

Proposed

**State of Kansas
Department of Health and Environment**

Notice of Hearing on Proposed Administrative Regulations

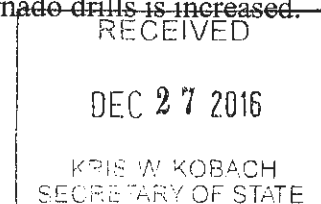
The Kansas Department of Health and Environment, Division of Health, Bureau of Family Health, will conduct a public hearing at 10 a.m. Wednesday, March 22, 2017, in Room 530, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed amended maternal and child health regulations K.A.R. 28-4-587 and 28-4-592. These proposed amended regulations pertain to school-age programs. They were developed cooperatively with the Kansas Department for Children and Families (DCF) to implement federal requirements pertaining to the Child Care and Development Fund (CCDF) State Plan.

A summary of the proposed regulations and estimated economic impact follows:

Summary of Regulations

K.A.R. 28-4-587. Staff member qualifications; professional development training; staffing requirements. The proposed amended regulation adds a requirement that a completed application be on file for each staff member, documenting his or her qualifications. The amended regulation requires each staff member to complete orientation before being given sole responsibility for the care and supervision of children and expands the subject areas to be included in orientation. Required clock-hours for annual professional development training are increased for program directors. Staff members will now have to complete a specific number of clock-hours annually.

K.A.R. 28-4-592. Safety and emergency procedures; reporting requirements. The proposed amended regulation adds details for development of an emergency plan and requires the plan be provided to parents and legal guardians. Staff members are required to practice annually the procedures for moving children in an emergency. The frequency of tornado drills is increased.



Proposed

Details are provided for cleaning and sanitizing contaminated surfaces. There are updated requirements for reporting suspected child abuse or neglect.

Economic Impact

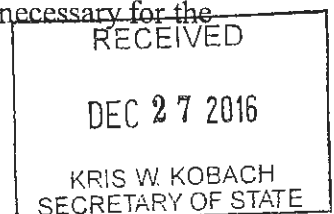
Cost to the agency: There is no additional cost to the agency. Any costs will be absorbed in the current budget.

Cost to licensees: Currently each operator is responsible for providing orientation to each staff member counted in the supervisory ratio and annual professional development training for staff members. Alternatively, operators may arrange for other entities to provide the training. There are already in place a number of training opportunities available through resource and referral agencies, statewide training providers, and some of the county health departments at no cost or little cost. The department is working with these entities to ensure that the training requirements can be met, across the state, through a variety of methods including classroom instruction and on-line courses.

Costs to other governmental agencies or units: There is no known cost to other governmental agencies or units to implement these proposed amendments.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed amended regulations. All interested parties may submit written comments prior to 5 p.m. on the day of the hearing to Dorothy Tenney, Kansas Department of Health and Environment, Child Care Licensing Program, 1000 S.W. Jackson, Suite 200, Topeka, 66612-1274, by email to Dorothy.Tenney@ks.gov, or by fax to 785-559-4244. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed amended regulations as well as an opportunity to submit their written comments.

In order to give each individual an opportunity to present their views, it may be necessary for the



Proposed

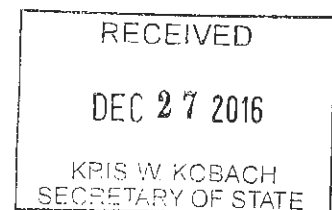
hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed amended regulations and the corresponding economic impact statement may be obtained from the Child Care Licensing website at <http://www.kdheks.gov/bccclr/index.html> or by contacting Dorothy Tenney at Dorothy.Tenney@ks.gov, 785-296-1270 or fax 785-559-4244. Questions pertaining to the proposed amended regulations should be directed to Dorothy Tenney at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Dorothy Tenney.

Susan Mosier, M.D.

Secretary of Health and Environment



28-4-587. Staff member qualifications; professional development training; staffing requirements. (a) Staff qualifications. Each operator and each staff member ~~in contact with children or youth~~ shall demonstrate ~~emotional maturity, sound judgment, and an understanding of children and youth~~ and shall act with reasonable care and judgment.

