Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—School-Age Programs.

28-4-585. Building-based programs.

(a) Each applicant with a temporary permit and each licensee conducting a building-based program shall ensure each child has at least 35 square feet of available indoor space for each child for the program of activities. If outdoor space is used, the license capacity may be increased by one child 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 indoor space.

(b) Safety and maintenance of each building.

(1) Each applicant with a temporary permit and each licensee 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 applicant with a temporary permit and each licensee shall ensure that no child is knowingly exposed to environmental hazards, including asbestos, lead paint, and pesticides.

(2) Running water not exceeding 120 degrees Fahrenheit shall be supplied to hand sinks.

(3) Each applicant with a temporary permit and each licensee shall ensure the following requirements for toilets and restrooms are met:

(A) Each building shall have a minimum of one working flush toilet and one working hand sink for each 30 children in the license capacity. One urinal may be substituted for each additional toilet in a restroom.

(B) Designate the restrooms to be used by the program.

(C) Each restroom shall be located to allow for the following:

(i) Supervision of children;

(ii) immediate access to the restroom facilities by children and adults; and

(iii) privacy while using the toilet.

(D) If the restrooms are also used by non-program participants during the hours of operation of the program, the applicant with a temporary permit or licensee shall develop and implement policies for restroom use for the protection of children attending the program.

(E) Toilet paper, soap, and either paper towels or hand dryers shall be available in each restroom.

(4) Each applicant with a temporary permit and each licensee shall provide adequately for the health, safety, and comfort of each child 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 be smooth and not slippery, free from cracks that cause a tripping hazard, clean, and in good condition. A floor covering, paint, or sealant shall be required over concrete floors for all buildings.

(D) 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 safe operating condition.

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

(A) All toxic substances, materials, and chemicals, including pesticides and poisons, shall be in locked storage, except that soaps, hand sanitizers, and disinfectant solutions used daily to disinfect surfaces may be kept in unlocked storage.

(B) Products containing alcohol shall be in locked storage.

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

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

(7) Weapons and high-risk equipment. Firearms, ammunition, hunting knives, and other weapons or high-risk equipment shall be stored in a locked room, closet, container, or cabinet and shall be inaccessible to children. Archery equipment and air powered guns, including BB guns, shall be stored in a locked room, closet, container, or cabinet unless both of the following conditions are met:

(A) The archery equipment and air powered guns are used as part of an instructional activity that meets the requirements for high-risk sports and recreational activities as specified in K.A.R. 28-4-588(e).

(B) The archery equipment and air powered guns are kept in locked storage when not in use, and no child has unsupervised access to the archery equipment and air powered guns.

(c) Public and accredited non-public school buildings and public recreation center buildings.

(1) Inside premises. If the program is located in a public or accredited non-public school building or a public recreation center building, the applicant with a temporary permit or licensee shall ensure that the building complies with fire safety and building code requirements applicable to schools as required by K.S.A. 65-527, and amendments thereto. Each program located in a public or accredited non-public school building or a public recreation center building is exempt from subsection (b), except for paragraphs (b)(3)(D), (b)(6), and (b)(7).

(2) Outside premises. Each existing outside playground or activity area and equipment acceptable for use by children of the same age during non-program hours may be used by children in the program if the equipment is in sound condition.

(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 applicant with a temporary permit or licensee shall ensure that the following requirements are met for the building used:

(A) The building shall meet the requirements in subsection (b).

(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) Windows that open shall be screened, with each screen in good condition.

(2) If a program uses a non-public source for the water supply, the water shall be safe for drinking and shall be approved by the local health department or by the department.

(e) Outside premises of programs that are not conducted in public or accredited non-public schools or public recreation centers.

(1) General requirements.

(A) Each applicant with a temporary permit and each licensee 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 supervision of children at all times.

(ii) Each area shall be well drained and free of known health and environmental hazards.

(B) If the outdoor activity area is accessible to the public, each applicant with a temporary permit and each licensee shall define boundaries for the children 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 applicant with a temporary permit and each licensee shall comply with the following safety requirements in the outside activity area:

(A) Equipment shall be safely located, age-appropriate, and in good repair.

(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 material intended for playground use, including shredded bark mulch, wood chips, fine sand, fine gravel, shredded rubber, unitary surfacing material, or synthetic impact material. Before any equipment over 11 feet in height is used, the applicant with a temporary permit or licensee shall meet the requirements specified in K.A.R. 28-4-588(e).

(3) Protection from environmental hazards. Each applicant with a temporary permit and each licensee shall ensure that each child is protected from environmental hazards. Each outdoor activity area shall have a barrier, including a hedge, a fence, or a partial fence, to reduce the safety risk to children, and to prevent chance access to any adjacent hazard, including a busy street, railroad tracks, or a water hazard, including a ditch, irrigation ditch, pond, lake, and any standing water over 24 inches deep. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 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; amended Sept. 4, 2026.)

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