Kansas Administrative Regulations

Department of Health and Environment

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

28-4-578. Applicant requirements; application procedures; licensure; notification; renewal; amended license; exceptions.

Each person shall have a temporary permit or license to operate an out of school time program before children are in attendance.

(a) Applicant requirements.

(1) Each individual submitting an application for a license shall be 18 years of age or older at the time of the application.

(2) Each corporation applying for a license shall be in good standing with the Kansas secretary of state.

(b) Multiple licenses. No licensee shall provide or hold concurrent licenses for more than one type of child care or child and adult care on the same premises.

(c) Multiple child care facilities. Each applicant with a temporary permit and each licensee who operates more than one child care facility, as defined in K.S.A. 65-503, and amendments thereto, shall maintain each child care facility as a separate entity.

(d) Application procedures.

(1) Each person seeking to operate an out of school time program shall submit a complete application on forms supplied by the department. The planned opening date of the program shall not be less than 90 calendar days after the submission of the complete application. The application shall include a description of the program of activities and services to be offered, including the following:

(A) A statement of the program’s purpose and goals;

(B) the number and ages of children for whom the program is designed; and

(C) the anticipated opening date and the projected hours and months of operation.

(2) If new construction or remodeling is planned, the applicant shall submit a building and site plan to the secretary at least 45 calendar days before the construction or remodeling is scheduled to begin. Each building and site plan shall include all of the information listed in paragraph (d)(3). Each applicant shall obtain approval of the plan from the secretary before beginning construction or remodeling. If changes are made to the building or site plan following the secretary's approval, the applicant shall submit a description of the proposed changes to the secretary for approval before construction or remodeling begins.

(3) If an existing building is to be used, the applicant shall submit a detailed floor plan describing all of the following:

(A) The intended use of the space;

(B) the location of each activity area within the building;

(C) the measurements for each room used by children for activities;

(D) the location of each rest room designated for use, including the number of toilets, urinals, and hand sinks; and

(E) the location of entrances and exits.

(4) If outdoor activities are conducted on the premises, the applicant shall include a diagram of the outside activity area for approval by the secretary. The diagram shall include the following:

(A) Measurements of the space to be used;

(B) the location relative to the building;

(C) the means of access to the area from the building; and

(D) the location of any hazards adjacent to the outside activity area, including heavily traveled streets, railroad tracks, and bodies of water.

(5) If the premises to be used is a public school, accredited non-public school, or public recreation center, each applicant is exempt from paragraphs (d)(2) through (d)(4) and shall submit the following:

(A) A floor plan describing the intended use of space and the measurements for each room used by children for activities;

(B) if outdoor activities are conducted on the premises, a diagram of the outside activity area describing the measurements of the space to be used; and

(C) a list of any programs, activities, or other groups that may be using part of the building during the program's hours of operation.

(6) Each applicant for a license to conduct an outdoor summer program shall submit documentation of site approval as specified in K.A.R. 28-4-586.

(e) Provisions for issuing a license. The granting of a license to any applicant or applicant with a temporary permit may be denied by the secretary if the applicant or applicant with a temporary permit is not in compliance with the following applicable requirements:

(1) K.S.A. 65-501 through K.S.A. 65-516, and amendments thereto;

(2) K.S.A. 65-523 through K.S.A. 65-529, and amendments thereto;

(3) K.S.A. 65-531, and amendments thereto; and

(4) all applicable regulations.

(f) New temporary permit or license required. Each applicant with a temporary permit and each licensee shall submit a new application and the required forms, and shall obtain a new temporary permit or license from the secretary, as follows:

(1) Before a program that has been closed is reopened;

(2) if there is a change in the location of the program; or

(3) if there is a change of ownership of the program.

(g) Notification requirements. Each applicant, applicant with a temporary permit, and licensee shall notify the secretary in writing before withdrawing the application or closing the program.

(h) Annual renewal.

(1) Before the annual renewal date, each licensee desiring to renew the license shall complete and submit an application to renew the license, on forms supplied by the department, to the secretary.

(2) Failure to submit the application forms for the renewal of a license may result in closure of the facility.

(i) Amended license.

(1) Each applicant with a temporary permit and each licensee who intends to change the terms of the license, including the license capacity or the age of children served, shall submit an application for an amended license on a form supplied by the department.

(2) The applicant with a temporary permit or licensee shall not consider the amendment granted until the amended license is issued by the secretary.

(j) Exceptions.

(1) Any applicant with a temporary permit or licensee may submit a written request for an exception to an out of school time program regulation on a form supplied by the department.

(2) An exception may be granted if the secretary determines that the exception is in the best interest of the child's health, safety, or well-being, serves the needs of the child's family, and does not violate statutory requirements.

(3) If an exception is granted, each applicant with a temporary permit and each licensee shall receive written notice of the approval of the exception and the exception’s duration. The approval shall be posted with the temporary permit or license. The exception shall not be considered granted until written approval is given by the secretary.

(Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-501, K.S.A. 65-504, K.S.A. 2025 Supp. 65-508, and K.S.A. 2025 Supp. 65-516; 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 *****