(b) Program director ~~qualifications~~.

(1) Each ~~program operator~~ shall ~~have~~ hire a program director who meets the following qualifications:

(A) Is at least 18 years of age ~~or older~~, and is at least three years older than the oldest youth in the program;

(B) demonstrates the following:

(i) Knowledge of child and youth development;

(ii) knowledge of the licensing regulations ~~applicable to the program governing school-age programs~~;

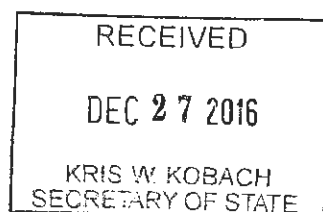
(iii) administrative and supervisory skills;

(iv) the ability to communicate clearly; and

(v) the competence to manage the program in compliance with the program policies, the program plan, and ~~these~~ the licensing regulations governing school-age programs; and

(C) has holds either a high school diploma or a general ~~equivalency diploma~~ educational development (GED) credential.

(2) In addition to meeting the requirements specified in paragraph (b)(1) of this ~~subsection~~, each program director shall meet one of the following qualifications, as ~~appropriate~~ to based on the license capacity of the program:



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

(A) For a license capacity of 30 or fewer children or youth, has been approved as a program director as specified in K.A.R. 28-4-429(b) or (c), or has at least three months of job-related experience;

(B) for a license capacity of 31 through 60 children or youth, meets one of the following requirements:

- (i) Has been approved as a program director as specified in K.A.R. 28-4-429(d) or (e);
- (ii) has 15 academic credit hours; or
- (iii) has six months of job-related experience;

(C) for a license capacity of 61 through 120 children or youth, meets one of the following requirements:

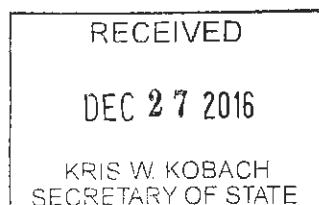
- (i) Has been approved as a program director as specified in K.A.R. 28-4-429(e);
- (ii) has 60 academic credit hours;
- (iii) has 12 months of job-related experience; or
- (iv) has a combination of 30 academic credit hours and six months of job-related

experience; or

(D) for a license capacity of 121 or more children ~~and or~~ youth, ~~has a minimum of holds~~ at least a four-year bachelor's degree from an accredited college or university and has job-related experience.

(3) Within 10 calendar days after hiring each program director, each operator shall comply with one of the following:

- (i) (A) Obtain from the program director a copy of the approval letter issued by the



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

secretary to document that the program director is qualified for the license capacity of the program; or

(ii) (B) submit a request to the secretary for ~~program director's~~ approval of the program director who has been hired.

(4) ~~Each approval letter shall be kept on file in the program director's personnel file and shall be accessible for review by the secretary's designee.~~

~~(5)~~ Each program director designee shall meet the requirements specified in paragraphs (b)(1) and (2)(A).

(c) Administrator ~~qualifications~~. Each operator of a program that has a license capacity of 91 or more children or youth shall employ an administrator who meets the following qualifications:

(1) Is not the program director or a group leader;

(2) is at least 18 years of age ~~or older~~; and;

~~(3)~~ has holds either a high school diploma or a GED credential; and

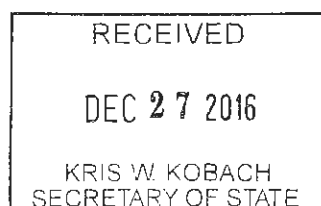
~~(3)~~ (4) ~~demonstrates~~ possesses administrative ability, knowledge of the licensing

regulations governing school-age programs, and the skill to supervise the business operation of the program.

(d) Group leader ~~qualifications~~.

(1) Each ~~person~~ individual designated as group leader shall meet the following qualifications:

(A) Is at least 18 years of age ~~or older~~ and is at least three years older than the oldest



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

youth in the group; and

(B) ~~has~~ holds either a high school diploma or a GED credential; and

(C) has job-related experience working with school-age children or school-age youth.

