Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Child Care Centers and Preschools.

28-4-423. Physical plant.

(a) Premises.

(1) Each building in which child care is provided shall meet the legal requirements of the community as to fire protection, water supply, and sewage disposal.

(2) A building used as a residence shall be licensed as a child care center only if there is a room or rooms designated exclusively for child care use.

(3) Each area designated for children's activities shall contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas, and bathrooms.

(4) Each building in which child care is provided shall have at least two exits approved by a fire inspector. At least one exit shall lead directly to the outside.

(5) Second floors approved by a fire inspector may be used for children 2.5 years or over. Second-floor windows shall be guarded unless used as a means of egress.

(6) Finished basements approved by a fire inspector may be used for children 2.5 years or older. Basements shall be dry and well-ventilated, heated and cooled as specified in paragraph (a)(19) of this regulation, and lighted as specified in paragraph (a)(17) of this regulation.

(7) When mobile classroom units are used, they shall be securely anchored to the ground and shall meet all requirements for permanent structures.

(8) All stairs that have more than two steps shall be provided with sturdy handrails. When balusters are more than four inches apart, provisions shall be made to prevent a child's head or body from falling through.

(9) Landings or mounted gates shall be provided beyond each exterior door and each door opening onto a full-length stairway.

(10) Ceiling height in each room used for child care shall not be less than seven feet, six inches.

(11) Windows and doors.

(A) Each window and glass door shall be screened or guarded.

(B) Each window and door opened for ventilation shall be screened.

(12) Floors shall be smooth and not slippery, free from cracks, clean and in good condition. A floor covering, paint, or sealant shall be required over concrete floors.

(13) Carpeting shall be clean and in good repair.

(14) Walls shall be clean and free of cracks.

(15) Electrical outlets shall be covered or inaccessible to prevent access by a child when not in use.

(16) Extension cords or power strips shall be positioned in a manner that prevents a tripping or shock hazard.

(17) Each room occupied by children shall be sufficiently lighted in all parts of the room for any activity in which each child is engaged. When children are napping and during rest periods, each room shall be lighted to allow freedom of movement and to ensure staff members are able to observe the breathing of each child.

(18) The premises shall be maintained in good condition and shall be clean at all times, free from accumulated dirt and trash, and any evidence of vermin or rodent infestation. Each outdoor trash and garbage container shall be covered, and the contents shall be removed at least weekly.

(19) Each room occupied by the children shall be heated, ventilated and cooled. The temperature in each room shall not be less than 65 degrees Fahrenheit nor more than 85 degrees Fahrenheit. Each room occupied by children shall be free of drafts.

(20) Each electric fan, if used, shall be mounted high on the wall or shall be guarded.

(21) When a gas heater is used, it shall be approved by a fire inspector before use. Open-faced heaters shall be prohibited.

(22) All heating elements, including hot water pipes, shall be insulated or installed in such a way that children cannot come in contact with them. Asbestos insulation shall not be used. Fireplaces shall not be used when children are present.

(23) Dangerous instruments, including sharp or pointed objects, shall be in locked storage.

(24) No child in care shall have access to weapons. All weapons shall be stored in a locked room, closet, container, or cabinet. Ammunition shall be kept in locked storage separate from weapons.

(25) The interior and exterior surfaces of the facility shall be free from peeling, chipping, cracking, scaling, and loose paint.

(b) Water supply.

(1) The water supply shall be from a source approved by the local health department, or by the department.

(2) The nitrate content of water for children under one year of age shall not exceed 10 milligrams per liter (10 mg/l) as nitrogen.

(3) Sanitary drinking facilities shall be available to children while indoors or outdoors. One of the following methods shall be used:

(A) Individual disposable cups and a water dispenser;

(B) individually-marked glasses or cups which shall be washed daily; or

(C) a fountain designed so that a child can get a drink of water without assistance.

(4) Drinking fountains shall not be plumbed to sinks.

(5) Water from drinking fountains shall be under pressure so that the stream is not less than three inches high.

(6) Cold water and hot water shall be supplied to lavatory fixtures accessible to children. Hot water shall maintain a minimum temperature of 90 degrees Fahrenheit and shall not exceed 120 degrees Fahrenheit.

(c) Toilet and lavatory facilities.

(1) All plumbing fixtures and building sewers shall be connected to public sewers where available.

(2) When a public sewer is not available, a private sewage disposal system meeting requirements of the local health department or the department shall be installed and connected to all plumbing fixtures.

(3) Plumbing shall be installed and maintained according to local and state plumbing codes.

(4) Bathroom facilities shall be readily accessible to the children, and toilets and hand washing sinks shall be placed low or be provided with safety steps.

(5) There shall be one toilet and one hand washing sink for each fifteen children.

(6) Bathroom facilities shall be planned to assure privacy for staff.

(7) Individual towels or disposable products, and toilet paper shall be provided for each child. The use of common towels and washcloths shall be prohibited. When cloth towels and washcloths are used, they shall be labeled with the child's name, and laundered at least weekly. Hand soap shall be readily accessible in each bathroom.

(d) Laundry facilities.

(1) If laundry is done at the facility, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in such a manner to safeguard the health and safety of the children.

(2) Separate areas shall be provided for soiled and clean items.

(e) Storage, handling, and disposal of hazardous items. The following hazardous items shall be safely stored, handled, and disposed:

(1) All household supplies, cleaning supplies, dangerous chemicals and all bodily care products bearing warning labels to keep out of reach of children shall be in locked storage, except that hand sanitizers, disinfectant solutions used daily to disinfect surfaces, and diapering supplies may be kept unlocked at least five feet above the floor and out of reach of children. Soap used for hand washing may be kept unlocked and placed on the back of the counter by a bathroom or sink.

(2) All medications and products containing alcohol shall be in locked storage.

(3) Tobacco products, ashtrays, lighters, and matches shall be kept in locked storage.

(4) Chemicals and cleaning supplies shall be used and disposed of in accordance with the product safety label.

(Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 65-539; effective May 1, 1983; amended May 1, 1985; amended Aug. 2, 2024; amended Sept. 4, 2026.)

***** Authenticated Kansas Administrative Regulation *****