

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ADULT AND CHILD CARE
CHILD CARE LICENSING AND REGISTRATION SECTION**

October 10, 1996 Adopted
October 15, 2004 Revised

**GUIDELINES FOR CLARIFYING CHILD CARE LICENSURE REQUIREMENTS
FOR PUBLIC SCHOOL PROGRAMS**

I. PURPOSE

The Kansas Department of Health and Environment, hereinafter referred to as “KDHE,” and the Kansas State Department of Education, hereinafter referred to as “KSDE,” adopt the following guidelines to aid a ‘Public Board of Education, hereinafter referred to as a ‘Board of Education’ of a Unified School District, hereinafter referred to as ‘school district’ in clarifying when licensure by the KDHE is required.

These Guidelines apply to programs serving infants, toddlers, preschool and school age children when these programs are established, operated or maintained by a Board of Education, or when a Board of Education enters into interlocal and educational agreement to operate or maintain such programs pursuant to K.S.A. 72-8233, or contracts and agreements with other entities to operate preschool programs for children.

II. STATUTORY AUTHORITY

1. K.S.A. 65-501 *et seq.* are the child care licensing statutes. These statutes require KDHE to establish licensing requirements for the operation of child care facilities, including certain child care programs and programs for school age children operated on school grounds or operated by or in agreement with a school district.
2. K.S.A. 72-67,115 authorizes Boards of Education to offer and teach courses and conduct preschool programs for children under the age of eligibility to attend kindergarten or to enter into agreements or contracts to provide such programs.

If the Board of Education operates a preschool program or enters into an interlocal agreement to operate a preschool program, these preschool programs **are not required** to be licensed by the KDHE.

If the Board of Education contracts with public or private entities, that are not Boards of Education, to operate preschool programs, then these entities **are required** to be licensed by KDHE.

3. K.S.A. 72-8236 authorizes Boards of Education to establish, operate and maintain or enter into agreements to establish, operate and maintain child care facilities for children three (3) years of age and older and any infant or toddler whose parents are pupils or employees of the school district. Child care programs established pursuant to this statute **are required** to be licensed by KDHE.
4. K.S.A. 72-8237 authorizes Boards of Education to establish, operate and maintain

summer programs or enter into cooperative or interlocal agreements with other Boards of Education to establish, operate and maintain summer programs. Summer programs established pursuant to this statute **are not required** to be licensed by KDHE.

5. K.S.A. 72-8238 authorizes Boards of Education to establish, operate and maintain extraordinary school programs or enter into cooperative or interlocal agreements with other Boards of Education to establish, operate and maintain extraordinary school programs for pupils.

“Extraordinary school program” means a program which is established by the Board of Education of a school district, operated before or after regular school hours during the regular school term, and maintained for any or all of the following purposes: (1) Providing pupils with additional time to achieve learner exit or improvement plan outcomes; (2) giving pupils remedial instruction or independent study assistance; (3) affording pupils an opportunity to strengthen or attain mastery of basic or higher order thinking skills; and (4) conducting special projects and activities designed to enrich and enhance the educational experience of pupils.

Extraordinary school programs are considered an instructional program for pupils of the school district and are **not required** to be licensed by KDHE.

III. POLICY GUIDELINES

PROGRAMS FOR SCHOOL AGE CHILDREN KINDERGARTEN AGE AND OLDER

Licensure by KDHE is not required for a programs serving school age children when:

1. A Board of Education establishes, operates and maintains or enters into a cooperative or interlocal agreement with other Boards of Education to establish, operate and maintain a summer program (summer school) as authorized by K.S.A. 72-8237;
2. A Board of Education establishes, operates and maintains or enters into a cooperative or interlocal agreement with other Boards of Education to establish, operate and maintain an extraordinary school program as authorized by K.S.A. 72-8238; or
3. A Board of Education establishes, operates and maintains or enters into a cooperative or interlocal agreement with other Boards of Education to establish a before or after school program which operates for no more than four (4) consecutive hours per day or for no more than two consecutive weeks, or a before or after school program that is an instructional class or activity in one specific subject or single skill building activity.

Licensure by KDHE is required when:

1. A Board of Education establishes, operates and maintains or enters into a cooperative or interlocal agreement with other Boards of Education to establish, operate and maintain a before or after school program or program which operates on no school days and which is defined as a KDHE licensed drop-in program or school-age program. Generally these programs operate for more than four (4) consecutive hours per day or for more than two consecutive weeks and provide classes and activities in multiple subject or skill building areas.
2. A Board of Education enters into an agreement or a contract with a public or private entity, that is not a Board of Education, in order to allow the entity to operate or maintain a drop-in program, school-age program or child care program for school age children.

PRESCHOOL PROGRAMS FOR CHILDREN AGE 3 TO KINDERGARTEN AGE

1. Licensure by KDHE **is not** required for any instructional preschool program that is provided to children who are three (3) years of age or older operated by the Board of Education, including Head Start programs, or programs operated through an interlocal agreement.
2. Licensure by KDHE **is** required for any preschool program operated by a public or private entity, that is not a Board of Education, and that is provided to children who are three (3) years of age or older.

