Kansas Administrative Regulations

Department of Health and Environment

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

28-4-420. Definitions.

(a) “Administrator” means the staff member of a child care center or preschool who is responsible for the general and fiscal management of the facility.

(b) “Attendance” means the number of children present at any one time.

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

(d) “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 facility.

(e) “Basement” means an area in which all four outside walls are more than two-thirds below ground level.

(f) “Child care center” means a facility:

(1) that provides care and educational activities for children two weeks to 16 years of age at least three hours per day including day time, evening, and overnight care for:

(A) 13 or more children; or

(B) fewer than 13 children if licensed as a center and if the program and building meet child care center regulations; and

(2) that may have hours of operation for more than 24 continuous hours, provided no individual child is present for 24 or more hours of continuous care.

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

(h) “Enrollment” means the total number of children for whom services are available.

(i) “Evening care” means care provided after 6:00 p.m. and before 1:00 a.m. the following day for children enrolled at a facility and present during operating hours.

(j) “Fire inspector” means a person approved by the state fire marshal to conduct fire safety inspections.

(k) “License capacity” means the maximum number of children that are allowed to attend a facility at any one time.

(l) “Licensed physician” means an individual who is licensed to practice either medicine and surgery or osteopathy in Kansas by the Kansas state board of healing arts or who practices either medicine and surgery or osteopathy in another state and is licensed under the licensing statutes of that state.

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

(n) “Media” means cable and broadcast television, internet streaming, or other similar digital entertainment.

(o) “Medical record” means the immunization record, health assessment and medical history of each child.

(p) “Overnight care” means care provided after 1:00 a.m. and before 6:00 a.m. the same day for children enrolled at a facility and present during operating hours.

(q) “Preschool” means a facility:

(1) that provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-3118(c), and amendments thereto, and who are 30 months of age or older;

(2) that conducts sessions not exceeding three hours per session;

(3) that does not enroll any child in more than one session per day; and

(4) that does not serve a meal. The term “preschool” shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations.

(r) “Preschool age” means a child who is between 30 months of age and the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-3118(c), and amendments thereto.

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

(t) “Program” means a comprehensive and coordinated plan of activities providing for the education, care, protection, and development of children who attend a preschool or a child care center.

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

(v) “School-age” has the same definition as specified in K.S.A. 65-503, and amendments thereto.

(w) “Self-contained unit” means an area separated by walls or partitions not less than five feet high which contains indoor learning materials for the maximum number of children permitted in one group as specified in K.A.R. 28-4-428(a).

(x) “Sick child” means a child who has a contagious disease or shows other signs or symptoms of an acute illness.

(y) “Substitute” means an individual who supervises children in the absence of the staff member.

(z) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption, inhalation, or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

(aa) “Toddler” means a child who has learned to walk and who is between 12 and 30 months of age.

(bb) “Unit” means the number of children that may be present in one group, as specified in K.A.R. 28-4-428(a).

(cc) “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.

(dd) “Volunteer” means an individual 14 years of age or older who is working in the facility without compensation and meets the requirements specified in K.A.R. 28-4-428a.

(ee) “Weapons” means any of the following:

(1) Firearms;

(2) ammunition;

(3) air-powered guns, including BB guns, pellet guns, and paint ball guns;

(4) hunting and fishing knives;

(5) archery equipment; or

(6) martial arts equipment.

(Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended Aug. 2, 2024; amended Sept. 4, 2026.)

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