



KANSAS LAWS AND REGULATIONS FOR LICENSING DETENTION AND SECURE CARE CENTERS FOR CHILDREN AND YOUTH

July 2015

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KANSAS CHILD CARE LICENSING LAWS

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KANSAS CHILD CARE LICENSING LAWS

Chapter 65. PUBLIC HEALTH

Article 5. MATERNITY CENTERS AND CHILD CARE FACILITIES

K.S.A. 65-501. License or temporary permit required; exemptions.

It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity center or a child care facility for children under 16 years of age without having a license or temporary permit therefor from the secretary of health and environment. Nothing in this act shall apply to:

- (a) A residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701 and amendments thereto; or
- (b) a summer instructional camp that:
 - (1) Is operated by a Kansas educational institution as defined in K.S.A. 74-32,120, and amendments thereto, or a postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto;
 - (2) is operated for not more than five weeks;
 - (3) provides instruction to children, all of whom are 10 years of age and older; and
 - (4) is accredited by an agency or organization acceptable to the secretary of health and environment.

History: L. 1919, ch. 210, § 1; R.S. 1923, 65-501; L. 1974, ch. 352, § 85; L. 1978, ch. 236, § 1; L. 1985, ch. 209, § 1; L. 1994, ch. 279, § 4; L. 2001, ch. 101, § 1; April 26.

K.S.A. 65-503. Definitions. As used in this act:

- (a) “Child placement agency” means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.
- (b) “Child care resource and referral agency” means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care.
- (c) “Child care facility” means:
 - (1) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, except children in the custody of the secretary for children and families who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage or legal adoption;

- (2) a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the secretary to require regulation under the provisions of this act;
 - (3) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or
 - (4) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state.
- (d) "Day care facility" means a child care facility that includes a day care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto.
 - (e) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.
 - (f) "Boarding school" means a facility which provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the secretary of health and environment.
 - (g) "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425, and amendments thereto.

History: L. 1919, ch. 210, § 3; R.S. 1923, 65-503; L. 1978, ch. 236, § 2; L. 1978, ch. 237, § 2; L. 1980, ch. 184, § 1; L. 1983, ch. 140, § 45; L. 1994, ch. 279, § 6; L. 1998, ch. 166, § 1; L. 2007, ch. 130, § 1; L. 2010, ch. 161, § 4; L. 2012, ch. 99, § 1; L. 2014, ch. 115, § 248; July 1.

K.S.A. 65-504. Licenses; contents; limitations; posting; inspections; temporary permits; access to premises; temporary licenses; denial or revocation of license; procedure.

- (a) The secretary of health and environment shall have the power to grant a license to a person to maintain a maternity center or child care facility for children under 16 years of age. A license granted to maintain a maternity center or child care facility shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children, and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children than is authorized in the license shall be kept on those premises and the business shall not be carried on in a building or place not designated in the license. The license shall be kept posted in a conspicuous place on the premises where the business is conducted. A license granted to maintain a day care facility shall have on its face an expiration sticker stating the date of expiration of the license. The secretary of health and environment shall grant no license in any case until careful inspection of the maternity center or child care facility shall have been made according to the terms of this act and until such maternity center or child care facility has

complied with all the requirements of this act. Except as provided by this subsection, no license shall be granted without the approval of the secretary for children and families. The secretary of health and environment may issue, without the approval of the secretary for children and families, a temporary permit to operate for a period not to exceed 90 days upon receipt of an initial application for license. The secretary of health and environment may extend, without the approval of the secretary for children and families, the temporary permit to operate for an additional period not to exceed 90 days if an applicant is not in full compliance with the requirements of this act but has made efforts towards full compliance.

- (b)
 - (1) In all cases where the secretary for children and families deems it necessary, an investigation of the maternity center or child care facility shall be made under the supervision of the secretary for children and families or other designated qualified agents. For that purpose and for any subsequent investigations they shall have the right of entry and access to the premises of the center or facility and to any information deemed necessary to the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such center or facility shall be filed with the secretary of health and environment.
 - (2) In cases where neither approval or disapproval can be given within a period of 30 days following formal request for such a study, the secretary of health and environment may issue a temporary license without fee pending final approval or disapproval of the center or facility.
- (c) Whenever the secretary of health and environment refuses to grant a license to an applicant, the secretary shall issue an order to that effect stating the reasons for such denial and within five days after the issuance of such order shall notify the applicant of the refusal. Upon application not more than 15 days after the date of its issuance a hearing on the order shall be held in accordance with the provisions of the Kansas administrative procedure act.
- (d) When the secretary of health and environment finds upon investigation or is advised by the secretary for children and families that any of the provisions of this act or the provisions of K.S.A. 59-2123, and amendments thereto, are being violated, or that the maternity center or child care facility is maintained without due regard to the health, safety or welfare of any woman or child, the secretary of health and environment may issue an order revoking such license after giving notice and conducting a hearing in accordance with the provisions of the Kansas administrative procedure act. The order shall clearly state the reason for the revocation.
- (e) If the secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license for a period of one year subsequent to the date such revocation or refusal to renew becomes final. If the secretary revokes or refuses to renew a license of a licensee who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of a child under such licensee's care, such licensee shall be permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.

- (f) Any applicant or licensee aggrieved by a final order of the secretary of health and environment denying or revoking a license under this act may appeal the order in accordance with the Kansas judicial review act.

History: L. 1919, ch. 210, § 4; R.S. 1923, 65-504; L. 1951, ch. 358, § 1; L. 1961, ch. 285, § 1; L. 1974, ch. 352, § 86; L. 1978, ch. 236, § 3; L. 1982, ch. 258, § 3; L. 1983, ch. 147, § 2; L. 1984, ch. 313, § 93; L. 1985, ch. 209, § 2; L. 1988, ch. 239, § 1; L. 1989, ch. 188, § 1; L. 1990, ch. 145, § 37; L. 1991, ch. 184, § 1; L. 1994, ch. 279, § 7; L. 2000, ch. 137, § 1; L. 2010, ch. 161, § 5; L. 2012, ch. 99, § 2; L. 2014, ch. 115, § 249; July 1.

K.S.A. 65-505. License fees; maternity centers and child care licensing fee fund.

- (a) The annual fee for a license to conduct a maternity center or child care facility shall be fixed by the secretary of health and environment by rules and regulations in an amount not exceeding the following:
 - (1) For a maternity center, \$150;
 - (2) for a child placement agency, \$150;
 - (3) for a child care resource and referral agency, \$150; and
 - (4) for any other child care facility, \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time.

The license fee shall be paid to the secretary of health and environment when the license is applied for and annually thereafter. The fee shall not be refundable. No fee shall be charged for a license to conduct a home for children which is a family foster home as defined in K.A.R. 28-4-311, and amendments thereto. Fees in effect under this subsection (a) immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary of health and environment by rules and regulations under this subsection.

- (b) Any licensee who fails to renew such license within 30 days after the expiration of the license shall pay to the secretary the renewal fee plus a late fee in an amount equal to the fee for the renewal of a license.
- (c) Any licensee applying for an amended license shall pay to the secretary of health and environment a fee established by rules and regulations of the secretary in an amount not exceeding \$35.
- (d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer, notwithstanding any other law to the contrary, shall deposit the entire amount in the state treasury to the credit of the maternity centers and child care licensing fee fund. All expenditures from the maternity centers and child care licensing fee fund shall be made only for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated in accordance with appropriation acts upon warrants of the director of

accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the maternity centers and child care licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the department of health and environment to administer the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated.

History: L. 1919, ch. 210, § 5; R.S. 1923, 65-505; L. 1974, ch. 352, § 87; L. 1978, ch. 236, § 4; L. 1982, ch. 259, § 1; L. 1985, ch. 210, § 2; L. 1986, ch. 230, § 1; L. 1991, ch. 184, § 2; L. 1994, ch. 279, § 8; L. 2001, ch. 5, § 217; L. 2010, ch. 161, § 6; July 1.

K.S.A. 65-506. Notice of issuance, limitation, modification, suspension or revocation of license; notice to parents or guardians of enrollees of limitation, modification, suspension, revocation or denial; unlicensed placements prohibited.

The secretary of health and environment shall serve notice of the issuance, limitation, modification, suspension or revocation of a license to conduct a maternity center or child care facility to the secretary for children and families, juvenile justice authority, department of education, office of the state fire marshal, county, city-county or multi-county department of health, and to any licensed child placement agency or licensed child care resource and referral agency serving the area where the center or facility is located. A maternity center or child care facility that has had a license limited, modified, suspended, revoked or denied by the secretary of health and environment shall notify in writing the parents or guardians of the enrollees of the limitation, modification, suspension, revocation or denial. Neither the secretary for children and families nor any other person shall place or cause to be placed any woman or child under 16 years of age in any maternity center or child care facility not licensed by the secretary of health and environment.

History: L. 1919, ch. 210, § 6; R.S. 1923, 65-506; L. 1951, ch. 358, § 2; L. 1974, ch. 352, § 88; L. 1976, ch. 145, § 211; L. 1978, ch. 236, § 5; L. 1986, ch. 230, § 2; L. 1994, ch. 279, § 9; L. 2000, ch. 127, § 1; L. 2010, ch. 161, § 7; L. 2012, ch. 99, § 3; L. 2014, ch. 115, § 250; July 1.

K.S.A. 65-507. Records of maternity centers and child care facilities; confidentiality.

- (a) Each maternity center licensee shall keep a record upon forms prescribed and provided by the secretary of health and environment and the secretary for children and families which shall include the name of every patient, together with the patient's place of residence during the year preceding admission to the center and the name and address of the attending physician. Each child care facility licensee shall keep a record upon forms prescribed and provided by the secretary of health and environment which shall include the name and age of each child received and cared for in the facility; the name of the physician who attended any sick children in the facility, together with the names and addresses of the parents or guardians of such children; and such other information as the secretary of health and environment or secretary for children and families may require. Each maternity center licensee and each child care facility licensee shall apply to and

shall receive without charge from the secretary of health and environment and the secretary for children and families forms for such records as may be required, which forms shall contain a copy of this act.

- (b) Information obtained under this section shall be confidential and shall not be made public in a manner which would identify individuals.

History: L. 1919, ch. 210, § 7; R.S. 1923, 65-507; L. 1951, ch. 358, § 3; L. 1974, ch. 352, § 89; L. 1978, ch. 236, § 6; L. 1994, ch. 279, § 10; L. 2014, ch. 115, § 251; July 1.

K.S.A. 65-508. Equipment, supplies, accommodations; competent supervision and care of children; rules and regulations; immunizations.

