

## REGULATIONS FOR LICENSING SCHOOL AGE PROGRAMS

### **K.A.R. 28-4-576. Definitions.**

- (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) “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.
- (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) “Applicant” means any person who has submitted an initial application for a license to operate a school-age program but has not received a temporary permit or license.
- (h) “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) “Building” means a structure used for shelter that has a roof and is enclosed by walls on all sides.
- (k) “Child or youth with special needs” means a child or youth who requires specialized programs, services, interventions, or technologies while attending the program, due to any of the following conditions:
  - (1) A developmental disability;
  - (2) mental retardation;
  - (3) mental illness;
  - (4) an emotional or behavioral difficulty;
  - (5) sensory or motor impairment; or
  - (6) a chronic illness.
- (l) “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) “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).
- (o) “Group” means a limited number of children or youth assigned to a staff member or team of staff members.
- (p) “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 specialized instruction and may require protective safety gear.
- (q) “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 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) “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) “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.
- (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 inspection or investigation conducted by the secretary’s designee to determine compliance with applicable statutes and regulations.
- (y) “Operator” means a person who holds a temporary permit or license to conduct a school-age program.
- (z) “Outdoor summer camp” 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 in K.S.A. 65-501, and amendments thereto.
- (aa) “Premises” means the location, including the building or buildings and adjoining grounds, for which the operator has a temporary permit or license to conduct a school-age program.
- (bb) “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.
- (ee) “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) “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.
- (hh) “School-age child” and “child” mean 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 program. Each school-age child shall be included in the license capacity.
- (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 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) “Secretary” means the secretary of the Kansas department of health and environment.
- (ll) “Secretary's designee” means the person designated by the secretary to assess compliance with program regulations.
- (mm) “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) “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.

- (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.
- (ss) “Use zone” means the surface under and around a piece of equipment onto which a child or youth falling from or exiting the equipment would be expected to land.

(Authorized by and implementing K.S.A. 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.)

**K.A.R. 28-4-577. Terms of temporary permit or license.**

- (a) License capacity.
  - (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.
  - (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.
  - (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.
- (b) Posting 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.
- (c) License capacity not to be exceeded. 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.
- (d) Provisions for issuing license. 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;
  - (2) K.S.A. 65-523 through K.S.A. 65-529, and amendments thereto;
  - (3) K.S.A. 65-531, and amendments thereto; and
  - (4) all applicable regulations.
- (e) Validity of temporary permit or license.
- (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. 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.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-504; 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.)

**K.A.R. 28-4-578. Licensure; amended license; exceptions; notification; renewal.** Each person shall have a temporary permit or license to operate a school-age program before children or youth are in attendance.

- (a) Temporary permit or license required. 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.
  - (2) The public agency providing funding to the program requires the program to be licensed as a child care facility.
  - (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. The following shall not be considered child care facilities:
- (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. 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:
- (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.
- (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.

- (2) The operator shall not consider the amendment granted until the amended temporary permit or license is issued by the secretary.
- (e) Exceptions.
- (1) Any operator may submit a written request for an exception to a school-age 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 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.
  - (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.
- (f) Notification requirements. Each applicant or operator shall notify the secretary in writing before withdrawing the application, closing the program, or changing any of the following:
- (1) High-risk sports or recreational activities offered by the program;
  - (2) the program director;
  - (3) the physical structure of the program site due to new construction or substantial remodeling that affects the license capacity; or
  - (4) the use of any part of the premises that affects the license capacity.
- (g) Annual renewal.
- (1) Before the annual renewal date, each licensee wishing 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:
    - (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.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, 65-504, 65-505, and 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.)

**K.A.R. 28-4-579. Applicant requirements.**

- (a) Each individual submitting an application for a license shall be 21 years of age or older at the time of application.
- (b) Each corporation applying for a license shall be in good standing with the Kansas secretary of state.

(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.)

