Kansas Administrative Regulations

Department of Health and Environment

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

28-4-428. Staff requirements.

Each licensee shall ensure that all of the following requirements are met:

(a) Minimum staff-child ratio.

(1) The ratio between staff members and children shall be determined by the ages of the children and the type of care provided.

(2) The minimum staff-child ratio and the maximum number of children per unit shall be the following, at all times:

Ages of children	Minimum staff-child ratio	Maximum number of children per unit
Infants*	A. 1 to 3 or B. 1 to 4	A. 9 or B. 8
Infants and other children under the age of 6	1 to 6 (including not more than 3 infants)	12 (including not more than 6 infants)
Toddlers	1 to 6	12
Children at least 2 years of age but under the age of 3	1 to 7	14
Children at least 2.5 years of age but under school-age	1 to 12	24
School-age	1 to 16	32

* Only one staff-child ratio may be used at any one time for each infant unit.

(3) No child shall be left unsupervised.
(4) The staff-child ratio shall be considered in compliance when a staff member counted in the staff-child ratio leaves the unit without a substitute for no more than five minutes provided that another staff member remains in the room at all times. If a staff member counted in the staff-child ratio is absent for more than five minutes, but less than 20 minutes, the staff-child ratio shall be considered in compliance when another staff member substitutes for the absent staff member counted in the staff-child ratio.
(5) Each applicant with a temporary permit or each licensee may move any child into the next age-appropriate unit not earlier than 30 calendar days before and not later than 30 calendar days after the child reaches the minimum age of the unit. Upon agreement with the parent or legal guardian that the move is in the best interest of the child, a plan to move any child to the next age-appropriate unit shall be developed and communicated with the parent or legal guardian.
(6) Any school age child not yet attending kindergarten may remain in a preschool unit until the first day of the academic school year in which the child is enrolled in kindergarten.
(7) Any school age child not yet attending first grade may remain enrolled in a unit licensed for children 2.5 years to school age until the first day of the academic school year.
(b) Substitute staff. Each applicant with a temporary permit or licensee shall ensure that substitutes are available to work if there is an emergency or a staff member absence. Each substitute shall meet the requirements for the staff member whom the substitute is replacing.
(c) Volunteers. Each volunteer shall be at least 14 years of age. Any volunteer may be counted in the staff-child ratio if the individual is at least 16 years of age. Each volunteer not counted in the staff-child ratio shall be supervised at all times by a staff member who is not a volunteer when activities involve access to children.
(d) Program director.
(1) Each preschool and each child care center shall have on staff a program director who is employed full time.

(2) Each preschool and each child care center licensed for more than 60 children shall have on staff a program director who has no other assigned tasks or responsibilities that interfere with the essential functions of the job.
(3) Each preschool and each child care center licensed for more than 60 children shall have on staff an administrator, who may also be the program director.
(4) Each preschool and each child care center licensed for more than 100 children shall have on staff a program director who meets the requirements as specified in K.A.R. 28-4-429(c) and who has one year of experience in program administration or management in early childhood care or early childhood education.
(e) Assistant program director.
(1) Facilities licensed for more than 100 children shall have on staff an assistant program director who meets the program director requirements specified in K.A.R. 28-4-429(c) and K.A.R. 28-4-428a.
(2) Facilities licensed for more than 160 children shall have on staff an assistant program director who meets the program director requirements specified in K.A.R. 28-4-429(c) and K.A.R. 28-4-428a and shall not be assigned any tasks or responsibilities that interfere with the essential functions of the job.
(Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 12, 2017; amended Aug. 2, 2024.)

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