Kansas Administrative Regulations

Department of Health and Environment

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

28-4-576. Definitions.

For the purposes of K.A.R. 28-4-577 through K.A.R. 28-4-596, the following definitions shall apply:

(a) “Academic credit hour” means credit earned for coursework through an accredited postsecondary educational institution.

(b) “Adult responsible for a child” means any of the following adults other than the child's legal parent who is responsible for the care and upbringing of the child:

(1) A stepparent;

(2) a grandparent;

(3) another relative; or

(4) a foster parent.

(c) “Animal” means any living creature, other than a human being, that has the ability to move voluntarily, including any mammal, rodent, fish, reptile, spider, insect, and bird.

(d) “Applicant” means a person who has applied for a license to operate a child care facility but who has not yet been granted a license to operate a child care facility.

(e) “Applicant with a temporary permit” means a person who has applied for a license and who has been granted a temporary permit to operate a child care facility.

(f) “Available space for activities” means the indoor and outdoor space on the premises that is used by children during the hours of operation in carrying out the program of activities. The following shall not be counted as available space for activities:

(1) Kitchens;

(2) rest rooms;

(3) hallways and passageways;

(4) storage areas;

(5) offices;

(6) teacher or employee lounges and workrooms; and

(7) any other space not used by the children for activities.

(g) “Building” means a structure used for shelter that has a roof and is enclosed by walls on all sides.

(h) “Child with special health care needs” means a child who requires or benefits from specialized programs, services, interventions, or technologies while attending the program, due to any of the following conditions or circumstances:

(1) A developmental disability;

(2) intellectual disability;

(3) mental illness;

(4) an emotional or behavioral difficulty;

(5) sensory or motor impairment; or

(6) a chronic illness.

(i) “Day reporting program” means a program that provides specialized services designed to enable juvenile offenders 10 years of age and older to remain offense-free while living in the community.

(j) “Department” means the Kansas department of health and environment.

(k) “Disinfect” means the full surface application of a disinfectant solution of environmental protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or alternate EPA-registered disinfectant used according to the directions on the label to any inanimate object.

(l) “Emergency safety intervention” means the use of seclusion or physical restraint, but does not include the use of time-out.

(m) “Group” means a limited number of children assigned to a staff member or team of staff members.

(n) “High-risk sport or recreational activity” means a sport or recreational activity that poses a significant risk of injury to the participant. Safe participation in the activity shall require specialized instruction and may require protective safety gear.

(o) “Individualized program plan” and “IPP” mean a written, goal-oriented plan of specialized services for each child with special needs or for each juvenile offender attending a day reporting program. Each applicant with a temporary permit and each licensee shall ensure that the IPP assigns responsibility for the delivery of the specialized services.

(p) “Kindergarten-age child” means a child who is attending kindergarten or who has completed kindergarten and has not entered first grade.

(q) “License capacity” means the maximum number of children authorized by the temporary permit or license to attend the program at any one time.

(r) “Licensee” means a person who has been granted a license to operate a child care facility.

(s) “Out of school time program” or “program” has the same definition as school-age program as specified in K.S.A. 65-527, and amendments thereto.

(t) “Outdoor summer program” means a program that operates only during the summer months and is conducted at an outdoor location for the duration of the program, but does not include any summer instructional camps as described in K.S.A. 65-501, and amendments thereto.

(u) “Premises” means the location, including the building or buildings and adjoining grounds, for which the applicant with a temporary permit or licensee has a temporary permit or license to conduct an out of school time program.

(v) “Professional development training” means training approved by the secretary that is related to working with children.

(w) “Program of activities” means a comprehensive and coordinated plan of activities that meets the following criteria:

(1) Promotes cognitive, emotional, social, and physical development;

(2) supports the well-being of each child; and

(3) protects the safety of each child in attendance.

(x) “Regularly volunteering” means working in a program on a recurring basis and without compensation. This term shall not apply to guest speakers and to persons who make one or more presentations on a specific subject.

(y) “Sanitize” means the full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object used for food preparation or service.

(z) “School-age child” means an individual who is of kindergarten age but is less than 18 years of age, who is not a volunteer or employee, and who is attending the program. Any reference to “child” in K.A.R. 28-4-576 through 28-4-596 shall have the same meaning as “school-age child” as defined in this regulation.

(aa) “Secretary” means the secretary of the Kansas department of health and environment.

(bb) “Secretary's designee” means the person designated by the secretary to assess compliance with program regulations.

(cc) “Single or multi-site coordinator” or “site coordinator” means the staff member who is approved by the secretary as meeting the qualifications specified in K.A.R. 28-4-587 and who is responsible for implementing and supervising the program of activities.

(dd) “Site leader” means the staff member who is on the premises during all hours of operation, oversees group leaders, and meets the qualifications specified in K.A.R. 28-4-587.

(ee) “Snack” means supplemental food served between meals.

(ff) “Staff member” means both of the following:

(1) All personnel, including employees, substitutes, and volunteers, who provide administrative or direct services to children; and

(2) auxiliary personnel, including cooks, drivers, office workers, and housekeeping staff, who provide indirect services.

(gg) “Supervision” means overseeing and guiding a child or children, knowing each child’s location at all times when the child is in care, knowing the nature of each child’s activities, and being in close proximity to each child to intervene when necessary.

(hh) "Tobacco product" means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested

by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or vape devices.

(ii) “Use zone” means the surface under and around a piece of equipment onto which a child falling from or exiting the equipment would be expected to land.

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