**K.A.R. 28-4-580. Application procedures; advertising.**

- (a) Application procedures.
  - (1) Each person wishing to conduct a school-age 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 program and shall include the following:
    - (A) A description of the program of activities and services to be offered, including the following:
      - (i) A statement of the program's purpose and goals;
      - (ii) the number and ages of children and youth for whom the program is designed; and
      - (iii) the anticipated opening date and the projected hours and months of operation;
    - (B) a request for a criminal history and child abuse registry background check as specified in K.A.R. 28-4-584; and
    - (C) a nonrefundable license fee of \$20.00.
  - (2) 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 and youth 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.
- (3) If new construction or remodeling is planned, the 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 (a)(2) of this regulation. 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.
- (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;
  - (D) the placement of anchored equipment; and
  - (E) the location of any hazards adjacent to the outside activity area, including heavily traveled streets, railroad tracks, and bodies of water.
- (5) Each applicant for a license to conduct an outdoor summer camp shall submit documentation of site approval as specified in K.A.R. 28-4-586.
- (b) Advertising. If an applicant advertises the availability of the program, the advertisement shall not contradict the written description of the program of activities and services submitted with the application. The applicant shall not make a claim of "state approval" until the secretary issues a temporary permit or license.

(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.)

**K.A.R. 28-4-581. Inspections; surveys; investigations; posting administrative order.**

- (a) Entry and access. 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 required to be kept, to determine compliance with applicable statutes and school-age program regulations. To ensure access, the applicant or operator shall authorize the program director or program director's designee to grant to the secretary, or the secretary's designee, immediate entry and access to the premises and required records.
- (b) Notification of noncompliance.
  - (1) Applicant. If an applicant is notified in writing that the applicant is not in compliance with statutes or regulations governing school-age programs, the applicant shall make any changes or alterations identified in the notice before a temporary permit or license is issued by the secretary.
  - (2) Operator. If, following an inspection or complaint investigation, the operator is notified in writing that the program is not being conducted in compliance with statutes or regulations governing school-age programs, the operator shall make any changes or alterations identified in the notice necessary to achieve and maintain compliance.
  - (3) Explanation of findings. If an applicant or operator disagrees with a notice documenting any finding of noncompliance with licensing statutes or regulations, the applicant or operator may request an explanation of the finding from the secretary's designee. If the explanation is not satisfactory to the applicant or operator, the applicant or operator may submit a written request to the department for reconsideration of the finding. The written request shall identify the finding in question and explain why the applicant or operator believes that the finding should be changed. This request shall be made to the department within 10 calendar days after receiving the explanation.
- (c) Posting of an administrative order. Each applicant or operator receiving an administrative order from the secretary shall post the order in a conspicuous place on the premises that is accessible to parents or potential users of the program. Each order shall be posted for 90 calendar days following the date the order becomes final.

(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.)

**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.
- (c) Lines of authority. Each operator shall define in writing the lines of authority governing the operation of the program.
- (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) Children and youth records.
  - (1) Each operator shall obtain the following information for each child or youth before or on the first day of attending the program:
    - (A) The first and last name, date of birth, and gender;
    - (B) a health history, as specified in K.A.R. 28-4-590(d);
    - (C) the anticipated schedule of hours and days of attendance or a notation that attendance is on a drop-in basis; and
    - (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.
  - (2) Each operator shall obtain written authorization for emergency medical care, signed 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 is unable to obtain written information and records required for the child's or youth's participation in the program, the operator shall document that a reasonable effort has been made to obtain the necessary information and records.

The operator shall develop and implement a plan, approved by the secretary, that provides the following information:

- (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 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) 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 professional development training for each director as specified in K.A.R. 28-4-587.
- (g) Attendance of children and youth.
- (1) Each operator 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 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 shall ensure that children and youth do not attend more than two consecutive weeks of overnight activities.
- (h) Each operator 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 request.

(Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-507 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**K.A.R. 28-4-583. Access to the premises; safety of off-premises activities.**

- (a) Access to the premises. Each operator 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.
- (c) Program-sponsored off-premises activities.
  - (1) Each operator 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.
  - (3) Each operator 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) Each operator 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) Each operator and each staff member shall have a method of accounting for each child or youth while off the premises to ensure that no child or youth is forgotten or left behind.

(Authorized by and implementing K.S.A. 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.)

**K.A.R. 28-4-584. Criminal history and child abuse registry background check.**

- (a) (1) Each applicant and each operator shall submit the identifying information that is necessary to complete a criminal history and child abuse registry background check for each individual 14 years of age or older who works, substitutes, or regularly volunteers in the program, as follows:
  - (A) When applying for a license;
  - (B) when submitting an application to renew the license; and
  - (C) before allowing each new individual to work, substitute, or regularly volunteer in the program.
- (2) The identifying information shall be submitted on a form supplied by the department.

