Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Child Care Centers and Preschools.

28-4-422. Applicant requirements; exclusions; application process; amended license; renewal; exceptions; advertising.

(a) Applicant requirements. Each person operating a child care center or preschool shall have a temporary permit or license to operate a child care center or preschool before children are in attendance.

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

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

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

(1) A pre-kindergarten program that is operated by an accredited non-public school when all of the following conditions are met:

(A) The program is on the premises of an accredited non-public school;

(B) The program operates only during the academic school year, during academic school hours, and follows the academic school calendar of the accredited non-public school; and

(C) The program services exclusively children who attained the age of four years on or before August 31 of the academic school year.

(2) A program operating when all of the following conditions are met:

(A) The program operates less than five consecutive hours;

(B) the program operates no more than one day a week; and

(C) children are not attending more than one session per day.

(c) Site approval.

(1) Each applicant shall submit for review by the secretary or designee a detailed building and site plan designating the premises to be licensed and showing the following:

(A) Each entrance and exit;

(B) the location and measurements for each room to be used by children;

(C) the location and layout of the kitchen and laundry facilities;

(D) each bathroom designated for use by children, including the number of toilets and hand sinks;

(E) each hand sink not located in a bathroom that will be used for handwashing;

(F) any other rooms on the premises labeled for intended use;

(G) the location, relative to the building of each outdoor play area, including the measurements of the space to be used, the means of access to the area from the building, and the placement of anchored equipment;

(H) the style, height and location of any fence on the premises; and

(I) additional documentation as determined necessary by the secretary.

(2) Each applicant shall obtain approval of the building and site plan from the secretary before beginning new construction or the renovation of an existing building. If changes to the approved plan are made following the secretary's approval, the applicant shall submit a description of the proposed changes to the secretary for approval before construction work begins.

(d) Application process. Each person desiring to conduct a child care center or preschool shall submit a complete application on forms supplied by the department and shall include the following:

(1) A statement of services including the following:

(A) The number and ages of children to be served;

(B) the number of units and anticipated license capacity;

(C) a description of any specialized services; and

(D) the anticipated opening date and projected hours, days, and months of operation;

(2) a request for background checks specified in K.A.R. 28-4-125;

(3) a copy of the detailed building and site plan specified in subsection (c);

(4) fire safety approval, including occupancy, from the State fire marshal; and

(5) local city or county code approval, including sanitarian approval when the building is not connected to a public water or sewer system.

(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. 65-504 through 65-506, and amendments thereto;

(2) K.S.A. 65-508, and amendments thereto;

(3) K.S.A. 65-512, and amendments thereto;

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

(5) all regulations governing child care centers and preschools.

(f) Multiple child care facilities.

(1) Each applicant with a temporary permit or 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.

(2) A license for an additional child care facility shall not be granted until all existing child care facilities for which the licensee has been granted a license are in compliance with child care regulations.

(g) Multiple licenses. No licensee shall be licensed concurrently for or provide more than one type of child care or child and adult care on the same premises.

(h) 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 child care center or preschool 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.

(i) Amended license.

(1) Each licensee who intends to change the terms of the license, including the license capacity, age of children enrolled, or number of units shall submit an application for an amended license on a form provided by the department.

(2) If the physical structure of the building changes due to new construction or remodeling or a change in use of space affects the terms of the license, each applicant with a temporary permit or licensee shall submit a building and site plan as specified in subsection (c) of this regulation and fire safety approval from the State fire marshal.

(3) The licensee shall not consider the amendment granted until the amended license is issued by the secretary.

(j) Notification requirements. Each applicant, applicant with a temporary permit and each licensee shall notify the secretary in writing before withdrawing an application, closing the child care center or preschool, or changing the program director;

(k) 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.

(l) Exceptions.

(1) Each applicant and licensee may submit a written request for an exception to a 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 or children and their families and does not violate statutory requirements.

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

(m) Advertising. If an applicant, applicant with a temporary permit or licensee advertises the availability of services, the advertisement shall not contradict the written

description of services submitted with the application. The applicant, applicant with a temporary permit or licensee shall not make a claim of specialized services unless the facility is staffed and equipped to offer those services. No generalized claim of “state approval” shall be made until the secretary issues a temporary permit or license. (Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-501, K.S.A. 65-504, and K.S.A. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 2, 2024; amended Sept. 4, 2026.)

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