(2) Each group leader shall ~~demonstrate~~ possess the following:

(A) Knowledge of child and youth development;

(B) knowledge of the licensing regulations ~~for governing~~ school-age programs;

(C) an understanding of age-appropriate activities ~~and services~~;

(D) the ability to communicate clearly;

(E) skills and abilities to implement the program of activities; and

(F) the ability to foster positive, healthy relationships with children or youth.

(3) Each group leader shall meet the following requirements:

(A) Provide supervision and direction to the children and youth assigned to the group;

shall ;

(B) supervise group activities during all hours children and youth are present; ; and

(C) shall provide supervision and direction to an assistant group leader.

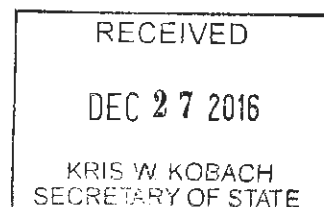
(e) Assistant group leader qualifications.

(1) Each ~~person~~ individual designated as assistant group leader shall meet the following qualifications:

(A) Is at least 16 years of age ~~or older~~ and is at least three years older than the oldest

youth in attendance in the group; and

(B) ~~demonstrates~~ possesses the following:



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *sf*

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

(i) The ability to provide supervision and guidance to a group of children or youth under the direction of a group leader; ;

(ii) the skill and ability to carry out the program of activities; ; and

(iii) the ~~capability~~ ability to foster positive, healthy relationships with children and youth.

(2) Each assistant group leader shall be under the supervision and direction of a group leader.

(f) Qualifications for Substitute staff members.

(1) Each program operator shall have ensure that substitutes who are available to work in ease of illness or emergency if there is an emergency or a staff member absence.

(2) Each substitute shall meet the requirements for the staff ~~person~~ member whom the substitute is temporarily replacing.

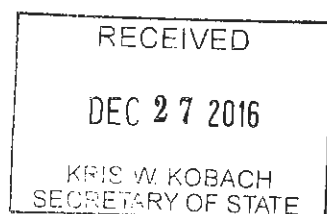
(3) The name and telephone number of each substitute shall be ~~immediately~~ available to the program director or the program director's designee.

(g) Qualifications for Volunteers.

(1) Each volunteer shall be at least 14 years of age ~~or older~~ and, if working directly with the children and youth, shall be at least three years older than the oldest youth in the group.

(2) No volunteer shall be counted in the supervisory ratio unless the volunteer meets all the requirements of a group leader or assistant group leader and is designated as a group leader or assistant group leader by the program director.

(h) Documentation of qualifications. In addition to meeting the staff record requirements in K.A.R. 28-4-582, each operator shall have on file an application form completed by each staff



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

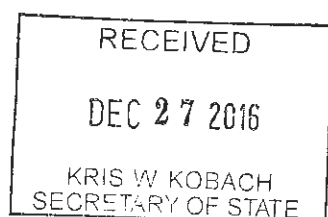
member, including documentation of the staff member's qualifications. The documentation shall be on file on the premises or at a designated central office location that is accessible for review by the secretary's designee.

(i) Professional development training.

(1) Orientation training. Each operator shall provide orientation training to each program director and each staff member who is counted in the supervisory ratio. ~~The operator shall offer the training~~ shall be provided before or within the first week ~~of working the program director or staff member works~~ with children or youth. Each staff member shall complete the training before being given sole responsibility for the care and supervision of children or youth. The training shall be related to work duties and responsibilities and shall include the following subject areas:

- (A) The mission and goals of the program;
- (B) the licensing regulations governing school-age programs;
- (C) the program policies and practices, including security and behavior management;
- (D) the program of activities;
- (E) supervision of children and youth;
- (F) ~~health and safety practices;~~
- (G) confidentiality;
- (H) ~~handling emergencies;~~ and
- (I) (G) recognizing and reporting symptoms of illness, child abuse, child neglect, and

critical incidents as specified in K.A.R. 28-4-592;



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *sf*

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

(H) prevention of and response to emergencies due to food and allergic reactions;

(I) prevention and control of infectious diseases, including immunizations;

(J) premises safety, including identification of and protection from hazards that could cause bodily injury, including electrical hazards, bodies of water, and vehicular traffic;

(K) emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event, including violence at a premises;

(L) handling and storage of hazardous materials and the appropriate disposal of bio-contaminants, including blood and other bodily fluids or waste; and

(M) precautions when transporting children and youth.