- (b) Each operator, upon receipt of notification that an individual is prohibited from working, substituting, or regularly volunteering in the program, shall take the steps necessary to comply with K.S.A. 65-516, and amendments thereto. The operator shall, within five days of receipt of the notice, notify the secretary of the steps taken.
- (c) Each operator shall maintain, for one year from the date of submission, a copy of each form submitted to the secretary requesting a criminal history or child abuse registry check. All copies 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.

(Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-516, as amended by L. 2002, ch. 114, sec. 74; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**K.A.R. 28-4-585. Building and outdoor premises.**

- (a) Safety and maintenance of each building.
  - (1) Each operator 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 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 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)
    - (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.
    - (B) Each operator shall designate the rest rooms to be used by the program. A separate rest room shall be provided for each gender unless the rest room is designated for single occupancy.
    - (C) Each rest room shall be located to allow for the following:
      - (i) Supervision of children and youth;
      - (ii) immediate access to the rest room facilities by children, youth, and adults; and
      - (iii) privacy while using the toilet.

- (D) If the rest rooms are also used by non-program participants during the hours of operation of the program, the operator shall develop and implement policies for rest room 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.
- (4) Each operator 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 slippery or cracked.
  - (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) 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 operating condition. Power strips, if used, shall have a UL rating.
- (6) Each operator shall safely store 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.
- (b) Public and accredited non-public school buildings.
- (1) Inside premises. If a program is located in a public or accredited non-public school building, the operator 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.
  - (2) Outside premises.
    - (A) Each existing outside playground or activity area and equipment acceptable for use by students of the same age during the academic day 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 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 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) 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 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).
- (e) Outside premises of public recreation centers and of other programs, including outdoor summer camps that are not conducted in public schools or accredited non-public schools.
  - (1) General requirements.
    - (A) Each operator 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 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 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 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.
  - (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, unitary surfacing material, or synthetic impact material. Before any equipment over 11 feet in height is used, the operator 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.
  - (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 10 feet 11 feet	shredded bark mulch	6 inches 9 inches 12 inches
7 feet 10 feet 11 feet	wood chips	6 inches 9 inches 12 inches
6 feet 9 feet	fine sand	6 inches 12 inches
7 feet 10 feet	fine gravel	9 inches 12 inches
10 feet or less	shredded rubber	6 inches

- (3) Protection from environmental hazards. Each operator 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.
  - (B) Each outdoor activity area shall have a fence, partial fence, or other barrier 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;
    - (ii) railroad tracks; 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. 65-508; implementing K.S.A. 65-508 and K.S.A. 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.)

**K.A.R. 28-4-586. Outdoor summer camps and mobile summer programs.**

- (a) (1) Each operator conducting an outdoor summer camp or mobile summer program shall meet 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.

- (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) Each outdoor summer camp 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 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. No child or youth shall be exposed to environmental hazards, including asbestos, lead paint, and pesticides.
    - (B) If a lake, pond, river, or other large body of water is located within 100 yards of the premises, each operator shall ensure that the water hazard is physically separated from the activity area to prevent access by each child or youth, or shall submit to the secretary a plan for protecting 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) Each outdoor summer camp shall have access to the following:
      - (i) 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) rest room 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) 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 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 paragraph (c)(4) and (5) of this regulation.
- (c) 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 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 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 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**K.A.R. 28-4-587. Staff qualifications; professional development; staffing requirements.**

- (a) Staff qualifications. Each operator and each staff member in contact with children or youth shall demonstrate emotional maturity, sound judgment, and an understanding of children and youth.
- (b) Program director qualifications.
  - (1) Each program shall have a program director who meets the following qualifications:
    - (A) Is 18 years of age or older, and is at least three years older than the oldest youth in the program;

- (B) demonstrates the following:
    - (i) Knowledge of child and youth development;
    - (ii) knowledge of licensing regulations applicable to the program;
    - (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 these regulations; and
  - (C) has either a high school diploma or a general equivalency diploma (GED).
- (2) In addition to meeting the requirements specified in paragraph (1) of this subsection, each program director shall meet one of the following qualifications, as appropriate to the license capacity of the program:
- (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 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;
  - (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 academic credit hours and six months of job-related experience; or