INFANT/TODDLER PROGRAMS FOR CHILDREN BIRTH TO AGE 3

Licensure by KDHE is required for child care programs caring for infants or toddlers.

1. A Board of Education may establish, operate or maintain child care programs for infants or toddlers or enter into a cooperative or interlocal agreement with other Boards of Education to establish, operate or maintain programs for infants or toddlers as long as the children's parents are students or employees of the school district.
2. A Board of Education may enter into agreements with private entities to establish, operate or maintain programs for infants or toddlers if the children's parents are students or employees of the school district.

IV. PROCEDURES

In order to provide assurances to the public that programs required to be licensed by KDHE are operated according to the law, the KDHE has established a procedure to assist Boards of Education in determining if licensure by KDHE is required. To obtain a determination from KDHE, the Board of Education is encouraged to submit a description of the program to the KDHE on a form provided by the KDHE. The form may be downloaded from the KDHE web site. KDHE will review the information and provide

a written notification to the school district whether or not the program is required to be licensed. If the Board of Education enters into an agreement or a contract with an entity, that is not a Board of Education, to operate the program, the Board of Education is encouraged to require a determination from KDHE as a condition of the contract or agreement.

ADDITIONAL INFORMATION, GUIDELINES AND RESOURCES

I. DCF REIMBURSEMENT CRITERIA

In order to be eligible to receive reimbursement from DCF for services the following applies:

WHEN KDHE LICENSURE IS NOT REQUIRED:

DCF may pay for services for eligible children if the school district charges the general public for the service and DCF funding is available.

The school district will be required by DCF to: 1) enroll in the DCF Child Care Subsidy Program; 2) screen all employees in the program through the Child Abuse and Neglect Registry; 3) submit documentation from the superintendent or building principal indicating the program does not require licensure by KDHE; and 4) provide fire and safety inspection reports comparable to what is required of school districts when the program does not require licensure and the program is not located in a school attendance center.

WHEN KDHE LICENSURE IS REQUIRED:

DCF may pay for services for eligible children when DCF funding is available. The school district will be required by DCF to enroll in the DCF Child Care Subsidy Program.

Contact DCF Child Care Provider Enrollment Manager.

II. CACFP REIMBURSEMENT CRITERIA FOR MEALS OR SNACKS

In order to receive food program reimbursements, the following applies:

Extraordinary School Programs are NOT eligible for Child and Adult Care Food Program reimbursement.

Outside of school hours child care programs may be eligible for the Child and Adult Care Food Program reimbursement. Programs must be licensed by KDHE. Programs operated by private individuals or public or private agencies must be non-profit or meet eligibility criteria as a for-profit program.

Preschool Programs for children age 3 to Kindergarten age may be eligible for Child and Adult Care Food Program reimbursement. Programs operated by private individuals or public or private agencies must be licensed by KDHE and be non-profit or meet eligibility criteria as a for-profit program.

Infant/Toddler Programs for children birth to age 3 may be eligible for Child and Adult Care Food Program reimbursement. Programs must be licensed by KDHE.

Programs operated by private individuals or public or private agencies must be non-profit or meet eligibility criteria as a for-profit program.

Contact KDHE - Nutrition Services for more information at 913-296-2276.

III. WHEN LICENSURE BY KDHE IS NOT REQUIRED

The following information is being included to help Boards of Education operate programs in the school when the school has determined from the above information that licensure by KDHE is not required.

Boards of Education have the authority to determine appropriate operating procedures. If the building or rooms are not normally used by children for instruction then fire and building safety needs to be addressed. It is recommended that these programs meet building and fire safety standards that are normally expected to be met by school buildings when children are in attendance. Policies should address basic health and safety standards, staff to child ratios in the program, qualifications for staff working in the program, access to children's records for emergency purposes, nutrition if meals or snacks are offered, fees and transportation (if applicable).

Several resources are available to help schools determine the types of policies that are appropriate for these programs:

National Association of Elementary School Principals (1993). Standards for Quality School-Age Child Care. Alexandria, VA: Author.

Ordering Information: Cost for members \$11.20; non-members \$14.95; shipping \$3.50.

National Association of Elementary School Principals, 1615 Duke Street, Alexandria, VA 22314-3483.

Kansas Department of Health and Environment (Rev. 1990). Kansas Regulations for Licensing Preschools and Child Care Centers. Topeka, KS Author.

Ordering Information: Contact the Kansas Department of Health and Environment at 913-296-8081.

Kansas Stakeholders Advisory Committee Early Childhood Education (1996). Quality Standards for Early Childhood Education for Children Birth through Eight. Topeka, KS: Author.

Ordering Information: Contact the Kansas State Board of Education at 913-296-7454.

IV. WHEN LICENSURE BY KDHE IS REQUIRED

The following information is being included to help Boards of Education in establishing programs in schools when licensure by KDHE is required. Clarifications to common questions and exceptions to licensing standards are listed.

The purpose of child care licensure is to determine minimum standards to help protect the health and safety of children in out of home care settings. Many of the KDHE licensing standards are general in nature so that they can be applicable to a number of different types of settings.

