Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Licensed Day Care Homes and Group Day Care Homes for Children.

28-4-116. Daily care of children.

(a) Daily activities.

(1) Each applicant with a temporary permit and each licensee shall provide daily activities that promote healthy growth and development, take into consideration the cultural background and traditions that are familiar to the children, and incorporate both indoor and outdoor activities that are appropriate for the ages and developmental levels of the children in care.

(2) Each child shall be offered a choice of activities and the opportunity to participate. Age-appropriate toys, play equipment, books, and other learning materials shall be available in sufficient quantities to allow each child a choice of activities.

(3) The activities, supplies, and equipment shall be designed to promote the following:

(A) Large, small, and visual motor development, which may include running, climbing, jumping, grasping objects, drawing, buttoning, and tying;

(B) creative expression, which may include dramatic play, music, and art;

(C) math and science skills, which may include sorting, matching, counting, and measuring; and

(D) language development and literacy, which may include reading, singing, finger plays, writing, and stories.

(4) Each child shall be given the opportunity for at least one hour of physical activity daily, either outdoors as described in paragraph (a)(7) or indoors.

(5) Each applicant with a temporary permit and each licensee shall ensure that the following requirements are met if the daily activities include any media viewing:

(A) Each media program shall be age-appropriate and, if rated, shall have a rating appropriate for the ages and developmental levels of the children who view the program.

(B) No child shall be required to participate in media viewing. Each child not engaged in media viewing shall be offered a choice of at least one other activity for that time period.

(6) Toys and other items used by children shall meet the following requirements:

(A) Be clean, of safe construction, and in good repair;

(B) be washed and sanitized daily when used by children under 18 months of age; and

(C) be washed and sanitized before being used by another child, if contaminated by saliva or other bodily fluids.

(7) Unless prohibited by the child's medical condition or extreme weather conditions, each child in care shall be taken outdoors daily. Each child 12 months of age or older shall have the opportunity for at least one hour of outdoor play daily.

(b) Self-help and personal care. Each provider shall ensure that each child is assisted as needed with hand washing, toileting, dressing, and other personal care.

(c) Tobacco products. No provider shall use tobacco products while providing direct physical care to children. Smoking in any room, enclosed area, or other enclosed space on the premises shall be prohibited when children are in care pursuant to K.S.A. 65-530, and amendments thereto.

(d) Nutrition and food service. Each applicant with a temporary permit and each licensee shall develop and implement menu plans for meals and snacks that contain a variety of healthful foods, including fresh fruits, fresh vegetables, whole grains, lean meats, and low-fat dairy products.

(1) If children under 18 months of age are in care, the following requirements shall be met:

(A) Each child shall be held when bottle-fed until the child can hold the child's own bottle.

(B) No child shall be allowed to sleep with a bottle in the child's mouth.

(C) If prepared formula is used, the following requirements shall be met:

(i) Each bottle that contains prepared formula shall be stored in the refrigerator with the nipple covered.

(ii) Each bottle shall be labeled with the child's name, the contents, and the time and date prepared, and shall be used within 24 hours of the time of preparation on the label.

(iii) If a child does not finish a bottle, the contents of the bottle shall be discarded within one hour from when the feeding from that bottle started.

(D) If breast milk is used, the following requirements shall be met:

(i) All breast milk shall be labeled with the child's name and the time and date expressed.

(ii) Unfrozen breast milk shall be stored in a refrigerator and shall be used within 96 hours from the time it was expressed.

(iii) Frozen breast milk shall be stored in a freezer and shall be used within six months from the time it was expressed and within 24 hours from the time it was thawed.

(iv) If a child does not finish the bottle of breast milk within two hours from when the feeding from that bottle started, the contents shall be discarded.

(v) Accommodations shall be provided that enable the child's parent to breastfeed their child.

(E) No formula or breast milk shall be heated in a microwave oven.

(F) Solid foods shall be offered when the provider and the parent or legal guardian of the child determine that the child is ready for solid foods. Opened containers of solid foods shall be labeled with the child's name, the contents, and the date opened. Containers shall be covered and stored in the refrigerator.

(2) Each applicant with a temporary permit and each licensee shall serve nutritious meals and snacks based on the amount of time a child is in care.

(A) Each child who is in care at least 2.5 hours but under four hours shall be served at least one snack.

(B) Each child who is in care at least four hours but under eight hours shall be served at least one snack and at least one meal.

(C) Each child who is in care at least eight hours but under 10 hours shall be served at least two snacks and one meal or at least one snack and two meals.

(D) Each child who is in care for 10 or more hours shall be served at least two meals and at least two snacks.

(3) Each applicant with a temporary permit and each licensee shall include the following items in meals and snacks:

(A) Breakfast shall include the following:

(i) A fruit, vegetable, full-strength fruit juice, or full-strength vegetable juice;

(ii) bread or grain product; and

(iii) milk.

(B) Noon and evening meals shall include one item from each of the following:

(i) Meat or a meat alternative;

(ii) two vegetables or two fruits, or one vegetable and one fruit;

(iii) bread or a grain product; and

(iv) milk.

(C) Midmorning and midafternoon snacks shall include at least two of the following:

(i) Milk;

(ii) fruit, vegetable, full-strength fruit juice, or full-strength vegetable juice;

(iii) meat or a meat alternative; or

(iv) bread or grain product.

(D) For snacks, juice shall not be served when milk is served as the only other item.

(4) A sufficient quantity of food shall be prepared for each meal to allow each child to have a second portion of bread, milk, and either vegetables or fruits.

(5) Drinking water shall be available to each child at all times when the child is in care.

(6) All milk products served shall be pasteurized.

(7) If a fruit juice or a vegetable juice is served, the juice shall be pasteurized and full-strength.

(8) If any child has a food allergy or special dietary need, the provider and the parent or legal guardian of the child shall make arrangements for the provision of alternative foods or beverages.

(9) If meals are catered or delivered from an off-site location, the following requirements shall be met:

(A) Food provided from a central kitchen or vendor and delivered to the facility shall be obtained from a source licensed or inspected by the Kansas department of agriculture or equivalent food safety licensing agency in another state.

(B) Food shall be transported in covered and temperature-controlled containers and shall not be allowed to stand. Hot foods shall be maintained at not less than 140 degrees Fahrenheit, and cold foods shall be maintained at 45 degrees Fahrenheit or less.

(10) Meals and snacks shall be served to each child using individual tableware that is appropriate for the food or beverage being served. Food shall be served on tableware appropriate for that food and shall not be served directly on a bare surface, including a tabletop.

(11) Tableware shall be washed, rinsed, and air-dried or placed in a dishwasher after each meal.

(12) Sanitary methods of food handling and storage shall be followed.

(13) A washable or disposable towel and washcloth shall be provided for each child. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-508 and K.S.A. 65-530; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended Feb. 26, 1990; amended Feb. 3, 2012; amended Aug. 2, 2024.)

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