- (D) for a license capacity of 121 or more children and youth, has a minimum of a four-year bachelor's degree from an accredited college or university and job-related experience.
- (3) Within 10 calendar days after hiring each program director, each operator shall comply with one of the following:
  - (i) Obtain a copy of the approval letter issued by the secretary to document that the program director is qualified for the license capacity of the program; or
  - (ii) submit a request to the secretary for program director's approval of the program director who has been hired.
- (4) Each approval letter shall be kept on file in the program director's personnel file and shall be accessible for review by the secretary's designee.
- (5) Each program director designee shall meet the requirements specified in paragraphs (b)(1) and (2)(A).
- (c) Administrator qualifications. Each operator of a program that has a license capacity of 91 or more children or youth shall employ an administrator who meets the following qualifications:
  - (1) Is not the program director or a group leader;
  - (2) is 18 years of age or older, and has either a high school diploma or GED; and
  - (3) demonstrates administrative ability, knowledge of regulations governing school-age programs, and the skill to supervise the business operation of the program.
- (d) Group leader qualifications.
  - (1) Each person designated as group leader shall meet the following qualifications:
    - (A) Is 18 years of age or older and is at least three years older than the oldest youth in the group; and
    - (B) has either a high school diploma or GED and has job-related experience working with school-age children or youth.
  - (2) Each group leader shall demonstrate the following:
    - (A) Knowledge of child and youth development;
    - (B) knowledge of licensing regulations for school-age programs;
    - (C) an understanding of age-appropriate activities and services;

- (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 provide supervision and direction to the children and youth assigned to the group, shall supervise group activities during all hours children and youth are present, and shall provide supervision and direction to an assistant group leader.
- (e) Assistant group leader qualifications.
- (1) Each person designated as assistant group leader shall meet the following qualifications:
    - (A) Is 16 years of age or older and is at least three years older than the oldest youth in attendance in the group; and
    - (B) demonstrates the ability to provide supervision and guidance to a group of children or youth under the direction of a group leader, the skill and ability to carry out the program of activities, and the capability to foster positive, healthy relationships with children and youth.
  - (2) Each assistant group leader shall be under the direct supervision and direction of a group leader.
- (f) Qualifications for substitute staff. Each program shall have substitutes who are available to work in case of illness or emergency. Each substitute shall meet the requirements for the staff person whom the substitute is temporarily replacing. The name and telephone number of each substitute shall be immediately available to the program director or the program director's designee.
- (g) Qualifications for volunteers. Each volunteer shall be 14 years of age or older and, if working directly with the children and youth, shall be at least three years older than the oldest youth in the group. No volunteer shall be counted in the supervisory ratio unless the volunteer meets all the requirements of a group leader or assistant group leader and is designated as a group leader or assistant group leader by the program director.
- (h) Professional development.
- (1) Orientation training. Each operator shall provide orientation training to each program director and each staff member who is counted in the supervisory ratio. The operator shall offer the training before or within the first week of working with children or youth. The training shall be related to work duties and responsibilities and shall include the following:

- (A) The mission and goals of the program;
  - (B) licensing regulations;
  - (C) the program policies and practices, including security and behavior management;
  - (D) the program of activities;
  - (E) supervision;
  - (F) health and safety practices;
  - (G) confidentiality;
  - (H) handling emergencies; and
  - (I) recognizing and reporting symptoms of illness, child abuse, child neglect, and critical incidents as specified in K.A.R. 28-4-592.
- (2) Ongoing professional development training.
- (A) Each program director shall annually obtain 15 clock-hours of professional development training as defined in K.A.R. 28-4-576. Documentation of the training attended and the number of clock-hours received for the training shall be kept in the program director's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.
  - (B) Each operator or program director shall assess the training needs of the staff members and shall provide staff training as needed to maintain the program in compliance with licensing regulations. Documentation of training shall be kept in the staff member's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.
- (i) Staffing requirements.
- (1) Staff coverage. Each operator shall 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 in case of emergencies and staff absences.
  - (2) Supervision.
    - (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 shall comply with the following:
  - (i) Meet the applicable qualifications for a group leader or assistant group leader;
  - (ii) be assigned responsibility for the supervision of children and youth; and
  - (iii) be physically present with the children or youth.
- (3) Grouping. 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 program activity.
- (4) 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, or abuse.
- (5) 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 their supervision.
- (6) Each group leader or assistant group leader shall know the location of each child or youth under the supervision of that group leader or assistant group leader, at all times.
- (7) 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. 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.)