Kansas Statutes for Licensing Child Care Facilities were revised July 2001. Separate regulations for school age programs were implemented. A complete listing is available at www.kdhe.state.ks.us/bcclr/regs/schoolage_regs.html.

V. ANSWERS TO FREQUENTLY ASKED QUESTIONS ABOUT KDHE LICENSING STANDARDS

- 1. Question: What requirements for school age programs need to be met concerning building construction, physical plant requirements and fire safety? The requirements in the child care center book are different from the requirements for schools.**

Answer: When the school age program is located in a school building that is regularly used by a unified school district for student instruction or attendance of pupils, the location needs to meet the same fire safety and building code requirements that are normally required of the school. Additional KDHE child care standards do not apply regarding the building. In order to document that school fire safety requirements are being met, a copy of the current (within one year) fire inspection is requested.

The outdoor play area regularly used by children during the school day is also accepted for the school age program without requiring modifications. A fence will not be required by KDHE if it is not required during normal school day.

If the school age program is in a location that is not regularly used by children for student instruction or attendance by pupils during the school day, the program would be required to meet the KDHE licensing standards including building code, fire safety and outdoor play area standards. Modifications to the building or outside play area may be needed.

- 2. Question: KDHE Licensing standards for health records and record keeping for school age programs duplicate records already on file at the school. Do we need to keep separate records?**

Answer: KDHE licensing standards require that emergency medical information, health and immunization information and parent information be kept on specific forms and be accessible in case of emergency. KDHE acknowledges that public schools already have this same information on file for their pupils. The purpose of these requirements is to ensure that the person caring for the children will know where to contact parents in case of emergency, will be able to access appropriate emergency medical care if necessary and will have access to pertinent health information. If this purpose can be achieved by accessing the forms and information the school already has on file, then KDHE will accept what is in place. In order to accept these records, provisions would need to be made so that the person caring for the children has access to the records.

3. Question: School age children are not required to brush their teeth during the school day. Are they required to brush their teeth in the child care program?

Answer: Exceptions are routinely granted to the tooth brushing requirement for school age programs.

4. Question: Does staff need to obtain the same amount of in-service training for a 12 month program, 9 month program or 3 month program?

Answer: In-Service training should be equal to one hour per month in which the program is operated (i.e., - staff should obtain 9 hours of in-service training for a program in operation for 9 months of the year or 3 hours of in-service training for a program in operation for 3 months of the year). First aid, signs and symptoms of illness and child abuse/neglect training are required. Program Directors are required to meet the qualifications as stated in K.A.R. 28-4-429 for the number of children in the program. Course work should be appropriate to the age of the children being served in the program.

5. Question: Public school teachers manage classroom sizes greater than allowed by KDHE requirements. If a teacher can manage larger sizes in the classroom why are the group sizes smaller in the child care programs?

Answer: Staff/child ratios for school age children as stated in K.A.R. 28-4-428 are 1:14 with a maximum group size of 28 for Kindergarten to age 12 and 1:16 for a maximum group size of 32 for children ages 6-12. School age program are different from a structured classroom environment. Children are of multiple ages and developmental levels. A typical program is more loosely structured than during the school day. There are multiple indoor and outdoor activities that are more recreational in nature, going on at the same time, and require additional supervision. Staff qualifications for these program are significantly less than for a

classroom teacher and there are very few, if any, additional adults available to help in an emergency when these program are in operation.

6. Question: What do I need to do to verify “legal ownership” if the school is the operator?

Answer: “Verification of legal ownership” means documentation that the person signing the application for a license is authorized to sign for the school district or private agency. Signing the application on behalf of the school district makes the district liable for what happens in the child care program. If a Board of Education is applying for a child care license, the application should be signed by the school principal or superintendent (depending upon the district’s policy).

7. Question: What information do you want for program/lesson plans?

Answer: The program sample and lesson plan is required to ensure that the program is balanced, that a substitute teacher would know what to do if called in on short notice, and to help parents learn more about what their children do while in the program (as well as where to locate the children at any one time - i.e. outdoors, in the library, etc.). Enough detail should be included to meet the above purposes.

8. Question: Why do we need to include a sample menu when the kids just have a snack?

Answer: KDHE regulations require a sample menu covering one month be submitted and the current menu posted. The purpose of this requirement is to ensure that menus are balanced and nutritious and to help parents to identify what their children have been served. The Child and Adult Care Food Program has additional requirements not required by KDHE. Questions about specific CACFP practices and requirements should be addressed to KSBE, Nutrition Services at 913-296-2276.

9. Question: I am not an architect. How detailed does the floor plan need to be?

Answer: The floor plan that accompanies the initial application needs to indicate the space in the school that is to be used by the school age program. A simple floor plan that identifies the room(s) used, includes the room dimensions, location of the bathrooms, route to the outdoors and fire exiting is acceptable. If the program is using the same play area used by pupils during the school day, a separate drawing of the outdoor area is not necessary.

Contact KDHE - Child Care Licensing and Registration for more information at 913-296-1270.