Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—General Regulations for Categories of Child Care.

28-4-125. Background checks.

Each applicant, applicant with a temporary permit, and licensee shall meet the following requirements:

(a) Submit to the department the identifying information necessary to complete background checks for each individual who works or regularly volunteers in the facility, each individual at least 10 years of age who resides in the facility, and any other individual in the facility whose activities involve either supervised or unsupervised access to children. The identifying information shall be submitted as follows:

(1) When submitting an application for a license;

(2) when submitting an application to renew a license; and

(3) before allowing any individual to work, regularly volunteer, or reside in the facility and before allowing any individual whose activities involve either supervised or unsupervised access to children to be in the facility;

(b) ensure that fingerprint-based background checks are completed for each of the following:

(1) The applicant;

(2) the applicant with a temporary permit;

(3) the licensee;

(4) each provider in a day care home or group day care home;

(5) each individual at least 18 years of age who resides in a day care home or group day care home;

(6) each employee in a preschool or child care center;

(7) each volunteer counted in the staff-child ratio; and

(8) any other individual regularly in the facility if the individual's activities involve unsupervised access to children;

(c) ensure that the information submitted for each individual specified in subsection (b) includes the required information for background checks from each state of residence throughout the five-year period before allowing the individual to work, regularly volunteer, or reside in the facility;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following:

(1) Each individual at least 10 years of age who resides in a day care home or group day care home;

(2) each volunteer who is not counted in the staff-child ratio and whose activities do not involve unsupervised access to children;

(3) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student is not counted in the staff-child ratio and does not have unsupervised access to children; and

(4) any other individual regularly in the facility whose activities do not involve unsupervised access to children; and

(e) ensure that no individual works, regularly volunteers, or resides in the facility until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto.

(Authorized by K.S.A. 2017 Supp. 65-508; implementing K.S.A. 2017 Supp. 65-508 and 65-516; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended Feb. 26, 1990; amended June 7, 2018.)

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