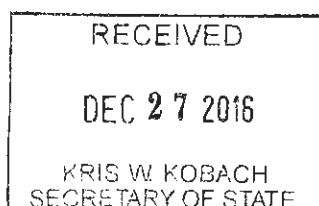
(2) Ongoing professional development training.

(A) In each licensure year, each program director shall annually obtain 15 complete 24 clock-hours of professional development training ~~as defined in K.A.R. 28-4-576.~~

~~Documentation of the training attended and the number of clock hours received for the training shall be kept in the program director's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.~~

(B) In each licensure year, each operator or program director shall assess the training needs of the staff members and shall provide or arrange for staff training as needed to maintain the program in compliance with the licensing regulations governing school-age programs.

(C) Each staff member shall complete 16 clock-hours of annual professional development training based on the staff member's job responsibilities and the training needs identified by the operator or the program director.



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

(D) Each operator shall ensure that documentation of training shall be is kept in the each
staff member's ~~personnel~~ file on the premises or at a designated central office location.

~~This documentation shall be~~ that is accessible for review by the secretary's designee.

(+) (j) Staffing requirements.

(1) Staff coverage. Each operator shall have a sufficient number of staff members on duty to supervise the children and youth during all hours of operation and to provide for their health, safety, and well-being. Each operator shall provide staff coverage ~~in case of emergencies and staff absences~~ if there is an emergency or a staff member absence.

(2) Supervision.

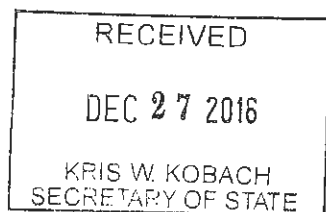
(A) Each operator shall ensure that the program has a qualified group leader for each 30 children or youth attending the program, except as specified in K.A.R. 28-4-596.

(B) Each operator shall maintain additional qualified staff to ensure that the supervisory ratio of one staff member for each 15 children and youth is not exceeded.

(C) Each staff member counted in the supervisory ratio shall ~~comply with~~ be assigned responsibility for the supervision of children and youth and shall meet the following requirements:

- (i) Meet the applicable qualifications for a group leader or assistant group leader; and
- (ii) ~~be assigned responsibility for the supervision of children and youth; and~~
- (iii) ~~be~~ physically present with the children or youth.

(3) ~~Grouping~~ Groups. Except as specified in K.A.R. 28-4-596, the number of children and youth in a group shall be limited by the following:



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

(A) The available space for activities; and

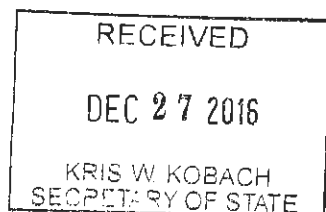
(B) the type of ~~program~~ activity.

(4) Supervision of children and youth. Each staff member working with children and youth shall provide attentive supervision to protect the health, safety, and welfare of the children and youth, and to reduce the risk of injury, illness, or abuse.

(5) Positive relationships. Each staff member shall encourage the development of positive adult-to-child and adult-to-youth relationships and shall be actively engaged with the children or youth under ~~their~~ the staff member's supervision.

(6) Location of each child and each youth. Each group leader or assistant group leader shall know the location of each child ~~or~~ and each youth under the supervision of that group leader or assistant group leader, at all times.