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

- (a) Program plan. Each operator shall develop and implement a written program plan that includes a 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 shall ensure that each activity is adapted to the number of children and youth participating in the activity and the space available. Whenever possible, each operator 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.
  - (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 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 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 shall ensure compliance with the following safety requirements:
    - (A) Equipment, furnishings, and supplies shall be used as intended 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 requirements for high-risk sports and recreational activities specified in subsection (e) 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 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 activity safely;
    - (D) the plans for increased staff supervision;
    - (E) the type of protective gear, if required for the activity;
    - (F) the operator'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 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 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, 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 needs.
  - (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;
    - (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 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**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 behavior management 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 timeout 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.
  - (1) No operator 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 with the hand or any implement, slapping, swatting, 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) verbal abuse, threats, or derogatory remarks about the child or youth or the child's or youth's family;
    - (D) enclosing the child or youth in a confined space, including any closet, box, and locked room;
    - (E) withholding or forcing foods or liquids; and
    - (F) placing soap, or other substances that sting, burn, or have a bitter taste, in the child's or youth's mouth or on the tongue, or placing substances that sting or burn on other parts of the child's or youth's body.

- (2) Each operator and each staff member shall be prohibited from giving medications, herbal or folk remedies, and drugs to control or manage behavior except as prescribed by the child's or youth's licensed physician or licensed nurse practitioner.
  - (3) Each operator 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.
- (1) Before physical restraint is used, de-escalation methods shall be attempted. If de-escalation methods fail and the behavior of a child 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 is used, two staff members shall be present and shall remain with the child or youth until physical restraint is no longer necessary.
  - (2) The child or youth shall be restrained no longer than necessary for the child or youth to gain self-control. No bonds, ties, or straps shall be used to restrict movement.
  - (3) Each staff member using physical restraint shall have a current certificate on file documenting training in de-escalation methods and specific restraint 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 protection or the protection of others shall have on file an IPP authorizing the use of physical restraint.
- (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 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**K.A.R. 28-4-590. Health-related requirements.**

- (a) Tobacco use prohibited. Each operator 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 and each staff member shall be free from physical, mental, and emotional handicaps as necessary to protect the health, safety, and welfare of the children or youth.
  - (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.
  - (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 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 or confirmed active tuberculosis. 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.
  - (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 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 testing.
- (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 shall obtain a health history for each child or youth, on a form supplied by the department or approved by the secretary. Each health history shall be maintained in the child's or youth's file on the premises.
- (2) Each operator shall require that each child or youth attending the program has current 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 of the child or youth, that the parent is an adherent of a religious denomination whose teachings are opposed to health assessments or immunizations; 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 who are 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 during the time children or youth are attending the program, each operator 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 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 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 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; 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 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 shall record in the file of each child or youth who 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 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 shall keep 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 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 staff supervision. The operator 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 nurse practitioner 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 shall safely store each medication to prevent unauthorized access by others.
  - (E) Each operator shall record the date and time each medication was self-administered.
- (f) Health care practices.
  - (1) Hand washing.
    - (A) Each operator shall encourage each child and youth to wash the hands with soap and water before and after eating and after toileting.
    - (B) Each staff member shall wash the hands with soap and water 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.

- (2) Each staff member shall be sensitive 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;
  - (E) allergic reactions; and
  - (F) other preventable conditions hazardous to a child's or youth's health.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 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.)

**K.A.R. 28-4-591. Food preparation, service, safety, and nutrition.**

- (a) If meals or snacks are served in the program, the operator 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 food.
- (2) Food service and preparation area. If food is prepared on the premises, each operator 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.
- (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 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 or lower in the refrigerator, and food stored in the freezer shall be maintained frozen.
  - (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.
  - (G) Hot foods shall be maintained at temperatures of at least 140°F.
  - (H) Cold foods shall be maintained at temperatures of 40°F or less.
- (b) Table service.
- (1) Each operator 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, hardglazed surfaces and are free from cracks or chips; or
    - (B) disposable, single-use table service that is of food grade, medium weight, and disposed of after each use.
  - (2) If nondisposable table service and cooking utensils are used, each operator shall use one of the following methods to clean them:
    - (A) A commercial 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 shall comply with the following requirements:
    - (A) Dairy products shall be pasteurized.
    - (B) Meat shall be from government-inspected sources.
    - (C) Raw fruits and vegetables shall be 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 shall ensure that the following foods are prohibited:

- (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 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 by the secretary. If perishable food is transported to the premises, each operator shall serve only food that has been transported promptly in temperature-controlled, clean, covered containers.
- (2) (A) Any operator 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 or by the parent or other adult responsible for each child or youth, each operator 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 (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 shall ensure that safe drinking water is readily available at all times to each individual participating in the program.
- (2) Each operator shall ensure that meals and snacks are available to each child 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 of a school-age program that meets after school during the school year shall ensure that at least one snack is served daily to each child or youth who attends the program after school.

(Authorized by and implementing K.S.A. 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.)

**K.A.R. 28-4-592. Safety and emergency procedures.**

(a) Telephone.

- (1) Each operator shall ensure that there is a working telephone readily available to the operator and staff members to receive all incoming calls and make outgoing calls during all hours of operation.
- (2) A working cellular phone that is turned on during the hours of operation may be substituted for a wired telephone.
- (3) Each operator 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 each wired or cellular phone.

(b) Emergency plans and evacuation procedures.

(1) Emergency plans.

- (A) Each operator shall develop and implement an emergency plan to provide for the safety of children, youth, and staff in emergencies including fire, tornadoes, storms, floods, serious injury, and other types of emergency specific to the geographic area in which the program is conducted.
- (B) Each emergency plan shall be posted in a conspicuous place in each indoor activity area.
- (C) Each staff member shall be informed of and shall follow the emergency plans.

(2) Evacuation procedures. Each operator shall practice both of the following evacuation procedures with the children and youth:

- (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 for one year.
- (B) Tornado drills shall be conducted monthly during April through September. A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file for one year.

- (c) First aid and cardiopulmonary resuscitation (CPR).
  - (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.
  - (2) Each record of certification shall be kept in the staff member's file. Equivalent training or certification may be substituted for the required training or certification if approved by the secretary.
  - (3) First-aid supplies. 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;
    - (C) adhesive bandages of assorted sizes;
    - (D) adhesive tape;
    - (E) a roll of sterile gauze;
    - (F) sharp scissors;
    - (G) packages of four-inch sterile gauze squares;
    - (H) a cleansing agent or pump 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 shall ensure that each staff member complies with the following standard precautions:
  - (1) Each individual 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.

- (2) Each contaminated surface or area on which a spill occurs shall be cleaned with a disinfectant solution of one-quarter cup of unscented chlorine bleach to one gallon of cool water, or an appropriate commercial disinfectant used according to the manufacturer's instructions.
  - (3) Care shall be taken to avoid splashing any contaminated material onto any mucous membrane, including eyes, nose, and mouth.
  - (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 shall ensure that the parent or other adult responsible for the child or youth is notified immediately and shall make the following documents and information 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 other adult responsible for the child or youth;
      - (ii) a designated emergency contact; and
      - (iii) the physician designated by the parent or other adult to be called in case of emergency; and
    - (C) authorization for emergency medical care.
  - (2) If the operator has been unable to obtain the necessary documents as specified in K.A.R. 28-4-582, the operator shall follow the plan approved by the secretary.
  - (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 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 shall immediately notify the parent or other adult responsible for the child or youth.

- (2) If an operator, staff member, child, or youth in a program contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2 and K.A.R. 28-1-18, the operator shall report the disease to the local county health department by the next working day. The operator shall follow the protocol recommended by the county health department and shall cooperate fully with any investigation, disease control, or surveillance procedures initiated by the county health department or the department of health and environment.
- (g) Reporting critical incidents.
- (1) Each operator shall report the following critical incidents immediately to each parent or other adult responsible for a child or youth affected by the critical incident, on a form supplied 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 accident involving children or youth;
    - (C) a missing child or youth;
    - (D) physical restraint of a child or youth by staff members;
    - (E) the injury of a child or youth that requires medical attention;
    - (F) the death of a child, youth, or staff member; and
    - (G) any other incident that jeopardizes the safety of any child or youth.
  - (2) Each operator shall report each critical incident specified in paragraph (g)(1) of this regulation to the secretary's designee by the next working day, on a form supplied by the department. However, the use of physical restraint shall be reported to the secretary if an injury or bruising occurs. 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 and shall be accessible for review by the secretary's designee.
  - (3) Each operator shall ensure that a report is made to the secretary's designee 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) of this regulation.
  - (4) Each operator and each staff member shall report suspected child abuse or child neglect, as follows:
    - (A) Immediately, by telephone or in writing, to the secretary of the department of social and rehabilitation services; and

- (B) by the next working day to the secretary's designee, on a form supplied by the department.