- (a) Any maternity center or child care facility subject to the provisions of this act shall:
 - (1) Be properly heated, plumbed, lighted and ventilated;
 - (2) have plumbing, water and sewerage systems which conform to all applicable state and local laws; and
 - (3) be operated with strict regard to the health, safety and welfare of any woman or child.
- (b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.
- (c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

- (2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.
- (d) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.
- (e) The immunization requirement of subsection (d) shall not apply if one of the following is obtained:
 - (1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or
 - (2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

History: L. 1919, ch. 210, § 8; R.S. 1923, 65-508; L. 1951, ch. 358, § 4; L. 1974, ch. 352, § 90; L. 1978, ch. 236, § 7; L. 1992, ch. 55, § 2; L. 1994, ch. 279, § 11; L. 1995, ch. 183, § 9; L. 1998, ch. 166, § 2; L. 2010, ch. 161, § 8; L. 2012, ch. 99, § 4; L. 2014, ch. 115, § 252; July 1.

K.S.A. 65-510. Unlawful for child care facility to care for adults; exceptions.

It shall be unlawful for any child care facility to receive or care for any adult except as authorized by rules and regulations adopted by the secretary of health and environment.

History: L. 1919, ch. 210, § 10; R.S. 1923, 65-510; L. 1965, ch. 369, § 2; L. 1972, ch. 228, § 17; L. 1978, ch. 236, § 8; L. 1988, ch. 240, § 1; L. 1994, ch. 279, § 12; July 1.

K.S.A. 65-512. Inspections.

- (a) It is hereby made the duty of the secretary of health and environment to inspect or cause to be inspected at least once every 15 months prior to July 1, 2012, and once every 12 months thereafter, every maternity center or child care facility, unless otherwise provided in subsections (b) and (c). For the purpose of inspection the secretary or the secretary's authorized agent shall have the right of entry and access thereto in every department and

to every place in the premises, shall call for and examine the records which are required to be kept by the provisions of this act and shall make and preserve a record of every inspection. The licensee shall give all reasonable information to the authorized agent of the secretary of health and environment and shall afford every reasonable facility for viewing the premises and seeing the patients or children therein. No such patient or child without the consent of the patient or child shall be required to be interviewed by any agent unless the agent is an authorized person or a licensed physician.

- (b) (1) On or after the effective date of this act, the secretary of health and environment shall commence the inspection of registered family day care homes pursuant to K.S.A. 2012 Supp. 65-533, and amendments thereto.
 - (2) The secretary of health and environment shall conduct an inspection of any child care facility upon receiving a complaint. Any new child care facility shall be inspected prior to issuance of a license. The secretary may conduct an inspection of any child care facility that has a record of repeated complaints or serious violations at any time. The secretary shall inspect any child care facility that provides services to military families receiving military assistance for child care every 12 months.
- (c) (1) Except as provided in subsection (b)(2), the following categories of child care facilities which were in compliance on the effective date of this act are not required to be inspected until July 1, 2011: Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R. 28-4-700.
 - (2) The provisions of this subsection shall expire on July 1, 2011.

History: L. 1919, ch. 210, § 12; R.S. 1923, 65-512; L. 1974, ch. 352, § 91; L. 1975, ch. 52, § 22; L. 1978, ch. 236, § 9; L. 1986, ch. 230, § 5; L. 1994, ch. 279, § 13; L. 2010, ch. 161, § 9; July 1.

K.S.A. 65-513. Changes or alterations required to comply with law; notice; duty of licensee.

Whenever an authorized agent of the secretary of health and environment or secretary for children and families finds a maternity center or child care facility is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of such changes or alterations as the agent determines necessary in order to comply with the requirements of the law, and the agent shall file a copy of such notice with the secretary of health and environment. It shall thereupon be the duty of the licensee to make such changes or alterations as are contained in the written notice within five days from the receipt of such notice. Notice shall be given in accordance with the provisions of the Kansas administrative procedure act.

History: L. 1919, ch. 210, § 13; R.S. 1923, 65-513; L. 1951, ch. 358, § 5; L. 1974, ch. 352, § 92; L. 1978, ch. 236, § 10; L. 1984, ch. 313, § 94; L. 1994, ch. 279, § 14; L. 2014, ch. 115, § 253; July 1.

K.S.A. 65-514. Violations of article 5 of chapter 65; penalties; notice and hearing.

Any person, firm, corporation or association who violates the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$5 nor more than \$50. Each and every day that the person fails or refuses to comply shall be deemed a separate offense under the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto. If for 30 days after any final conviction for such violation or revocation of license the person still fails or refuses to comply with the orders in the notice under K.S.A. 65-513 and amendments thereto, upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the building or premises where such home is conducted may be closed until all provisions of this act shall have been complied with.

History: L. 1919, ch. 210, § 14; R.S. 1923, 65-514; L. 1974, ch. 352, § 93; L. 1984, ch. 313, § 95; L. 1989, ch. 189, § 1; July 1.

K.S.A. 65-515. Prosecutions.

The county attorney of each county in this state is hereby authorized and required, upon complaint of any authorized agent of the secretary of health and environment, to file complaint and prosecute to the final determination all actions or proceedings against any person under the provisions of this act.

History: L. 1919, ch. 210, § 15; R.S. 1923, 65-515; L. 1974, ch. 352, § 94; July 1.

K.S.A. 65-516. Restrictions on persons maintaining or residing, working or volunteering at child care facility; criminal history check by secretary of health and environment; information to be provided sponsoring child placement agency.

- (a) No person shall knowingly maintain a child care facility if, there resides, works or regularly volunteers any person who in this state or in other states or the federal government:
 - (1) (A) Has a felony conviction for a crime against persons;
 - (B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;
 - (C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and

amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or

- (D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2013 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;
- (2) has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2013 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;
- (3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2013 Supp. 38-2226, and amendments thereto, and
 - (A) the person has failed to successfully complete a corrective action plan which had been deemed appropriate and approved by the Kansas department for children and families, or
 - (B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families;
- (4) has had a child removed from home based on a court order pursuant to K.S.A. 2013 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;
- (5) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 2013 Supp. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

- (6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2013 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or
- (7) has an infectious or contagious disease.
- (b) No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.
- (c) Any person who resides in a child care facility and who has been found to be a person in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.
- (d) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 2013 Supp. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning persons working, regularly volunteering or residing in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.
- (e) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care facility. The secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work or regularly volunteer in a child care facility.
- (f) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsection (a)(1) through (7) with regard to the person who is the subject of the review.
- (g) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

- (h) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:
 - (1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and
 - (2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.
- (i) In regard to Kansas issued criminal history records:
 - (1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.
 - (2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.
 - (3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.
 - (4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history or record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.
 - (5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:
 - (A) The person who is the subject of the request for information;
 - (B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;
 - (C) the department of health and environment;
 - (D) the Kansas department for children and families;
 - (E) the juvenile justice authority; and
 - (F) the courts.

- (6) A violation of the provisions of subsection (i)(5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.
- (j) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010 or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.

History: L. 1980, ch. 184, § 2; L. 1982, ch. 259, § 2; L. 1983, ch. 140, § 46; L. 1984, ch. 225, § 1; L. 1985, ch. 210, § 1; L. 1987, ch. 233, § 1; L. 1988, ch. 232, § 10; L. 1991, ch. 185, § 1; L. 1994, ch. 279, § 15; L. 1996, ch. 229, § 117; L. 2002, ch. 114, § 74; L. 2006, ch. 169, § 116; L. 2007, ch. 147, § 1; L. 2009, ch. 32, § 53; L. 2010, ch. 74, § 13; L. 2010, ch. 155, § 18; L. 2011, ch. 30, § 235; L. 2012, ch. 99, § 5; L. 2012, ch. 166, § 10; L. 2014, ch. 115, § 254; July 1.

K.S.A. 65-523. Grounds for limitation, modification or suspension of license or temporary permit.

The secretary may limit, modify or suspend any license or temporary permit issued under the provisions of K.S.A. 65-501 through 65-516, and amendments thereto, upon any of the following grounds and in the manner provided in this act:

- (a) Violation by the licensee or holder of a temporary permit of any provision of this act or of the rules and regulations promulgated under this act;
- (b) aiding, abetting or permitting the violating of any provision of this act or of the rules and regulations promulgated under this act;
- (c) conduct in the operation or maintenance, or both the operation and maintenance, of a maternity center or child care facility which is inimical to the health, safety or welfare of any woman or child receiving services from such maternity center or child care facility, or the public;
- (d) the conviction of a licensee or holder of a temporary permit, at any time during licensure or during the time the temporary permit is in effect, of crimes as defined in K.S.A. 65-516, and amendments thereto; and
- (e) a third or subsequent violation by the licensee or holder of a temporary permit of subsection (b) of K.S.A. 65-530, and amendments thereto.

History: L. 1985, ch. 209, § 3; L. 1994, ch. 279, § 20; L. 2010, ch. 161, § 11; L. 2012, ch. 99, § 6; July 1.

K.S.A. 65-524. Suspension, limitation or modification of license or temporary permit prior to hearing; procedure.

The secretary may limit, modify or suspend any license or temporary permit issued under the provisions of K.S.A. 65-501 through 65-516, and amendments thereto, prior to any hearing when, in the opinion of the secretary, the action is necessary to protect any child in the child care facility from physical or mental abuse, abandonment or any other substantial threat to health, safety or welfare. Administrative proceedings under this section shall be conducted in accordance with the emergency adjudicative proceedings of the Kansas administrative procedure act and in accordance with other relevant provisions of the Kansas administrative procedure act.

History: L. 1985, ch. 209, § 4; L. 1994, ch. 279, § 21; L. 2010, ch. 161, § 12; L. 2012, ch. 99, § 7; July 1.

K.S.A. 65-525. Disclosure of certain information prohibited, exceptions; consent to disseminate certain information required.

- (a) Records in the possession of the department of health environment or its agents regarding child care facilities or maternity centers shall not be released publicly in a manner that would identify individuals, except individual names of licensees, applicants, facilities and maternity centers may be released. Nothing in this section prohibits release of any information as required by law.
- (b) Records in the possession of the department of health and environment or its agents regarding child care facilities or maternity centers may be released to:
 - (1) An agency or organization authorized to receive notice under K.S.A. 65-506, and amendments thereto;
 - (2) any local, state or federal government entity or subdivision thereof;
 - (3) any child and adult care food program sponsoring agency; or
 - (4) any disaster or emergency entity.
- (c) The secretary of health and environment shall prohibit the release of the name, address and telephone number of a maternity center or child care facility when the secretary determines that prohibition of the release of the information is necessary to protect the health, safety or welfare of the public or the patients or children enrolled in the maternity center or child care facility.
- (d) Any records under subsection (a), (b) or (c) shall be available to any member of the standing committee on appropriations of the house of representatives or the standing committee on ways and means of the senate carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.

- (e) In any hearings conducted under the licensing or regulation provisions of K.S.A. 65-501 et seq., and amendments thereto, the presiding officer may close the hearing to the public to prevent public disclosure of matters relating to persons restricted by other laws.