(7) Unescorted child or youth. Any group leader or assistant group leader may, based on the policy of the program and the age and responsibility level of the child or youth, give a child or youth permission to walk unescorted from one supervised activity area to another supervised activity area or to the rest room. (Authorized by and implementing K.S.A. 2016 Supp. 65-508; 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 P-_____.)



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

28-4-592. Safety and emergency procedures; reporting requirements. (a) Telephone.

(1) Each operator shall ensure that there is a working telephone readily available to the operator and staff members to receive all incoming calls and make outgoing calls during all hours of operation.

(2) ~~A working cellular phone that is turned on during the hours of operation may be substituted for a wired telephone.~~

(3) Each operator shall post emergency telephone numbers for the police, fire department, ambulance, hospital or hospitals, and poison control center next to the telephone, or shall have the numbers immediately accessible to ~~each wired or cellular phone~~ staff members.

(b) ~~Emergency plans and evacuation procedures plan; drills.~~

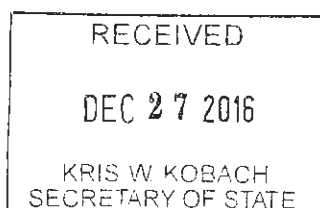
(1) ~~Emergency plans.~~

(A) Each operator shall develop and implement an emergency plan to provide for the safety of children, youth, and staff members in emergencies ~~including fire, tornadoes, storms, floods, serious injury, and other types of emergency~~ specific to the geographic area in which the program is conducted. The emergency plan shall include the following information:

(A) The types of emergencies likely to occur on or near the premises, including a fire, a weather-related event, a missing or runaway child or youth, a chemical release, a utility failure, an intruder, an act of terrorism, and an unscheduled closing;

(B) a designated shelter-in-place area and a designated off-premises relocation site and evacuation routes for each area and for each site;

(C) procedures to meet the needs of individual children and youth, including each child or youth with special needs;



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *JK*

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

(D) procedures for notifying each parent or adult responsible for a child or youth of any off-premises relocation;

(E) procedures for reuniting each child and each youth with the parent or adult responsible for the child or youth; and

(F) procedures designating the tasks to be followed by each staff member in an emergency, including the following:

(i) As appropriate, contacting 911 or other emergency response entities;

(ii) assisting the children and youth, including children and youth with special needs, to move to a designated shelter-in-place area and to a designated off-premises relocation site; and

(iii) ensuring that emergency supplies are readily available.

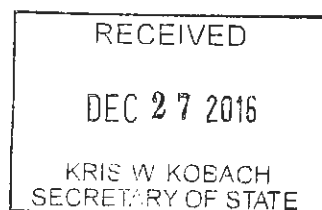
~~(B)~~ (2) Each emergency plan shall be posted in a conspicuous place in each indoor activity area kept on file on the premises.

(3) Each operator shall ensure that the emergency plan is provided to the parent or adult responsible for the child or youth before the first day the child or youth begins attending the program.

~~(C)~~ (4) Each staff member shall be informed of and shall follow the emergency plans plan.

(5) Each operator shall review the emergency plan at least annually and update it as needed.

(6) Each operator shall ensure that each staff member practices, at least annually, the procedures for assisting the children and youth to move to a designated shelter-in-place area and



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *81*

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

to a designated off-premises relocation site. The date and time of each practice and a list of all participating staff members shall be recorded and kept on file on the premises.

~~(2) (7) Evacuation procedures.~~ Each operator shall ~~practice both of the following evacuation procedures with the children and youth~~ ensure that each staff member, child, and youth participates in the following drills:

(A) Fire drills shall be conducted monthly. A record of the date and time of each fire drill and a record of each evacuation time shall be kept on file on the premises for one year.

(B) Tornado drills shall be conducted monthly ~~during April through September.~~ A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file on the premises for one year.

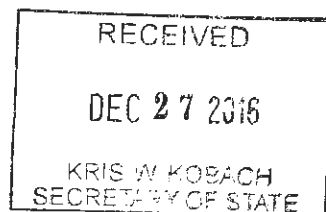
(c) First aid and cardiopulmonary resuscitation (CPR).