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

**K.A.R. 28-4-593. Program-sponsored transportation.**

- (a) If the operator provides or arranges for transportation for children and youth to and from the premises or for program-sponsored activities, the operator shall ensure that prior written permission is obtained for each child or youth to be transported as specified in K.A.R. 28-4-582. The operator 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 is unable to obtain written permission or authorization for emergency medical care, the operator shall follow the plan approved by the secretary as specified in K.A.R. 28-4-582.
- (b) Transportation safety.
  - (1) Each operator 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 and is used to transport children or youth shall be maintained in safe operating condition and shall contain a first-aid kit.
  - (2) Each driver shall comply with the following safety requirements:
    - (A) Be 18 years of age or older, hold an operator's license of the type appropriate for the vehicle being used, 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 in the vehicle while children or youth are in the vehicle;
- (I) not use a cellular phone while the vehicle is in motion; and
- (J) transport each child or youth directly to the location designated by the operator and make no unauthorized stops along the way except in an emergency.

(d) Vehicle seat belt restraints.

- (1) Except as specified in paragraph (d)(2), each operator shall ensure that 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) If buses of the type used by schools are used to transport children and youth and are not equipped with individual restraints, no operator shall be required to install individual restraints.

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

**K.A.R. 28-4-594. Swimming, wading, and water activities.**

(a) General.

- (1) Each operator 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 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 supervision of 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 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 shall ensure that the following requirements for safety and maintenance are met:
    - (A) The water in each swimming pool shall be maintained between pH 7.2 and pH 7.6. The available free chlorine content shall be between 1.0 and 3.0 parts per million.
    - (B) Each swimming pool shall be cleaned daily, and the chlorine 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 edge of the 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 swimming pools. Each operator shall ensure that the following requirements are met:
    - (A) Each in-ground swimming pool located outdoors shall be enclosed by a five-foot 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 swimming pools. Each operator shall ensure that the following requirements are met:

- (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).
- (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.
- (e) Ponds, rivers, and lakes on or off the premises. If a pond, river, or lake is used for swimming, the operator 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 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**K.A.R. 28-4-595. Animals on the premises.**

- (a)
  - (1) If animals are kept on the premises, each operator shall ensure that each area in which an animal is permitted is maintained in a clean and sanitary manner, with no evidence of flea, tick, or worm infestation in the area.
  - (2) 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, unless the animals are displayed as part of an animal exhibit and are supervised at all times by trained animal care personnel.
- (b) Each operator 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.
- (c) 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) Each operator shall ensure that each domesticated cat, dog, or ferret 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.
- (e) Each operator shall ensure that each child or youth is taught safe procedures to follow when handling animals. The operator or staff member supervising the activity shall separate a child or youth from an animal 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) If a child or youth is injured by an animal, the operator shall immediately notify the parent or other adult responsible for the child or youth about the injury. The operator shall submit a critical incident report about the injury to the secretary's designee by the next working day. 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 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

**K.A.R. 28-4-596. Day reporting program.**

- (a) (1) Each operator 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 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 programs, the more stringent regulation shall apply.
- (b) (1) Each operator 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 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.
  - (B) The child or youth is court-ordered to attend.
  - (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 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 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);
  - (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 shall establish written rules of child and youth conduct that define expected behaviors and related consequences. Each operator 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 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 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 shall be one staff member for every 10 children and youth attending the day reporting program. The maximum group size shall not exceed 20 children or youth.
- (1) Each operator shall ensure that each group has a program director who meets the following qualifications:
- (A) Is 21 years of age or older;
  - (B) meets the staff qualifications for a program director 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, or social service programs serving children and youth.
- (2) Each operator 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, or social service programs serving children and youth.

- (3) Each operator 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; and
  - (C) has experience working with children and youth.

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