History: L. 1985, ch. 201, § 1; L. 1996, ch. 229, § 157; L. 2000, ch. 127, § 2; L. 2001, ch. 190, § 1; L. 2004, ch. 145, § 19; L. 2010, ch. 161, § 13; July 1, 2011.

K.S.A. 65-526. Civil fine assessed against licensee; limitations.

- (a) The secretary of health and environment, in addition to any other penalty prescribed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against a licensee for each violation of such provisions or rules and regulations adopted pursuant thereto which affect significantly and adversely the health, safety or sanitation of children in a child care facility. Each civil fine assessed under this section shall not exceed \$500. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.
- (b) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

History: L. 1988, ch. 239, § 3; L. 1994, ch. 279, § 22; L. 1999, ch. 19, § 1; L. 2001, ch. 5, § 219; L. 2004, ch. 145, § 20; L. 2010, ch. 161, § 14; July 1.

K.S.A. 65-527. Child care programs in recreation centers and schools; licensing of.

- (a) As used in this section:
 - (1) “Child care program” means a day care center, group day care home or day care home.
 - (2) “Recreation center” means any building used by a political or taxing subdivision of this state, or by an agency thereof, for recreation programs which serve children who are 16 years of age or younger.
 - (3) “School” means any building used by a unified school district or an accredited nonpublic school for student instruction or attendance of pupils enrolled in kindergarten or any of the grades 1 through 6.
- (b) No license for a child care program for school age children shall be denied on the basis that the building does not meet requirements for licensure if the building:
 - (1) Is a recreation center or school;
 - (2) complies, during all hours of operation of the child care program, with the Kansas fire prevention code or a building code compliance with which is by law deemed to be compliance with the Kansas fire prevention code;

- (3) subject to subsection (c), complies, during all hours of operation of the child care program, with all local building code provisions that apply to recreation centers, if the building is a recreation center, or schools, if the building is a school; and
 - (4) as a recreation center or school, is used by school age children and the same age children are cared for in the child care program.
- (c) In the case of an inconsistency in standards with which a building is required to comply pursuant to subsections (b)(2) and (b)(3), the standards provided by subsection (b)(2) shall control.

History: L. 1992, ch. 125, § 1; July 1.

K.S.A. 65-528. Child care policy of state; desired outcome.

- (a) The desired outcome of the child care policy of the state of Kansas is that families be able to fulfill their roles as primary child care givers and educators of young children by having access to high quality, affordable child care. The following principles shall guide development and implementation of state policy to achieve that outcome:
- (1) Family self-sufficiency. A stable source of child care is a critical ingredient to economic self-sufficiency. Child care policies and programs must facilitate a smooth transition into the work force for parents and a rich and stable environment for children.
 - (2) Investment in children. Child care is a critical investment that affects a child's readiness to learn. High quality child care programs recognize and implement good early childhood practices.
 - (3) Consumer orientation and education. Child care policies and programs must be responsive to the changing needs of families and educate families about available options, identifying quality programs and selecting appropriate care.
 - (4) Accessibility. High quality child care must be available to any family seeking care regardless of where the family lives or the special needs of the child. A centralized place in local communities must be available to facilitate parents' access to child care.
 - (5) Affordability. High quality child care must be available on a sliding scale basis, with families contributing based on ability to pay.
 - (6) Diversity. It is the goal of the state to strive wherever possible to provide child care in an integrated setting where children with various needs and of various income levels and cultures are cared for together.

(7) Efficient, coordinated administration and support for infrastructure. Child care programs must be coordinated to ensure the most effective use of federal, state, local and private funds. State child care agencies and policies must support the orderly development of a high quality child care system working with local and private providers.

(b) Any state agency involved in implementing any part of the state's child care policy shall develop appropriate measures of progress toward achievement of the stated outcome under the oversight of the joint committee on children and families in accordance with K.S.A. 46-2001 et seq. and amendments thereto.

History: L. 1994, ch. 279, § 1; July 1.

K.S.A. 65-529. Continuation of effect of license, registration or permit.

Any license, certificate of registration or temporary permit which was issued prior to the effective date of this act and which is in effect on the effective date of this act shall continue in effect until the expiration thereof, unless suspended or revoked prior to such time.

History: L. 1994, ch. 279, § 23; July 1.

K.S.A. 65-530. Smoking prohibited in day care homes.

(a) As used in this section:

(1) “Day care home” means a day care home as defined under Kansas administrative regulation 28-4-113 and a group day care home as defined under Kansas administrative regulation 28-4-113.

(2) “Smoking” means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) Smoking within any room, enclosed area or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage or legal adoption to the person who maintains the home are being cared for, as part of the operation of the day care home, within the facility or facilities is hereby prohibited. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home outside the facility or facilities of a day care home, including but not limited to porches, yards or garages.

(c) Each child care license shall contain a statement in bold print that smoking is prohibited within a room, enclosed area or other enclosed space of the facility or facilities of the day care home under the conditions specified in subsection (b). The statement shall be phrased in substantially the same language as subsection (b). The license shall be posted in a conspicuous place in the facility or facilities.

(d) Each day care home shall be equipped with a fire extinguisher which shall be maintained in an operable condition in a readily accessible location.

- (e) The secretary of health and environment may levy a civil fine under K.S.A. 65-526, and amendments thereto, against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to the provisions of K.S.A. 65-523, and amendments thereto.
- (f) In addition to any civil fine which may be levied pursuant to subsection (d), any day care home that violates any provision of this section may also be subject to criminal punishment pursuant to K.S.A. 21-4012 and amendments thereto.

History: L. 1994, ch. 279, § 26; L. 2010, ch. 8, § 7; L. 2011, ch. 91, § 28; July 1.

K.S.A. 65-531. Immunization information and records; disclosure. On and after July 1, 1996:

- (a) Except as provided further, information and records which pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure, to the following, who need to know such information to assure compliance with state statutes or to achieve age appropriate immunization status for children:
 - (1) Employees of public agencies or departments;
 - (2) health records staff of child care facilities, including, but not limited to, facilities licensed by the secretary of health and environment;
 - (3) persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency including, but not limited to, operators of day care facilities, group homes, residential care facilities and adoptive or foster homes; and
 - (4) health care professionals.
- (b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any other Kansas statute which provides for privileged information between a patient and a health care provider, there shall be no privilege preventing the furnishing of information and records as authorized by this section by any health care provider.
- (c) Information and records which pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, whose parent or guardian has submitted a written statement of religious objection to immunization as provided in K.S.A. 65-508, and amendments thereto, may not be disclosed or exchanged without a parent or guardian's written release authorizing such disclosure.

History: L. 1996, ch. 229, § 156; L. 2010, ch. 161, § 16; July 1.

K.S.A. 65-532. Lexie's law. The changes to law in this act shall be known as Lexie's law.

History: L. 2010, ch. 161, § 1; July 1.

K.S.A. 65-534. Online information dissemination system; rules and regulations. On or before July 1, 2011, the secretary of health and environment shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and substantiated findings. The secretary of health and environment shall adopt rules and regulations which are consistent with the requirements for the receipt of child care ARRA funds and which provide for the establishment of an online information dissemination system in accordance with the provisions of this subsection. The notice of hearing on the initial rules and regulations proposed to be adopted under this subsection shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

History: L. 2010, ch. 161, § 18; July 1.

K.S.A. 65-535. Staff secure facility; requirements; services; rules and regulations.

- (a) A staff secure facility shall:
- (1) Not include construction features designed to physically restrict the movements and activities of residents, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for the residents;
 - (2) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations;
 - (3) rely on locked entrances and delayed-exit mechanisms to secure the facility, and implement reasonable rules restricting entrance to and egress from the facility;
 - (4) implement written policies and procedures for 24-hour-a-day staff observation of all facility entrances and exits;
 - (5) implement written policies and procedures for the screening and searching of both residents and visitors;
 - (6) implement written policies and procedures for knowing the whereabouts of all residents at all times and for handling runaways and unauthorized absences; and
 - (7) implement written policies and procedures for determining when the movements and activities of individual residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.
- (b) A staff secure facility shall provide the following services to children placed in such facility:
- (1) Case management;
 - (2) life skills training;

- (3) health care;
 - (4) mental health counseling;
 - (5) substance abuse screening and treatment; and
 - (6) any other appropriate services.
- (c) Service providers in a staff secure facility shall be trained to counsel and assist victims of human trafficking and sexual exploitation.
- (d) If the staff secure facility is on the same premises as that of another licensed facility, the living unit of the staff secure facility shall be maintained in a separate, self-contained unit. No staff secure facility shall be in a city or county jail.
- (e) The secretary of health and environment, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2014.
- (f) This section shall be part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 2013, ch. 120, § 6; L. 2014, ch. 28, § 7; July 1.

OTHER RELATED LAWS

Chapter 59. PROBATE CODE Article 21. ADOPTION

K.S.A. 59-2123. Certain advertisements and offers relating to adopting and placing children prohibited; licensure of person placing advertisement; definitions.

- (a) Except as otherwise provided in this section:
- (1) Any person who advertises that such person will adopt, find an adoptive home for a child or otherwise place a child for adoption shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession;
 - (2) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery; and
 - (3) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment.
- (b) The provisions of subsection (a)(1) shall not apply to the Kansas department for children and families or to an individual seeking to adopt a child.
- (c) As used in this section:
- (1) "Advertise" means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, telephone directory or electronic medium.
 - (2) "Person" means an individual, firm, partnership, corporation, joint venture or other association or entity.
 - (3) "Maternity center" means the same as provided in K.S.A. 65-502, and amendments thereto.
- (d) Any person who violates the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each violation.

History: L. 1990, ch. 145, § 13; L. 1994, ch. 279, § 3; L. 2008, ch. 140, § 1; L. 2014, ch. 115, § 202; July 1.

Chapter 72. SCHOOLS
Article 82. ORGANIZATION, POWERS AND FINANCES OF BOARDS OF
EDUCATION

K.S.A. 72-8236. Child care facilities; authority to establish, operate, and maintain; fees, collection and disposition.

- (a) The board of education of any school district may:
 - (1) Establish, operate and maintain a child care facility;
 - (2) enter into cooperative or interlocal agreements with one or more other boards for the establishment, operation and maintenance of a child care facility;
 - (3) contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the establishment, operation and maintenance of a child care facility; and
 - (4) prescribe and collect fees for providing care at a child care facility.
- (b) Fees for providing care at a child care facility established under authority of this section shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the child care facility. Revenues from fees collected by a board under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the classroom learning assuring student success act, section 4 et seq., and amendments thereto, and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.
- (c) Every school district which establishes, operates and maintains a child care facility shall be subject to the provisions contained in article 5 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.
- (d) As used in this section, the term “child” means any child who is three years of age or older, and any infant or toddler whose parent or parents are pupils or employees of a school district which establishes, operates and maintains, or cooperates in the establishment, operation and maintenance of, a child care facility under authority of this act.

History: L. 1993, ch. 186, § 1; L. 2015, ch. 4, § 53; July 1.