(1) Each operator shall ensure that there is at least one staff member on the premises who is readily available to each child or youth at all times and who has a current certification in first aid and a current certification in CPR appropriate to the age of children and youth attending the program.

~~(2) Each record of certification shall be kept in the staff member's file. Equivalent training or certification may be substituted for the required training or certification if approved by the secretary.~~

~~(3) First-aid supplies.~~ Each operator shall maintain first-aid supplies in a first-aid kit, carrying case, box, or other container. The first-aid supplies shall include the following:

(A) First-aid manual;



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *ST*

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

- (B) single-use gloves;
- (C) adhesive bandages of assorted sizes;
- (D) adhesive tape;
- (E) a roll of sterile gauze;
- (F) sharp scissors;
- (G) ~~packages of four-inch~~ sterile gauze squares at least four inches by four inches in size;
- (H) a cleansing agent or ~~pump~~ liquid soap;
- (I) an elastic bandage;
- (J) tweezers; and
- (K) a bottle of water for washing and cleansing.

(d) Standard precautions for handling blood and other bodily fluids or waste. Each operator shall ensure that each staff member complies with the following standard precautions when handling blood and other bodily fluids or waste:

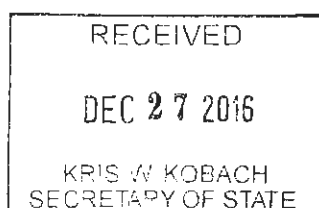
(1) Each staff member shall avoid coming into direct contact with blood and other bodily fluids or waste.

(2) Each ~~individual~~ staff member shall wear single-use gloves in the following situations:

- (A) When cleaning contaminated surfaces or areas;
- (B) before dressing a cut or sore that is leaking body fluids; and
- (C) when cleaning up each spill, including urine, feces, blood, saliva, vomit, and tissue

discharge.

(2) (3) Each contaminated surface or area on which a spill occurs shall be cleaned by



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *sf*

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

removing any visible spill from the surface or area with a water-saturated disposable paper towel or wipe. After the surface or area has been cleaned, the surface or area shall be sanitized by wetting the entire surface or area with a disinfectant solution of one-quarter cup of unscented chlorine bleach to one gallon of cool water mixed according to the directions on the label, or an appropriate commercial disinfectant used according to the manufacturer's instructions directions on the label.

~~(3) Care shall be taken to avoid splashing any contaminated material onto any mucous membrane, including eyes, nose, and mouth.~~

(4) Each mop used to clean up a contaminated area shall be cleaned and rinsed in a disinfecting solution, wrung as dry as possible, and hung to dry.

(5) Each paper towel, sponge, or other material used for cleaning up a contaminated area shall be placed in a plastic bag with a secure tie and thrown away in a covered container.

(e) Emergency medical care.

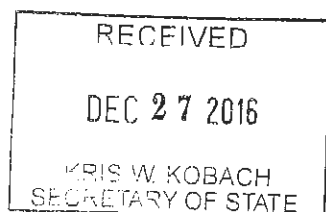
(1) If a child or youth needs emergency medical care and is taken to an emergency care source, each operator shall ensure that the parent or other adult responsible for the child or youth is notified immediately and shall make the following documents and information immediately available to emergency care personnel:

(A) The child's or youth's health history;

(B) the name, address, and telephone number of the following individuals:

(i) The parent or other adult responsible for the child or youth;

(ii) a designated emergency contact; and



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

(iii) the physician designated by the parent or other adult responsible for the child or youth to be called in case of emergency; and

(C) authorization for emergency medical care.

(2) If the operator has been unable to obtain the necessary documents as specified in K.A.R. 28-4-582, the operator shall follow the plan approved by the secretary.

(3) A staff member shall accompany a child or youth to the source of emergency care and shall remain with the child or youth until a parent or other responsible adult assumes responsibility for the child or youth. When a staff member goes to the source of emergency care with a child or youth, the operator shall ensure that there is an adequate number of staff members available to supervise the remaining children and youth in the program.

