. 28-4-115 Facility (amended)
K.A.R. 28-4-115a Supervision (new)
K.A.R. 28-4-116 Daily care of children (amended)
K.A.R. 28-4-116a Napping and sleeping (new)

New and Amended Regulations for Child Care Centers and Preschools

K.A.R. 28-4-428a Education and training requirements (new)
K.A.R. 28-4-440 Infant and toddler programs (amended)

Points to Remember

- The proposed regulations were available for public comment beginning March 10, 2011, and ending after the public hearing on May 17, 2011. Comments were received from the regulated community, parents of children in care, licensing surveyors, other interested parties and state and national organizations.
- KDHE considered all comments received. Post hearing changes to the regulations were made based on many of the suggestions received.

- The online information dissemination system provides parents and the public with recent provider compliance history. The system does not publically display the address or phone number of child care facilities. However, child care providers may request, pursuant to K.A.R. 28-4-93, that the information for their facility be displayed.
- Existing child care providers will be given one year from the effective date of the regulations to complete the training requirements of K.A.R. 28-4-114a (licensed day care homes and group day care homes) and K.A.R. 28-4-428a (child care centers and preschools).
- The Child Care Licensing Program and county health department licensing surveyors will provide training, consultation and technical assistance to help child care providers understand and comply with new requirements.
- Working together as partners, we can make this transition work to the benefit of young children and their families.

Implementation Timeline

The Child Care Licensing Program is phasing in implementation of the new requirements. The proposed schedule will allow time for CCL staff, licensing surveyors and child care providers to learn and implement the regulations.

Jan. – Feb. 2012	New and amended regulations are published in the Kansas Register. Child care providers, licensing surveyors, statewide partners and the public notified. CCL website is updated to include regulations and guidance information.
Feb. – Mar 2012	Regulations are effective 15 days after publication in the Kansas Register.
Feb. – Mar. 2012	KDHE will train licensing surveyors.
Feb. – Apr. 2012	Licensing surveyors will provide training, on-site consultation and technical assistance on the regulations to providers.
May 2012	Regulations fully implemented.