K.S.A. 72-8237. Summer programs; establishment; fees, limitation; summer program fund; use of money, unencumbered balance in fund.

- (a) The board of education of any school district may:
 - (1) Establish, operate and maintain a summer program for pupils;

- (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of a summer program for pupils; and
 - (3) prescribe and collect fees for providing a summer program for pupils or provide such program without charge.
- (b) Fees for providing a summer program for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.
 - (c) No school district may collect fees for providing a summer program for pupils required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child.
 - (d) There is hereby established in every district which establishes, operates and maintains a summer program a fund which shall be called the summer program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for summer programs shall be credited to the summer program fund. Amounts deposited in the summer program fund may be used for the payment of expenses directly attributable to the program or may be transferred to the general fund of the school district as approved by the board of education.
 - (e) As used in this section, the term “summer program” means a program which is established by the board of education of a school district and operated during the summer months for the purpose of giving remedial instruction to pupils or for the purpose of conducting special projects and activities designed to enrich and enhance the educational experience of pupils, or for both such purposes.

History: L. 1993, ch. 264, § 15; L. 2011, ch. 107, § 12; L. 2012, ch. 155, § 14; L. 2013, ch. 121, § 13; L. 2015, ch. 4, § 54; July 1.

K.S.A. 72-8238. Extraordinary school programs; authority to establish, operate and maintain; fees, collection, limitations, disposition; fund.

- (a) The board of education of any school district may:
 - (1) Establish, operate and maintain an extraordinary school program for pupils who meet the district's criteria for attendance of such programs;
 - (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of an extraordinary school program for pupils; and
 - (3) prescribe and collect fees for providing an extraordinary school program for pupils or provide such program without charge.

- (b) Fees for providing an extraordinary school program for pupils shall be prescribed and collected only to recover the cost incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.
- (c) No school district may collect fees for providing an extraordinary school program for pupils who are required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child or who are eligible for free or reduced price meals under the national school lunch act.
- (d) There is hereby established in every district which establishes, operates and maintains an extraordinary school program a fund which shall be called the extraordinary school program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for extraordinary school programs shall be credited to the extraordinary school program fund. The expenses of a district directly attributable to extraordinary school programs shall be paid from the extraordinary school program fund.
- (e) As used in this section, the term “extraordinary school program” means a program which is established by the board of education of a school district, operated before or after regular school hours during the regular school term, and maintained for any or all of the following purposes:
 - (1) Providing pupils with additional time to achieve learner exit or improvement plan outcomes;
 - (2) giving pupils remedial instruction or independent study assistance;
 - (3) affording pupils an opportunity to strengthen or attain mastery of basic or higher order thinking skills; and
 - (4) conducting special projects and activities designed to enrich and enhance the educational experience of pupils.

History: L. 1994, ch. 310, § 1; July 1.

GENERAL REGULATION

K.A.R. 28-4-92. License fees. When an applicant or licensee submits an application for a license or for the renewal of a license, the applicant or licensee shall submit to the secretary the appropriate nonrefundable license fee specified in this regulation:

- (a) For each maternity center as defined in K.S.A. 65-502 and amendments thereto, \$75;
- (b) for each child placement agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (c) for each child care resource and referral agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (d) for each of the following child care facilities, \$75 plus \$1 times the maximum number of children to be authorized under the license:
 - (1) Day care home or group day care home, as defined in K.A.R. 28-4-113; and
 - (2) child care center, as defined in K.A.R. 28-4-420; and
- (e) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:
 - (1) Attendant care facility, as defined in K.A.R. 28-4-285;
 - (2) detention center or secure care center, as defined in K.A.R. 28-4-350;
 - (3) preschool, as defined in K.A.R. 28-4-420;
 - (4) psychiatric residential treatment facility, as defined in K.A.R. 28-4-1200;
 - (5) residential center or group boarding home, as defined in K.A.R. 28-4-268; and
 - (6) secure residential treatment facility, as defined in K.A.R. 28-4-330.

(Authorized by and implementing K.S.A. 65-505, as amended by L. 2010, ch. 161, sec. 6; effective, T-83-24, Aug. 25, 1982; effective May 1, 1983; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended, T-87-22, Aug. 21, 1986; amended May 1, 1987; amended, T-28-8-16-10, Aug. 16, 2010; amended Dec. 17, 2010.)

REGULATIONS FOR LICENSING DETENTION AND SECURE CARE CENTERS FOR CHILDREN AND YOUTH

K.A.R. 28-4-350. Definitions. The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

- (a) “Center” means a detention center or a secure care center. It may be owned and operated by public or private entities and includes the staff and services as well as the buildings and grounds.
- (b) “Corporal punishment” means any method of physical discipline which inflicts pain.
- (c) “Detention” means the temporary care of alleged or adjudicated children in need of care or alleged or adjudicated juvenile offenders who require secure custody pursuant to the Kansas code for the care of children, K.S.A. 38-1501 et seq. and amendments thereto, or the Kansas juvenile offender code, K.S.A. 38-1601 et seq. and amendments thereto.
- (d) “Detention center” means a juvenile detention facility as defined in K.S.A. 38-1502(i) and K.S.A. 38-1602(f) and which requires a license pursuant to K.S.A. 65-501 et seq. Detention centers shall meet the requirements for licensure included in K.A.R. 28-4-351 through 360, unless specifically exempted.
- (e) “Director” means the person responsible for the overall planning, organization, operation and fiscal management of the center. This person is directly responsible to the governing body.
- (f) “Direct supervision” means physical presence of youth care staff in close proximity to allow for interaction and direct eye contact with juveniles.
- (g) “Discipline” means the on-going process of helping children develop inner control so that they can manage their own behavior in a socially-approved manner.
- (h) “Facility manager” means the person responsible for overseeing the daily operation of the center, including staff scheduling, food service, purchasing, housekeeping and maintenance.
- (i) “Governing body” means the governing board of a private corporation or the designated policy-making committee of a public agency.
- (j) “Intervention” means the use of certain skills or techniques for problem or conflict resolution or diffusion of anger.
- (k) “Isolation” means removal of a juvenile from other juveniles to a separate locked room or quarters.
- (l) “Juvenile” means a child or youth who is accepted for care in a detention or secure care center.

- (m) “License” means a document issued by the Kansas department of health and environment which authorizes a public agency, person, corporation, firm, association or other organization to operate and maintain a detention center or a secure care center.
- (n) “Non-secure facility” means a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides the juveniles access to the surrounding community with minimal supervision.
- (o) “Placing agent” means the person, social agency or court possessing the legal right to place a child.
- (p) “Program” means the comprehensive and coordinated set of activities and social services providing for care, protection and development of juveniles while in the care of the center.
- (q) “Program manager” means the person who is responsible for the overall development and implementation of the program and staff development.
- (r) “Program personnel” means all persons directly involved with the development and implementation of the program.
- (s) “Residential care” means 24 hour care.
- (t) “Secure care center” means a secure youth residential facility, other than a juvenile detention center, used to provide care and treatment for alleged or adjudicated children in need of care pursuant to the Kansas code for the care of children. Secure care centers shall meet the requirements for licensure included in K.A.R. 28-4-351 through 360, unless specifically exempted.
- (u) “Secure facility” means a facility which is operated or structured to ensure that all entrances and exits from such facility are under the exclusive control of the staff, whether or not the juveniles have freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control the behavior of the residents. No secure facility, other than a juvenile detention center, shall be attached to or on the grounds of an adult jail or lockup.
- (v) “Staffing” means a special client-centered meeting regarding specific issues.
- (w) “Temporary care” means residential care not to exceed 90 days.
- (x) “Volunteer” means a person or community group that has an interest in providing supportive services to juveniles and offers to provide specific services without remuneration.

- (y) “Youth care staff” means the program personnel whose primary responsibility is to implement the program on a daily basis, including direct supervision, interaction and protection of the juveniles.

(Authorized by K.S.A. 65-508, and implementing K.S.A. 65-503; effective May 1, 1979; amended Feb. 26, 1990; amended Aug. 23, 1993.)

K.A.R. 28-4-351. Licensing procedures.

- (a) A person shall not conduct a center for children under 16 years of age, unless the person has been issued a license to do so by the department.
- (b) Any person desiring to conduct a center shall apply for a license on forms provided by the department and submit the license fee as specified in K.S.A. 65-505, and amendments thereto.
- (c) Centers operated by or receiving support from county or municipal governments shall meet the same requirements for licensure as those for facilities operated by nongovernmental entities.
- (d) Each application for a license shall be accompanied by the following:
 - (1) A written proposal that details the following:
 - (A) The purpose of the center;
 - (B) the administration plan for the program, including an organizational chart;
 - (C) the financing plan for the program;
 - (D) staffing for the program, including job descriptions; and
 - (E) the program to be offered, including the number, age range, and sex of the juveniles to be served;
 - (2) a copy of the written notification that was submitted to the school district where the facility is located, including the following:
 - (A) The planned opening date;
 - (B) the number, age range, and anticipated special education needs of the residents to be served; and
 - (C) a request for on-site educational services or a request for approval of proposed alternative formal schooling to be provided by the licensee, as required by K.A.R. 28-4-355;

- (3) documentation that the notification required by paragraph (d)(2) was received by the school district at least 90 days before the planned opening date;
 - (4) the floor plans for each building to be used as a center; and
 - (5) documentation of the state fire marshal's approval.
- (e) Plans for all buildings to be used as a center shall be submitted to the department before submitting an application for a license.
- (f) A license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and the regulations promulgated pursuant to those statutes and if the applicant has made payment of the license fee required by K.S.A. 65-505, and amendments thereto.
- (g) Each applicant shall submit a report, on forms provided by the department, containing the identifying information that is necessary to complete the criminal history and child abuse registry background check for each person who resides, works, or regularly volunteers in the center, excluding children placed in care
- (1) Each center shall submit a current report as follows:
 - (A) Annually with a notice of intent to continue licensure; and
 - (B) within one week of the date any new person resides, works, or regularly volunteers in the center, excluding children placed in care.
 - (2) A copy of each report shall be kept on file at the facility.
- (h) Each center shall notify the department of its intent to continue licensure on forms supplied by the department. Each licensee who wishes to continue licensure shall submit, within 30 days of the department's request, the notice of intent to continue licensure and the fee as specified in K.S.A. 65-505, and amendments thereto. Documentation of the fire safety inspection and approval provided by the state fire marshal or the state fire marshal's designee shall be required annually.
- (i) Each licensee shall notify the secretary and obtain written approval from the secretary before making any change in any of the following:
- (1) The use of the buildings; or
 - (2) the program, provided through either of the following:
 - (A) Direct services; or
 - (B) agreements with specified community resources.