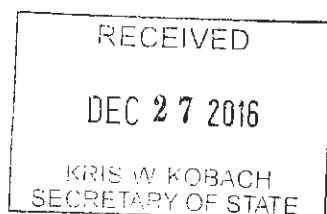
(f) Reporting illnesses.

(1) If a child or youth becomes ill while attending the program, the operator shall immediately notify the parent or other adult responsible for the child or youth.

(2) If an operator, staff member, child, or youth in a program contracts a reportable infectious or contagious disease ~~specified~~ listed in K.A.R. 28-1-2 and ~~K.A.R. 28-1-18~~, the operator shall report the disease to the ~~local county health department~~ secretary's designee by the next working day.

(3) The operator shall follow the protocol recommended by the county health department and shall cooperate fully with any investigation, disease control, or surveillance procedures initiated by the county health department or the ~~department of health and environment~~.

(g) Reporting critical incidents.



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY *ef*

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

(1) Each operator shall report the following critical incidents immediately to each parent or ~~other~~ adult responsible for a child or youth affected by the critical incident, on a form ~~supplied~~ provided by the department:

(A) Fire damage or other damage to the building, or damage to the property that affects the structure of the building or safety of the children and youth;

(B) a vehicle ~~accident~~ collision involving children or youth;

(C) a missing child or youth;

(D) physical restraint of a child or youth by staff members;

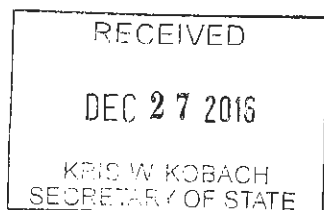
(E) the injury of a child or youth that requires medical attention;

(F) the death of a child, youth, or staff member; and

(G) any other incident that jeopardizes the safety of any child or youth.

(2) Each operator shall report each critical incident specified in paragraph (g)(1) ~~of this regulation~~ to the secretary's designee by the next working day, on a form ~~supplied~~ provided by the department. ~~However, the use of physical restraint shall be reported to the secretary if an injury or bruising occurs.~~ A copy of each critical incident report shall be kept on file for not less than one year on the premises or at a designated central office location ~~and shall be accessible for review by the secretary's designee.~~

(3) Each operator shall ensure that a report is made to the secretary's designee of all known facts concerning the time, place, manner, and circumstances of the death of a child or a youth attending the program when submitting a critical incident report as specified in paragraph (g)(1) ~~of this regulation.~~



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

SEP 12 2016

DEPT. OF ADMINISTRATION

Proposed

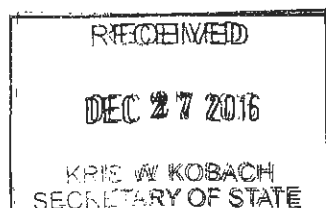
K.A.R. 28-4-592, page 8

(4) (h) Reporting suspected child abuse or neglect. Each operator and each staff member shall report to the Kansas department for children and families or to law enforcement any suspected child abuse or child neglect, ~~as follows:~~

~~(A) Immediately, by telephone or in writing, to the secretary of the department of social and rehabilitation services; and~~

~~(B) by the next working day to the secretary's designee, on a form supplied by the~~ department within 24 hours. (Authorized by and implementing K.S.A. ~~2001~~ 2016 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended

P-_____.)



ATTORNEY GENERAL

NOV 18 2016

APPROVED BY 

APPROVED

NOV 17 2016

DEPT. OF ADMINISTRATION

December 9, 2016

Kansas Department of Health and Environment
Economic Impact Statement

Pursuant to the requirements of K.S.A. 2016 Supp. 77-416, Kansas Department of Health and Environment (KDHE) submits the following economic impact statement concerning amended regulations for licensing school-age programs. The proposed amendments are needed to implement federal requirements pertaining to the Child Care and Development Fund (CCDF) State Plan. The Kansas Department for Children and Families (DCF) is the lead agency for administration of the State Plan. The KDHE child care licensing regulations serve as the health and safety standards for children in care and serve as Kansas standards for the purpose of meeting CCDF requirements. These proposed amendments were developed cooperatively with DCF.

