

**Kansas Department of Health and Environment
Child Care Licensing 2024 Regulation Implementation
Frequently Asked Questions – August 1, 2024**

Family Child Care Home

Q: The updated capacity table says to age 10, so does that mean my own kids that are 10 years of age no longer have to be counted in capacity?

A: Correct, children 10 years of age or older related to the provider do not count in an FCCH capacity.

Q: Do substitutes (temporary and extended) need to have 16 hours of annual professional development yearly?

A: Yes, pursuant to K.A.R. 28-4-114(d)(2) which states, in each licensure year, each provider shall complete 16 clock-hours of professional development training. Four of the 16 clock-hours shall include the subject areas specified in paragraphs (b)(3)(A), (b)(3)(C) through (J), or subsection (c). KAR 28-4-113(c) defines a "care provider" and "provider" which includes a substitute. Please refer to CCL 208 for further guidance.

Q: My home has a ring doorbell, does this count as a video camera on my premises?

A: No. The regulation states, "If video cameras are used in a facility for the purpose of monitoring children's activities or to provide remote visual access to parents..." then you must inform parents and staff. A ring doorbell would not be used for that purpose, so would not be included.

Q: Do we need a hands-free trash container in the bathroom and the kitchen?

A: The hands-free trash container is for the disposal of diapers and training pants. It is not required for the kitchen trash, although a covered trash can is required in the kitchen.

Child Care Center

Q: Does lighted for nap time mean all the lights must be on in the room, or if we have a bright window with natural light will that be enough?

A: If the natural light provides enough light to allow freedom of movement and allows you to observe the breathing of child, it would be acceptable and in compliance.

Q: When do children in the center have to brush teeth?

A: Children are required to brush teeth daily once daily. This is up to the facility to decide when children brush their teeth. Units may vary, the facility is not required to have everyone brush teeth at the same time.

Preschool

Q: Does a licensed preschool need to have children brush their teeth?

A: No.

Child Care Center or Preschool

Q: I am a lead staff in the preschool unit who used observation hours for my qualification, do I need to be “requalified”?

A: No, if you are a lead teacher or program director who met qualifications in KAR 28-4-429 or KAR 28-4-440 before August 2, 2024 – you remain qualified, nothing additionally is required.

Q: On our affiliates, we have two volunteers who are weekly speakers during chapel. They are always with fully trained staff members in attendance, do they need orientation?

A: Volunteers who are counted in staff-child ratio would need health and safety training. Volunteers not counted in staff child-ratio only need orientation.

Child Care Center or Family Child Care Home

Q: A lot of moms are pumping all day and putting it into one container at home until placing the ounce amounts per bag. How would you expect a parent to label that milk that was all from one day but throughout the entire day?

A: Based off of this practice, KDHE would request the child’s parent to put the last time and date they expressed for that batch on the bag contents.

Q: Do moms coming to feed their babies need to be background checked?

A: No, they are not staff, an employee, resident, or volunteer.

Q: Children on cots cannot have a blanket or just children 12 months of age and younger in a playpen that can’t have a blanket?

A: Yes, children on a mat or cot may have a blanket. Children under 12 months MAY NOT use a blanket (please refer to regulation for other soft items not allowed).

Q: So infants (children under 12 months of age) cannot be swaddled? What if the parents use a swaddle at home and requests that at daycare as well?

A: Correct, swaddling shall not be permitted in licensed child care. Sleep sacks are permitted if you are following manufacturer’s instructions. This practice may be a part of the safe sleep plan that is required to be written and shared with parents.

Q: Do soiled diapers not have to be bagged anymore or just straight to the hands-free covered trash can?

A: Disposable diapers may still be placed in an additional plastic bag for odor control, but a hands-free trash container is required for disposal pursuant to KAR 28-4-132(g)(3)(C). This regulation requires a hands-free trash container within reach of the changing surface.

Child Care Center, Preschool or Family Child Care Home

Q: Just to clarify. KAR 28-4-420 defines Professional development means training approved by the secretary that is related to working with children in care. KDHE shared said that we can do 4 hours at our discretion that does not have to be approved?? Did I hear that correctly during the training?

A: Yes, that is correct. This applies to both FCCH providers and child care center staff required to have annual professional development hours.

Q: Can children's documents be on our phone if we take a walk off premises, or do we have to have original paper forms.

A: Electronic versions of the documents are permissible.

Q: Just want to confirm, I have a 15-passenger van to transport the children, will I still be allowed to use it?

A: Yes, KDHE will be posting a policy exemption for KAR 28-4-130(g). Facilities may continue using a 15-passenger van.