- (j) The notification of any proposed change in the program shall include the following:
 - (1) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and
 - (2) documentation that the notification required by paragraph (j)(1) was received by the school district at least 90 days before the anticipated date of any proposed change.
- (k) Waiver of 90-day notification to the local school district. The 90-day notification to the local district may be waived by the secretary upon receipt of a written agreement by the local school district.
- (l) Request to withdraw an application or terminate a license.
 - (1) Each applicant shall inform the department if the applicant desires to withdraw the application. The withdrawal of the application shall be acknowledged by the department in writing. A new application and fee shall be required before opening a center. No applicant shall admit a child before the applicant receives a license.
 - (2) Each licensee shall inform the department if the licensee desires to terminate the license. The licensee shall return the license to the department with the request to terminate the license. The request and the license shall be accepted by the department. The licensee and other appropriate agencies shall be notified by the department that the license is terminated and that the center is considered closed. The former licensee shall submit a new application and fee to the department if that person desires to obtain a new license. That person shall not reopen the center or admit any child before receiving a new license. This regulation shall be effective on and after July 30, 2002.

(Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, 65-506, 65-508, and 65-516; effective May 1, 1979; amended, T-83-24, Aug. 25, 1982; amended May 1, 1983; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 23, 1993; amended, T-28-4-1-02, April 1, 2002; amended July 30, 2002.)

K.A.R. 28-4-352. Terms of license.

- (a) The maximum number and age range of juveniles who may be cared for in each living unit shall be specified on each license.
- (b) Any license issued shall not be transferable and shall be valid only for the original licensee at the address appearing on the license. A new application shall be submitted for each change of ownership, sponsor, or address of the center.
- (c) The license shall not be construed to permit placement of children.
- (d) No activities which would interfere with the care of the juveniles shall be carried out in the center.

- (e) Advertisements shall conform to the statement of services provided on the application. Under no circumstances shall claims regarding specialized services be made unless the center is staffed and equipped to offer the services or has made arrangements for the services as outlined in K.A.R. 28-4-355. No general claim regarding “state approval” shall be made unless the center has obtained a full license issued by the Kansas department of health and environment. A license for an additional facility operated by a licensee shall not be issued until all existing facilities operated by the licensee are in compliance with licensing regulations.

(Authorized by K.S.A. 65-508 and implementing K.S.A. 65-504 and K.S.A. 65-508; effective May 1, 1979; amended Aug. 23, 1993.)

K.A.R. 28-4-353. Administration.

- (a) Organization.
 - (1) The center shall be administered by:
 - (A) A public agency; or
 - (B) A private entity with a governing board which is legally responsible for the operation, policies, finances and general management of the center. The director shall not be a voting member of the governing board.
 - (2) If the sponsor is a private corporation, it shall be a corporation qualified in the state of Kansas, and shall operate in accordance with an established constitution and by-laws. A copy of the articles of incorporation and by-laws shall be furnished to the Kansas department of health and environment. It shall include a nondiscrimination statement which complies with state and federal civil rights laws.
- (b) Administrative policies.
 - (1) Each center shall have written plans and policies of organization and administration clearly defining legal responsibility, administrative authority and responsibility for comprehensive services, including an organizational chart as approved by the governing body. Changes in policies shall be submitted to the Kansas department of health and environment for licensing approval.
 - (2) Center personnel and administrative policies shall be distributed to staff members.
- (c) Finances.
 - (1) Funding.
 - (A) Each center shall have sound and sufficient finances to ensure effective services. Financing plans shall be a responsibility of the governing body.

It shall be the responsibility of the licensee to provide the financial resources necessary to maintain compliance with licensing regulations.

- (B) Solicitation of funds by charitable organizations shall be made in Kansas in compliance with K.S.A. 17-1759 et seq.
 - (C) Juveniles shall not be exploited in any fund-raising efforts.
- (2) Financial records.
- (A) Each center shall maintain financial records sufficient to verify resources and expenditures. Each center shall account for major expenditures on behalf of the juveniles for whom payment is received.
 - (B) Each juvenile's personal money shall be kept separate from the center funds in an individual account, in accordance with accepted accounting procedures.
 - (C) A yearly audit by an independent accountant shall be conducted, and a copy of the audit shall be available at the center for review by the staff of the Kansas department of social and rehabilitation services and the Kansas department of health and environment.
 - (D) The licensee shall make available to the Kansas department of social and rehabilitation services and the Kansas department of health and environment an annual financial statement verifying assets and liabilities.
- (3) Insurance.
- (A) Each center shall maintain at a minimum the following insurance:
 - (i) Professional and civil liability for employees; and
 - (ii) Liability for injury or personal property damage.
 - (B) Public agencies and private entities shall purchase motor vehicle liability insurance policies containing limits of liability with respect to each vehicle, exclusive of interest and costs:
 - (i) not less than \$100,000 for personal injury or death in any one accident;
 - (ii) not less than \$300,000 for personal injury to, or death of, two or more persons in any one accident; and
 - (iii) not less than \$50,000 for harm to or destruction of property of others in any one accident.

(d) Personnel policies.

- (1) Each center shall have written personnel policies, approved and reviewed annually by the governing body. Written personnel policies shall be provided to each staff member upon employment. The policies shall include:
 - (A) hiring practices;
 - (B) job descriptions, including qualifications, duties and responsibilities for each staff position;
 - (C) hours;
 - (D) sick and vacation leave;
 - (E) grievance procedures;
 - (F) salaries, benefits and staff development.
- (2) A personnel record shall be maintained for each employee and made available to the employee upon written request.

(e) Staffing.

- (1) The governing body of the center shall designate a director whose responsibility is the overall administration of the center.
- (2) A written daily staff schedule shall be developed and followed. There shall be:
 - (A) Adequate male and female staff to directly supervise and interact with the juveniles at all times and provide for their physical, social, emotional and educational needs;
 - (B) one youth care staff member on active duty for each seven juveniles during waking hours and one youth care staff member on active duty for each 11 juveniles during sleeping hours;
 - (C) at least one male and one female youth care staff member present, awake and available to the juveniles at all times.
- (3) At no time shall there be less than two youth care staff members on active duty when a juvenile is in care.
- (4) At no time shall any one youth care staff member directly supervise more than 11 juveniles. Juveniles shall not be left in a room unattended except that, during sleeping hours, there shall be a minimum of one youth care staff member immediately available to every 11 juveniles in a connecting area to the sleeping rooms. Supervision of juveniles in locked isolation shall comply with K.A.R. 28-4-355b (c)(4)(J) and (K).

- (5) Alternate youth care staff members shall be provided for the relief of the regular staff members on a one-to-one basis in compliance with the staffing pattern required in K.A.R. 28-4-353(e)(4).
 - (6) Electronic supervision shall not replace the youth care staffing requirements.
 - (7) Auxiliary staff members shall be available as needed. The auxiliary staff shall include food service, clerical and maintenance personnel. Auxiliary staff members shall not be included in meeting youth care staff requirements.
 - (8) Professional consultant services shall be available as required to meet the needs of the juveniles served. Professional consultants shall include physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists and teachers.
 - (9) A volunteer shall not be used as a substitute for an essential program or operating staff member but shall augment the services provided by the staff.
 - (10) There shall be a designated staff person on site and in charge of the facility at all times when a juvenile is in care. Procedures shall be in place to ensure that all staff members know who is in charge.
- (f) Community and volunteer involvement.
- (1) Written policies and procedures shall provide for securing community and volunteer involvement in programs. The policies and procedures shall specify a screening and selection process and shall encourage recruitment from all cultural and socio-economic segments of the community.
 - (2) Written policies and procedures shall govern the volunteer program, specifying the lines and scope of authority, responsibility and accountability. The policies and procedures shall include:
 - (A) Screening, selection and termination;
 - (B) orientation and training requirements for each respective volunteer assignment;
 - (C) a requirement that each volunteer who provides professional services shall meet the same requirements as would be expected of a paid professional staff member providing those services;
 - (D) supervision;
 - (E) identification of the volunteer while in the facility; and
 - (F) provision for a background check as required by K.A.R. 28-4-351(g).

- (3) Each volunteer shall agree in writing to abide by all center policies, particularly those relating to security, confidentiality of information and mandatory reporting laws pertaining to suspected abuse, neglect and exploitation of juveniles.
- (4) Each volunteer who will have contact with juveniles shall have a health assessment, including a screen for tuberculosis.
- (5) Written policies and procedures shall provide that the director may curtail, postpone or discontinue the services of a volunteer or volunteer organization when there are substantial reasons for so doing.

(Authorized by K.S.A. 65-508 and implementing K.S.A. 65-508 and 65-516; effective May 1, 1979; amended Aug. 23, 1993.)

K.A.R. 28-4-353a. Staff development.

- (a) Each person having contact with juveniles shall demonstrate emotional maturity, sound judgment, and a sound knowledge of the developmental needs of children.
- (b) Center director qualifications.
 - (1) Each center director shall demonstrate the following skills and abilities:
 - (A) Thorough knowledge of the Kansas code for the care of children and the Kansas juvenile offender code;
 - (B) considerable knowledge of principles and techniques applicable to the care and rehabilitation of juveniles and to the growth, development, needs and unique problems of children;
 - (C) considerable knowledge of the principles, practices, methods and techniques of administration and management;
 - (D) ability to train, supervise, plan, direct and evaluate the work of others, as documented by experience, training or a combination of both;
 - (E) ability to establish and maintain effective working relationships with others; and
 - (F) ability to establish and maintain effective working relationships with the courts, law enforcement agencies, schools and community organizations.
 - (2) Each detention center director shall have at least a bachelor's degree in social work, human development and family life, psychology, education or criminal justice, with a minimum of 15 semester hours in courses related to child or adolescent development or juvenile delinquency, and shall have a minimum of three years of administrative or supervisory experience within a child care or juvenile justice agency.