1. Regulations to be amended:

K.A.R. 28-4-587. Staff qualifications; professional development; staffing requirements.
K.A.R. 28-4-592. Safety and emergency procedures.

2. Brief description of each regulation and what is intended to be accomplished by adoption.

K.A.R. 28-4-587. Staff member qualifications; professional development training; staffing requirements. (Amended title)

These proposed amendments add a requirement that each operator have on file a completed application from each staff member. Each staff member will complete the required orientation before being given sole responsibility for children and the subject areas are expanded. The number of professional development hours required each licensure year for program directors is increased. Staff members are required to complete a specific number clock-hours annually.

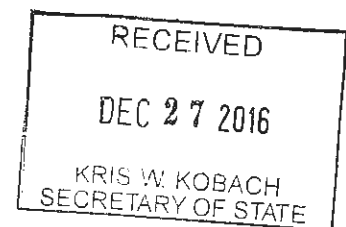
K.A.R. 28-4-592. Safety and emergency procedures; reporting requirements. (Amended title)

These proposed amendments add details for the development of an emergency plan and require the plan be provided to each parent or legal guardian. Each staff member will practice annually the procedures for moving children to a designated shelter-in-place area and to a designated off-premises relocation site. The frequency of tornado drills is increased to monthly. Details are provided for cleaning and sanitizing any contaminated surface or area. The proposed amendments clarify reporting requirements and a timeframe for reporting suspected child abuse or neglect.

3. Are these regulations mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes X

No



If yes, please explain.

The proposed amendments are needed to implement federal requirements pertaining to the Child Care and Development Block Grant Act of 2014. The Kansas Department for Children and Families (DCF) is the lead agency for administration of the block grant. The KDHE child care licensing regulations serve as the state's health and safety standards, including the requirements for preparation and training of licensed child care providers.

4. **Do the proposed regulations exceed the requirements of applicable federal law?**

Yes _____ No X

5. **Description of Costs:**

(a) **Cost to the agency:**

There is no additional cost to the agency. Any costs will be absorbed in the current budget.

(b) **Cost to persons who will bear the costs and those who will be affected (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:**

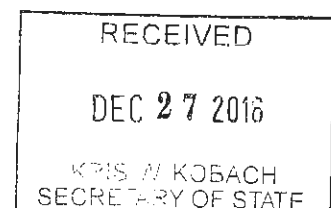
The amendments to K.A.R. 28-4-587 require completion of orientation training before a staff member is given sole responsibility for children or youth.

The list of subject areas for orientation is expanded. The amendments requiring annual professional development training apply to program directors and staff members. A number of program directors and staff members, as part of their current professional development training, may already meet or exceed these new requirements.

Cost of training

Currently each operator is responsible for providing orientation to each staff member counted in the supervisory ratio and annual professional development training for staff members. Alternatively, operators may arrange for other entities to provide the training. There are already in place a number of training opportunities available through resource and referral agencies, statewide training providers, and some of the county health departments at no cost or little cost. The department is working with these entities to ensure that the training requirements can be met, across the state, through a variety of methods including classroom instruction and on-line courses.

The proposed amendment to K.A.R. 28-4-592 does not require any additional cost to the providers.



(c) **Costs to other governmental agencies or units:**

There is no known additional cost to other governmental agencies or units to implement these proposed amendments.

6. **Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.**

No less costly or intrusive methods were identified. Increases in existing professional development training requirements are intended to better prepare operators and staff members in order to provide safe child care practices.

7. **Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.**

The above mentioned regulations were determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards, pursuant to K.S.A. 2016 Supp. 77-416.

Yes X

No

If yes:

Date contacted and by what means (i.e., letter, FAX, etc.): The three organizations will be contacted electronically with attached copies of the proposed regulations, economic impact statement and notice of hearing at the time the notice of hearing is published in the *Kansas Register*.

Response and comments received by:

League of Kansas Municipalities:

Kansas Association of Counties:

Kansas Association of School Boards:

