

Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health

28-4-115a. Supervision.

(a) Supervision plan.

(1) Each applicant, each applicant with a temporary permit, and each licensee shall develop a supervision plan for children in care that includes all age ranges of children for whom care will be provided. A copy of the plan shall be available for review by the parents or legal guardians of children in care and by the department. The plan shall include the following:

(A) A description of the rooms, levels, or areas of the facility including indoor and outdoor areas in which the child will participate in activities, have snacks or meals, nap, or sleep;

(B) the manner in which supervision will be provided; and

(C) any arrangements for the provision of evening or overnight care.

(2) Each applicant, each applicant with a temporary permit, and each licensee shall update the supervision plan when changes are made in any of the requirements of paragraph (a)(1).

(3) Each provider shall follow the supervision plan.

(b) General supervision requirements. Each applicant with a temporary permit and each licensee shall ensure that supervision is provided as necessary to protect the health, safety, and well-being of each child in care.

(1) Each child in care shall be under the supervision of a provider who is responsible for the child's health, safety, and well-being.

(2) Each provider shall be aware at all times of the location of each child in that provider's care and the activities in which the child is engaged. Each provider shall perform the following:

(A) Interact with the child and attend to the child's needs;

(B) respond immediately if the child is crying or in distress in order to determine the cause and to provide comfort and assistance;

(C) investigate immediately any change in the activity or noise level of the child; and

(D) respond immediately to any emergency that could impact the health, safety, and well-being of the child.

(3) No provider shall engage in business, social, or personal activities that interfere with the care and supervision of children.

(4) If used, electronic monitoring devices, including infant monitors, shall not replace any of the supervision requirements of this regulation.

(c) Indoor supervision requirements. When any child is indoors, each provider shall ensure that all of the following requirements are met, in addition to the requirements of subsection (b):

(1) For each child who is under 2½ years of age and who is awake, the provider shall be within sight of and in proximity to the child, watching and overseeing the activities of the child. When the provider is attending to personal hygiene needs or engaging in other child care duties and is temporarily unable to remain within sight of the child, the provider shall meet all of the following conditions:

(A) The provider has first ensured the safety of each child.

(B) The provider is able to respond immediately to any child in distress.

(C) The provider remains within hearing distance of each child.

(2) For each child 2½ years of age and older who is awake, the provider may permit the child to go unattended to another room within the facility to engage in activities if all of the following conditions are met:

(A) The provider determines, based on observations of the child's behavior and information from the parent or legal guardian, that the child can go unattended to another room within the facility.

(B) The door to each room remains open.

(C) The provider remains within hearing distance of the child.

(D) The provider visually checks on the child and responds as necessary to meet the needs of the child.

(3) Each applicant with a temporary permit and each licensee shall ensure that supervision is provided for each child who is napping or sleeping.

(A) Each child who is napping or sleeping shall be within sight or hearing distance of the provider and shall be visually checked on by the provider at least once every 15 minutes.

(B) The provider shall meet all of the requirements of K.A.R. 28-4-116a for any child who is under 12 months of age and is napping or sleeping.

(C) When any child is napping or sleeping in a room separate from the provider, the door to that room shall remain open.

(D) When a child awakens and is ready to get up, the provider shall attend to the child's needs and assist the child in moving to another activity.

(d) Outdoor supervision requirements. When any child is outdoors, each provider shall ensure that all of the following requirements are met, in addition to the requirements of subsection (b):

(1) For each child under five years of age, the provider shall be outdoors at all times and remain within sight of and in proximity to each child, watching and directing the activities of the child.

(2) For each child five years of age and older, the provider may permit the child to go unattended to the facility's designated outdoor play area on the premises if all of the following conditions are met:

(A) The designated play area on the premises is enclosed with a fence.

(B) The provider determines that the area is free of any potential hazards to the health and safety of the child.

(C) The provider remains within hearing distance of the child.

(D) The provider visually checks on the child and responds as necessary to meet the needs of the child.

(e) Evening care and overnight care. Each applicant with a temporary permit and each licensee who provide evening care or overnight care shall ensure that the following requirements are met:

(1) All requirements of subsections (a) through (d) shall be met.

(2) When overnight care is provided in a day care home, at least one provider shall remain awake at all times.

(3) When overnight care is provided in a group day care home, a second provider shall remain awake at all times if the number of children who are awake exceeds the requirements of K.A.R. 28-4-114 (e), table I.

(Authorized by and implementing K.S.A. 2010 Supp. 65-508; effective Feb. 3, 2012.)

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