- (3) Each detention center director shall demonstrate thorough knowledge of the methods and techniques used in dealing with juvenile offenders in an institutional or detention setting.
 - (4) Each secure care center director shall have at least a master's degree in social work or a related field, or shall have a bachelor's degree in social work, human development and family life, psychology or education and a minimum of three years of supervisory experience within a child care agency.
 - (5) Each secure care center director shall demonstrate thorough knowledge of the methods and techniques used in dealing with juveniles in a residential setting;
- (c) Each facility manager shall have at least a bachelor's degree and have three years of supervisory experience in a child care or juvenile justice agency serving youth of the same age and shall demonstrate thorough knowledge of the methods and techniques used in dealing with juvenile offenders in an institutional or detention setting. The facility manager may be the same person as the program manager if the qualifications for program manager required by K.A.R. 28-4-353a(d) are met.
 - (d) Each program manager shall have at least a bachelor's degree in social work or human development and family life, and shall have one year of supervisory experience in a child care or juvenile justice agency serving youth of the same age. The program manager may be the same person as the facility manager.
 - (e) Youth care staff and alternate youth care staff shall, before employment:
 - (1) Be twenty-one years of age or older;
 - (2) have a high school diploma or its equivalent; and
 - (3) have a minimum of:
 - (A) Three semester hours of college-level study in adolescent development, psychology or a related subject;
 - (B) forty-five clock hours in documented training in child care or child development; or
 - (C) one year of experience as a child care worker or house parent in a facility serving youth of the same age.
 - (f) Professional staff and consultants shall meet all Kansas qualification and licensing requirements for their profession.
 - (g) Food service staff shall:
 - (1) Comply with Kansas health standards as enumerated in K.A.R. 28-36-22;
 - (2) have knowledge of the nutritional needs of children and youth;

- (3) understand quantity food preparation and service; and
 - (4) practice sanitary food handling and storage methods.
- (h) Staff professional development. Professional development shall consist of organized, evaluated activity designed to achieve specific learning objectives. Professional development may occur through workshops, seminars, staff meetings or through closely supervised on-the-job training.
- (1) Each center shall have written policies and procedures governing orientation and ongoing inservice training. Each employee shall receive orientation training before being independently assigned a particular job.
 - (2) Each youth care staff member shall receive at least eight hours of orientation training before assuming supervisory responsibility of juveniles and an additional 32 hours of orientation training before assuming independent responsibility for supervision of juveniles. There shall be written documentation of orientation training. Orientation training shall include, but not be limited to:
 - (A) Accident and injury prevention;
 - (B) child abuse, neglect and exploitation reporting;
 - (C) crisis management and intervention;
 - (D) emergency and safety procedures to follow in the event of an emergency, bomb threat, fire, tornado, riot or flood;
 - (E) facility policies and procedures;
 - (F) first aid including rescue breathing;
 - (G) health, sanitation and safety measures;
 - (H) job duties and responsibilities;
 - (I) juvenile rights;
 - (J) observation of symptoms of illness and communicable diseases;
 - (K) policies regarding behavior management, use of restraints and crises intervention.
 - (L) problem solving;
 - (M) report writing;
 - (N) security procedures; and

- (O) suicide prevention.
- (3) Each director, facility manager, program manager and each person having contact with juveniles shall complete a minimum of 40 clock hours of inservice training per year. Inservice training shall include, but not be limited to:
 - (A) Accident and injury prevention;
 - (B) child abuse symptoms and reporting;
 - (C) child care practices;
 - (D) child psychosocial growth and development;
 - (E) first aid including rescue breathing;
 - (F) juvenile court process;
 - (G) licensing regulations;
 - (H) observations of symptoms of illness and communicable diseases;
 - (I) suicide prevention; and
 - (J) use of restraints.
- (4) Each program manager shall attend at least one training event per year away from the center in addition to the inservice training conducted at the center.

(Authorized by and implementing K.S.A. 65-508; effective Aug. 23, 1993.)

K.A.R. 28-4-353b. Records.

- (a) Personnel records. Individual records shall be kept for each staff member which shall include the staff member's:
 - (1) Job application, including all:
 - (A) identifying information;
 - (B) qualifications including documentation and verification; and
 - (C) character and employment references.
 - (2) terms of employment and job description;
 - (3) employment dates and annual performance reviews;

- (4) health certificates, including a record of the results of a health assessment and tuberculin test, documented on forms supplied or approved by the Kansas department of health and environment;
 - (5) documentation of orientation and inservice training and continuing education;
 - (6) documentation of the report submitted to the Kansas department of health and environment for purpose of a background check for criminal and child abuse histories in accordance with K.A.R. 28-4-351(g).
 - (7) documentation that the employee has read, understands and agrees to follow:
 - (A) the statutes and regulations regarding mandatory reporting of suspected child abuse, neglect and exploitation;
 - (B) the regulations for licensing detention centers and secure care centers for children and youth;
 - (C) the facility's policies and procedures, including personnel, administrative, daily and behavior management policies and procedures; and
 - (D) policies providing for a drug free workplace; and
 - (8) grievance and incident reports regarding the specific employee, including the means of resolution of each report.
- (b) Volunteer records. Individual records shall be kept on the center-related activities of each volunteer. These records shall include the volunteer's:
- (1) Identifying information;
 - (2) job description;
 - (3) dates of service and performance reviews;
 - (4) documentation of orientation to the facility and specific assignment;
 - (5) documentation that the volunteer has read, understands and agrees to follow center policies and procedures, particularly those related to security, confidentiality of information and mandatory reporting of suspected child abuse and neglect;
 - (6) documentation of freedom from active tuberculosis;
 - (7) documentation of the report submitted to the Kansas department of health and environment for purpose of a background check for criminal and child abuse histories in accordance with K.A.R. 28-4-351(g).
 - (8) a copy of the health assessment required in K.A.R. 28-4-353(f)(4).

- (c) Juvenile records.
 - (1) Written policies and procedures shall govern record management and shall include, but not be limited to:
 - (A) The establishment, utilization, content, privacy, security and preservation of records.
 - (B) the schedule for the retirement and destruction of inactive case records; and
 - (C) a provision for review of policies and procedures at least annually and revision as needed.
 - (2) A register of all juveniles in care shall be kept by each center. The register shall include the following information for each juvenile:
 - (A) Name;
 - (B) date of birth;
 - (C) the name and address of each parent or legal guardian, person with whom juvenile resides at time of admission;
 - (D) the name and address of the legal custodian, if not the parent or legal guardian;
 - (E) the name and address of closest living relative if other than parent or guardian;
 - (F) the reason for admission; and
 - (G) the dates of admission and release.
 - (3) Upon the release of each juvenile from a detention center, a completed admission and release form, supplied by the Kansas bureau of investigation, shall be submitted to the bureau.
 - (4) Individual records shall be kept for each juvenile which shall include the juvenile's:
 - (A) identifying information;
 - (B) legal status;
 - (C) legal custodian;
 - (D) arrest record;

- (E) court order or journal entry for any juvenile in care longer than 48 hours;
 - (F) medical and dental permission forms, signed by a parent or legal guardian. The permission form used shall be one which is acceptable to the vendor who will provide the service; and
 - (G) a written inventory of all money and personal property of the juvenile signed by the juvenile and the admitting staff member.
- (5) A daily log of each juvenile's behavior, with notations regarding any special problems during detention and the response of the staff to any problems shall be kept in each juvenile's individual record file. Each entry shall be initialed by the staff member making the entry.
- (6) A list of all juveniles receiving care shall be submitted upon request to the Kansas department of health and environment on forms provided or approved by the department.
- (7) Information from a juvenile's records shall not be released without written permission from the juvenile's parent or legal guardian. When the parent or legal guardian is not available to provide written permission, an order of the court having valid jurisdiction shall be acceptable. Improper disclosure of records or information regarding a juvenile shall be grounds for revocation or suspension of the center's license or permit in force, or the denial of a center's application for licensure.
- (8) Written policy, procedure and practice shall provide for the transfer of specific juvenile case file information upon release of a juvenile to another center or other residential care. Specific case file information shall precede or accompany the juvenile and shall include:
- (A) Identifying information;
 - (B) medical records;
 - (C) immunization records;
 - (D) insurance information;
 - (E) medical card, when applicable;
 - (F) school placement information, including present courses of study; and
 - (G) the name and address of each parent or legal guardian.
- (9) Additional case file information to be transferred shall accompany the juvenile or be transferred within 72 hours.

(Authorized by and implementing K.S.A. 65-508; effective Aug. 23, 1993.)

K.A.R. 28-4-354. Admission and release policies.

- (a) Written admission policies and procedures of the center shall be approved by the governing body in accordance with goals and purposes of the center and Kansas statutes.
- (b) Admission procedures and practice shall include but not be limited to:
 - (1) Collecting identifying information;
 - (2) verifying the legal authority to detain;
 - (3) completing a health history checklist. This checklist shall be completed by the admitting staff person, using a form approved by the Kansas department of health and environment. A description of bruises, abrasions, symptoms of illness and current medications shall be documented on this form;
 - (4) assessing the juvenile's suicide risk potential;
 - (5) documenting the notification of the juvenile's parents or legal guardian and legal custodian, if not the parent or legal guardian, in accordance with Kansas juvenile code.
 - (6) assisting the juvenile in contacting the juvenile's family at the time of admission.
 - (7) conducting an intake interview. Designated staff members shall conduct each intake interview;
 - (8) providing an orientation to the center in a manner which is understandable to the juvenile. Completion of the orientation and receipt of all written orientation materials shall be documented by a signed statement from the juvenile;
 - (9) notifying the appropriate intake officer;
 - (10) searching the juvenile and the juvenile's possessions;
 - (11) documenting the juvenile's clothing and personal possessions and disposition. A written inventory of all money and personal property of the juvenile shall be signed by the juvenile and the admitting staff member and kept with the juvenile's record. If the juvenile refuses to sign the inventory, the refusal shall be documented in the juvenile's record;
 - (12) distributing personal hygiene items;
 - (13) providing for a shower and hair care;
 - (14) issuing clean, laundered clothing, if necessary; and

- (15) assigning the juvenile to a sleeping room.
- (c) No juvenile shall be admitted to:
 - (1) A detention center, except as authorized by K.S.A. 38-1528 subsections (a) or (b) or by K.S.A. 38-1640 and any amendments thereto; or
 - (2) a secure care center, except as authorized by K.S.A. 38-1502(a)(10) or by K.S.A. 38-1568 and any amendments thereto.
- (d) No juvenile shall be admitted who shows evidence of being seriously ill, injured, intoxicated or physically or mentally impaired until the juvenile is examined and approved for admission by a physician licensed to practice in Kansas.
- (e) A center shall not accept permanent legal guardianship of a juvenile.
- (f) Release policies.
 - (1) All releases shall be approved by the court of jurisdiction or the designated authority.
 - (2) The center shall provide release forms to be signed by the person to whom the juvenile is released and by the staff person releasing the juvenile.
 - (3) Temporary releases for court attendance, medical appointments or placement visits, or other necessary purposes shall be permitted when authorized by the court or its designated official.
 - (4) Procedures and practice for release of juveniles shall include:
 - (A) Verification of identity.
 - (B) completion of any pending action, including any grievance or claim for damages or lost possessions;
 - (C) transportation arrangements;
 - (D) instructions for forwarding mail; and
 - (E) return of money and personal property to the juvenile. A receipt for all money and personal property shall be signed by the juvenile.
 - (5) Juvenile records shall be transferred in accordance with Kansas statutes and regulations and with center policies.

(g) The length of stay for each juvenile admitted for care in a detention center shall not exceed 90 days unless an exception is granted by the Kansas department of health and environment. Each request for an exception shall be received by the department prior to the ninetieth day of the juvenile's stay. Each exception request shall be in writing and provide:

- (1) Identification of the juvenile for whom an exception is requested;
- (2) the specific reason why an exception is requested;
- (3) the projected release date; and
- (4) the total number of service days requested.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended Aug. 23, 1993.)

K.A.R. 28-4-355. Program and services.

