# Kansas Administrative Regulations

## Department of Health and Environment

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

**28-4-577. Terms of temporary permit or license; exclusions.**

(a) Temporary permit or license required. Each person desiring to operate an out of school time program that meets one or more of the following criteria shall obtain a temporary permit or license from the secretary to operate a child care facility as specified in K.S.A. 65-503, and amendments thereto:

(1) The program is designed to allow two or more school-age children under 16 years of age on an enrolled basis to attend 12 hours a week or more for more than two consecutive weeks and is not an instructional class or activity as specified in paragraph (c)(3).

(2) The public agency providing funding to the program requires the program to be licensed as a child care facility.

(3) The program is a day reporting program for children 10 years of age or older.

(4) The program is a specialized treatment, therapeutic, correctional, or rehabilitative program for school-age children that attend 12 hours a week or more for more than two consecutive weeks.

(b) Validity of temporary permit or license.

(1) Each temporary permit or license shall be valid only for the person and the address specified on the temporary permit or license.

(2) When an initial or amended license becomes effective, all temporary permits, licenses, or certificates of registration previously issued to the applicant with a temporary permit or licensee at the same address shall become invalid.

(c) Exclusions. The following shall not be considered child care facilities:

(1) An “extraordinary school program,” as defined in K.S.A. 72-3239, and amendments thereto, or a similar extended school day program that is conducted on the premises of an accredited non-public school, is attended only by pupils enrolled in the

school in which the program is being conducted, and is staffed by certified elementary school teachers;

(2) a “summer program,” as defined in K.S.A. 72-3238, and amendments thereto;

(3) an instructional class or activity in which a child is enrolled for the purpose of participating in only one specific subject or skill-building area, including religious instruction in a specific doctrine or tenet, an instructional summer camp, academic or remedial instruction, or a class, clinic, or league in non-academic activities;

(4) a program of activities that serves exclusively school-age children who are 12 years of age and older and that is not required to be licensed as specified in subsection (a);

(5) a program of activities that serves exclusively school-age children who are 14 years of age and older; and

(6) a program that is operated by a local unit of government or school district and that operates for no more than four consecutive hours per day or for no more than two consecutive weeks.

(d) Terms of the license and capacity.

(1) Building-based programs. The license capacity of each building-based program shall be determined by the indoor and outdoor available space for activities as specified in K.A.R. 28-4-585(a).

(2) Outdoor summer program. The license capacity of each outdoor summer program shall be determined by the outdoor available space for activities as specified in K.A.R. 28-4-586(b)(1).

(3) License capacity not to be exceeded. Each applicant with a temporary permit and each licensee shall limit the number of children attending the program at any one time so that the license capacity specified on the license is not exceeded.

(4) Ages of children in care. Each child in care shall be a school-age child.

(e) Exclusive use of space. If activities that are not part of the out of school time program are conducted on the same premises as those for the out of school time program, each applicant with a temporary permit and each licensee shall designate space for exclusive use by the program during the hours of operation.

(f) Posting temporary permit or license. Each applicant with a temporary permit and each licensee shall post each temporary permit or license in a conspicuous place on the premises that is visible to parents. A copy of the current regulations governing out of school time programs shall be readily available to all staff.

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