- (a) A written plan and daily routine shall be maintained for all juveniles which shall include: meals, rest and sleep, personal hygiene, physical exercise, recreation, counseling, education and social services.
- (b) Classroom instruction shall be provided on-site by teachers holding appropriate certification from the Kansas board of education.
 - (1) Education services shall be coordinated with the local school district. During the local school year, each juvenile shall receive a minimum of six hours of instruction per day, excluding weekends and holidays.
 - (2) For each juvenile currently enrolled in a Kansas public school, contact shall be maintained with the juvenile's home school district to ensure the continuity of each juvenile's education.
 - (3) A regular schedule of instruction and related educational services appropriate to the needs of each juvenile shall be provided.
 - (4) Youth care staff shall be stationed in proximity to the classroom, with frequent, direct, physical observation of the classroom activity at least every 15 minutes, to provide immediate support to the teacher.
- (c) Library services.
 - (1) Each center shall have written policies and procedures which govern the center's library program, including acquisition of materials, hours of availability and staffing.

- (2) Library services shall be available to all juveniles.
 - (A) Reading and other library materials may be provided for use during non-library hours.
 - (B) Library materials shall be appropriate for various levels of competency.
 - (C) Reading material shall reflect racial and ethnic interests.
- (d) Recreation.
 - (1) All centers shall provide indoor and outdoor recreational areas and equipment where security and visual supervision can be easily maintained, and unless restricted for health reasons, all juveniles shall be allowed to engage in supervised indoor and outdoor recreation on a daily basis.
 - (2) Art and craft supplies, books, current magazines, games and other indoor recreational materials shall be provided for leisure time activities.
- (e) Work.
 - (1) Work assignments shall not be used as a substitute for recreation.
 - (2) Juveniles shall be prohibited from performing such duties as:
 - (A) Personal services for the staff;
 - (B) cleaning or maintaining areas away from the center;
 - (C) replacing employed staff;
 - (D) any work experience defined as hazardous by the Kansas department of human resources regulations governing child labor.
 - (3) After receiving the required youth care staff orientation and training, auxiliary staff may supervise work activities. Youth care staff shall be within visual and auditory distance to provide immediate support, if necessary.
- (f) Visitation and communication.
 - (1) All facilities shall provide telephone and contact visitation rights for parents, legal guardians, legal representatives and other visitors approved by personnel designated by the director or the governing body. Private telephone conversation and visitation shall be allowed, except when a documented need to protect the juvenile or the security of the facility dictates otherwise.
 - (2) Written telephone and contact visitation policies and procedures shall be made available to all juveniles, parents, legal guardians and legal representatives.

- (3) A juvenile shall not be denied the right to contact his or her attorney or court counselor. No court counselor or attorney shall be refused visitation of a juvenile to whom the counselor or attorney has been assigned.
 - (4) There shall be no censorship of mail or written communication, except to check for contraband, unless there is sufficient reason to believe that the security of the center is at risk. Suspect mail shall be opened by center staff in the presence of the addressee. If mail is to be read, the juvenile is to be informed in advance and present when the mail is opened. The reason for each occasion of censorship shall be documented and kept in the juvenile's record.
 - (5) Writing materials and postage for the purposes of correspondence shall be available to juveniles. Materials and postage for at least two letters per week shall be provided for each juvenile.
 - (6) Juveniles shall be provided access to the telephone to make and receive personal calls.
 - (7) First class letters and packages shall be forwarded after transfer or release of each juvenile.
- (g) Transportation. Written policies and procedures shall govern the transportation of juveniles outside the center and from one jurisdiction to another.
- (1) Transportation procedures and practice shall include, but not be limited to:
 - (A) Precautions to prevent escape during transfer; and
 - (B) documentation of current, appropriate licensure for each center driver.
 - (2) When the center is transporting juveniles, each transporting vehicle shall be center owned or leased and shall have a yearly safety check. A record of the yearly safety check and all repairs or improvements made shall be kept on file at the center.
 - (3) Each transporting vehicle operated by the center shall be equipped with an individual seat belt for the driver, each juvenile passenger and each additional passenger. The driver, each juvenile passenger and each additional passenger shall use the seat belts at all times.
 - (4) Smoking in the transporting vehicle shall be prohibited while juveniles are being transported.
 - (5) Juveniles shall be delivered to the designated destination by the most direct route.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended Aug. 23, 1993.)

K.A.R. 28-4-355a. Rights of juveniles.

- (a) The rights of juveniles while in detention or secure care shall not be diminished or denied for disciplinary reasons.
- (b) Written policies and procedures shall provide that juveniles are assured their rights subject only to the limitations necessary to maintain order and security in the center. Procedures and practice shall ensure the following:
 - (1) Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping;
 - (2) freedom from discrimination based on race, culture, religion, national origin, sex or disability;
 - (3) equal access to programs and services for both male and female juveniles in co-ed facilities;
 - (4) receipt and explanation of written rules and grievance procedures of the center, in a language which the juvenile can understand;
 - (5) opportunity for a variety of physical exercise, including outdoor exercise when weather permits;
 - (6) participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain facility order and security;
 - (7) reasonable religious diets;
 - (8) the right to wear personal clothing consistent with center guidelines. If the center provides clothing, it shall be of proper size and contemporary style;
 - (9) access to the courts and confidential contact with attorneys, judges, parents, social workers and other professionals, including telephone conversations, visits and correspondence;
 - (10) medical treatment and emergency dental care, a medically proper diet and the right to know what and why medications have been prescribed;
 - (11) the right to send and receive uncensored mail in accordance with K.A.R. 28-4-355(f)(4);
 - (12) the right to receive visitors and communication in accordance with the center's visitation policies;
 - (13) the right to determine the length and style of hair, except when a physician determines that a haircut is medically necessary; and

- (14) the right to keep facial hair, if desired, except when a licensed physician determines that removal is medically necessary for health and safety.

(Authorized by and implementing K.S.A. 65-508; effective Aug. 23, 1993.)

K.A.R. 28-4-355b. Behavior management.

(a) Rules.

- (1) Written policies shall provide for a behavior management system that assists juveniles to develop inner control so that they can manage their own behavior in a socially acceptable manner. Procedures and practice shall provide:
 - (A) Expectations which are age appropriate and which allow for special abilities and limitations; and
 - (B) positive and negative consequences related to each expectation.
- (2) Written rules of juvenile conduct shall define expected behaviors and related consequences.
 - (A) A rulebook containing expected behaviors, ranges of consequences and disciplinary procedures shall be given to each juvenile and youth care staff member.
 - (B) An acknowledgment of receipt of the rulebook shall be signed by each juvenile and kept in each juvenile's file.
 - (C) When a literacy or language problem prevents a juvenile from understanding the rulebook, a staff member or translator shall assist the juvenile in understanding the rules.
 - (D) The rulebook shall be translated into any language spoken by a significant number of persons in the jurisdiction.
- (3) All staff members who have direct contact with juveniles shall be thoroughly familiar with the rules of juvenile conduct, the rationale for the rules and the intervention options available.

(b) Discipline.

- (1) Discipline which is humiliating, frightening or physically harmful to the juvenile shall not be used at any time. The resident shall be protected against all forms of neglect, exploitation or degrading forms of discipline. No juvenile shall be isolated without a youth care staff member within visual and auditory distance or confined in any dark space. Electronic monitoring or an audio communication system shall not replace the required presence of a youth care staff member.
- (2) Corporal punishment shall not be used.

- (3) Under no circumstances shall any juvenile be deprived of meals, clothing, sleep, medical services, exercise, correspondence, parental contact or legal assistance for disciplinary purposes. If a juvenile is in locked isolation during normal school hours, school work shall be provided to the juvenile.
 - (4) Under no circumstances shall any juvenile be allowed to supervise or to administer discipline to other juveniles.
- (c) Isolation.
- (1) Routine nighttime lock-up during sleeping hours is permitted in detention centers for the purpose of security during sleeping hours. A detention center which uses nighttime lockup shall not be required to comply with the special requirements concerning locked isolation for routine lockup of juveniles during sleeping hours. Written policies and procedures shall govern the use of routine nighttime lockup. Procedure and practice shall provide for:
 - (A) Direct, irregularly scheduled, physical observation of juveniles at least every 15 minutes by a youth care staff member; and
 - (B) written reports of periodic observation of the juveniles. The reports shall be kept on file at the center.
 - (2) Electronic monitoring shall not replace periodic observation of juveniles by a youth care staff member during nighttime lock-up.
 - (3) Locked isolation shall be permitted within a detention center only when a juvenile is out of control, continually refuses to obey reasonable and lawful requests or behaves in a way that presents a threat to self or others. Within a secure care center, locked isolation shall be permitted only when a juvenile's behavior presents a threat to self or others.
 - (4) Each center shall have written policies and procedures which govern the use of locked isolation. Procedures and practice shall:
 - (A) Permit the use of locked isolation only when all other less restrictive methods of controlling the juvenile's dangerous behavior have been attempted and have failed;
 - (B) require a written order by a designated staff member each time a juvenile is placed in or released from isolation;
 - (C) ensure that no more than one juvenile is placed in an isolation room at any one time;
 - (D) provide for a search of each juvenile and removal of any items that may be used to injure self or others before admission to the isolation room;

- (E) ensure that each juvenile is provided appropriate clothing at all times;
 - (F) ensure that each juvenile in isolation is provided a mattress with linens on a clean, level surface above floor level;
 - (G) ensure that each juvenile receives all meals and snacks normally served and is allowed time to exercise and perform necessary bodily functions;
 - (H) ensure that each juvenile has prompt access to drinking water and washroom facilities;
 - (I) ensure that the designated staff member on duty makes appropriate entries in the case records regarding the juvenile's use of the isolation room;
 - (J) ensure that at least one youth care staff member is in the proximity of each juvenile in isolation at all times, with direct, physical observation at least every 15 minutes. At the time of each observation, the following shall occur:
 - (i) Interactive intervention shall be attempted, unless the juvenile is sleeping;
 - (ii) the result of the intervention shall be recorded; and
 - (iii) the condition of the juvenile shall be recorded;
 - (K) ensure constant supervision when a juvenile is considered suicidal; and
 - (L) provide for an assessment of the need for continued isolation at each shift change and for documentation of the reasons isolation is continued.
 - (M) If a juvenile is in locked disciplinary isolation before routine nighttime lock-up occurs, the hours of nighttime lock-up shall be counted as time in locked disciplinary isolation for that juvenile.
- (5) A juvenile shall not remain in isolation for more than 24 hours without written approval of the director or the director's designee who is not involved in the incident.
- (A) The director or designated staff member who is not involved in the incident shall visit with each isolated juvenile at least once within each eight-hour period after the first 24 hours.
 - (B) Written approval of the director or director's designee shall be required for each eight hour period isolation is extended, beyond the first 24 hours.
- (6) Isolation shall not exceed 48 hours for any offense unless the juvenile continues to behave in a way that presents a threat to self or others.

- (7) If a juvenile requires more than 48 hours of consecutive isolation or more than 72 cumulative hours of isolation within any seven day period, or is placed on suicide watch, an emergency staffing shall be held to discuss the appropriateness of the juvenile's continued placement at the center and to develop an emergency plan for the juvenile.
 - (A) Participants in the emergency staffing shall include:
 - (i) the juvenile if behavior permits;
 - (ii) the director or the director's designee;
 - (iii) a physician, clinical psychologist, or clinical social worker who has assessed the juvenile; and
 - (iv) appropriate staff member.
 - (B) The placing agent or representative and the juvenile's parents or legal guardian shall be notified of the emergency staffing and invited to participate. Documentation of notifications shall be kept on file at the center.
 - (C) The results of the emergency staffing shall be recorded and maintained on file at the center.
- (8) All youth care staff and program personnel shall be informed at all times of the current status of each resident in isolation.
- (d) Restraint. Each center shall have written policies and procedures which govern the use of restraint.
 - (1) Procedure and practice shall:
 - (A) Limit the use of physical restraint to instances of justifiable self-defense, protection of the juvenile or others, protection of property or prevention of escape;
 - (B) permit the use of physical restraint only when all other less restrictive methods of controlling the juvenile's dangerous behavior were either attempted and failed or diagnostically eliminated;
 - (C) prohibit the use of physical restraint as punishment.
 - (D) ensure that mechanical restraints are used within the secure parameters of the center only when required to move a juvenile to locked isolation. The use of mechanical restraints shall not exceed 30 minutes in duration;
 - (E) ensure that chemical agents are not used by center personnel; and

- (F) provide that psychotropic medications are not used for disciplinary reasons. Psychotropic medications shall be administered only when medically necessary, upon order of the juvenile's physician.
- (2) A center which uses any form of restraint shall develop and ensure the practice of a comprehensive written policy on the use of each restraint. The policy shall identify:
- (A) The forms of restraint in use at the center, clearly demonstrating that each specified form of restraint is required to appropriately serve juveniles;
 - (B) specific criteria for the use of each form of restraint;
 - (C) the staff members authorized to approve the use of each form of restraint;
 - (D) the staff members authorized and qualified to administer or apply each form of restraint;
 - (E) the approved procedures for application or administration of each form of restraint;
 - (F) the procedures for monitoring any juvenile placed in each form of restraint;
 - (G) any limitations on the use of each form of restraint, including time limitations;
 - (H) the procedures for immediate, continual review of restraint placements for each form of restraint, except passive physical restraint; and
 - (I) procedures for comprehensive recordkeeping on all incidents of the use of restraint, including incidents of passive physical restraint where it is used in conjunction with or leads to the use of any other form of restraint.
- (3) If a juvenile requires the use of mechanical restraints more than four times in any 30 day period, an emergency staffing shall be held to discuss the appropriateness of the juvenile's continued placement at the center and to develop an emergency plan for the juvenile.
- (A) Participants in this emergency staffing shall include:
 - (i) the juvenile if behavior permits;
 - (ii) the director or the director's designee;
 - (iii) a physician, clinical psychologist or clinical social worker who has assessed the juvenile; and
 - (iv) appropriate staff members.

- (B) The placing agent or representative and the juvenile's parents or legal guardian shall be notified of the emergency staffing and invited to participate. Documentation of notifications shall be kept on file at the center.
- (C) The results of the emergency staffing shall be recorded and maintained on file at the center.
- (4) Any juvenile or staff member injured in an incident involving the use of physical restraint shall receive immediate medical examination and treatment.

(Authorized by and implementing K.S.A. 65-508; effective Aug. 23, 1993.)

K.A.R. 28-4-356. Health care policies.

- (a) Health services for juveniles.
 - (1) Each center, in consultation with a physician or community health nurse, shall develop written health care policies which cover:
 - (A) Health history checklist and review for each juvenile upon admission, as documented on forms approved by Kansas department of health and environment;
 - (B) follow-up health care, including health examination and referrals, for concerns identified in the health history checklist and review.
 - (C) dental screening upon admission and follow-up emergency dental care as needed;
 - (D) preventive dental care for juveniles in secure care;
 - (E) chronic care, convalescent care and preventive care when medically indicated;
 - (F) care for minor illness, including the use and administration of prescription and nonprescription drugs;
 - (G) care for juveniles under the influence of alcohol or other drugs;
 - (H) consultation regarding individual juveniles when indicated;
 - (I) infection control measures and universal precautions to prevent the spread of bloodborne infectious diseases recommended in "Update: Universal Precautions for Prevention of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings" as published in the Morbidity and Mortality Weekly Report, June 24, 1988, Vol. 37 No. 24 which are hereby adopted by reference;

- (J) maternity care as defined in K.A.R. 28-4-279; and
 - (K) medically indicated isolation.
- (2) Each center shall have a physician licensed to practice in Kansas designated as the medical consultant to the health program.
 - (3) Each center shall obtain a written consent from each juvenile's parent or legal guardian for medical and dental care.
 - (4) The medicine cabinet shall be located in an accessible, supervised area. The cabinet shall be kept locked. Internal and external medicines shall be kept in separate sections of the cabinet. All unused medication shall be safely discarded.
 - (A) Prescription medication shall be administered by a designated staff member, from a pharmacy container labeled with the juvenile's name, the name of the medication, the dosage, the dosage intervals, the name of the physician and the date the prescription was filled. Any changes of prescription or directions for administering a prescription medication shall be authorized in writing by a physician, with documentation in the juvenile's file.
 - (B) All medication, including non-prescription medication, shall be given only in accordance with label directions, unless ordered differently by a licensed physician. A record shall be kept in the juvenile's file documenting the name of the person who gave the medication, the name of the medication, the dosage and the date and time it was given.
 - (5) Arrangements for emergency care shall be made as follows.
 - (A) The center shall have a written statement of the name, address and telephone number of a physician licensed in Kansas to be called in case of emergency.
 - (B) Policy and procedures shall ensure continuous care of juveniles who require emergency medical treatment.
 - (C) When a staff member accompanies a juvenile to the source of emergency care, the staff member shall remain with the juvenile for the duration of the emergency. Supervision of the other juveniles in the center shall not be compromised. The health history checklist and health assessment shall be taken to the emergency room with the juvenile.
 - (6) Any incident resulting in death or serious injury to any staff member or juvenile, or any instance of suspected abuse or neglect, shall be reported immediately to the Kansas department of health and environment bureau of adult and child care, and the county health department. A written incident report shall be submitted to the bureau within five working days. Each parent or legal guardian shall be

immediately notified when serious injury to, death or hospitalization of a juvenile occurs. When suspected abuse or neglect of a juvenile occurs, the Kansas department of social and rehabilitation services shall be notified in accordance with statutory requirements.

- (7) Any injury to a juvenile or staff member that is a result of suspected criminal action, shall be reported immediately to the local law enforcement officials and district attorney's office for their disposition.
- (8) Any death of staff within the center or of a juvenile shall be reported to the local law enforcement officials and district attorney's office for appropriate action.

(b) Physical health of juveniles.

- (1) A health history checklist shall be completed for each juvenile at the time of admission. This checklist shall be completed by the person who admits the juvenile, using forms supplied or approved by the Kansas department of health and environment.
 - (A) The health checklist shall serve as a guide to determine if a juvenile is in need of immediate medical care.
 - (B) The center's physician shall be contacted for any juvenile who is taking a prescribed medication at the time of admission so that treatment is not interrupted.
 - (C) The center's physician shall be contacted for any juvenile who has acute symptoms of illness or who has a chronic illness. Communicable diseases shall be reported within 24 hours or by next working day to the local county health department.
- (2) Within 72 hours of admission, juveniles shall have a review of the health history checklist by a physician or nurse. Based upon health indicators derived from the checklist or in the absence of documentation of a screening within the past 24 months, the physician or nurse shall determine whether a full screening and health assessment are necessary.
 - (A) When necessary, the screening and health assessment shall be conducted by a licensed physician or by a nurse certified by the Kansas department of health and environment to conduct such examinations.
 - (i) The screening and health assessment shall be completed within 10 days of admission.
 - (ii) The screening shall be based upon health assessment and screening guidelines provided or approved by the Kansas department of health and environment.

- (B) Medical and dental records shall be kept on forms provided or approved by the Kansas department of health and environment and shall be kept current.
 - (C) Each juvenile shall receive a tuberculin skin test. A chest x-ray shall be taken of all positive tuberculin reactors and those with a history of previous positive reaction. The proper treatment or prophylaxis shall be instituted. The results of this follow-up shall be recorded in the juvenile's record and the county health department shall be kept informed of the results.
 - (D) A current health record shall be kept for each juvenile which includes the juvenile's current immunization record, health history checklist, documentation of the review of the health history checklist and the decision regarding the need for screening and health assessment, tuberculin skin test report, medical contacts and entries regarding the juvenile's health care plan.
 - (E) The health record shall accompany the juvenile when transferred to another facility. A copy of the health record shall be kept in the juvenile's file at the center.
- (3) Written policy and procedures shall prohibit the use of tobacco in any form by juveniles while in care.
- (c) Dental health of juveniles.
- (1) Emergency dental care shall be available for all juveniles. Each secure care center juvenile record shall include a report of a dental examination obtained within one year before or 60 days after admission.
 - (2) The center staff shall develop plans for dental health education and shall supervise the juveniles in the practice of good dental hygiene.
- (d) Personal health of staff members and volunteers.
- (1) Each person caring for juveniles shall be:
 - (A) Free from communicable disease;
 - (B) Free from physical, mental or emotional handicaps as is necessary to fulfill the responsibilities listed in the job description and protect the health, safety and welfare of the juveniles; and
 - (C) Free from impaired ability due to the use of alcohol or other drugs.

- (2) Each staff member who will have contact with the juveniles shall receive a health examination within one year before employment. This examination shall be conducted by a licensed physician or a nurse authorized to conduct such examinations.
 - (3) Results of the health examination shall be recorded on forms supplied or approved by the Kansas department of health and environment and kept on file at the center. Health assessment records may be transferred from a previous place of employment if the transfer occurs within one year of the examination date.
 - (4) The initial health examination shall include a tuberculin skin test. If there is a positive reaction to the tuberculin skin test or a history of previous positive reaction, a chest x-ray shall be required. Proof of proper treatment or prophylaxis, according to current Kansas department of health and environment guidelines, shall be required. Documentation of test, x-ray and treatment results shall be kept on file in the person's health record.
 - (5) A tuberculin skin test or a chest x-ray shall be required if significant exposure to an active case of tuberculosis occurs or if symptoms compatible with tuberculosis develop. If there is a positive reaction to the diagnostic procedure, proof of proper treatment or prophylaxis, according to Kansas department of health and environment guidelines, shall be required. The results of this follow-up shall be recorded in the person's health record. The Kansas department of health and environment shall be informed of each case described within this paragraph.
 - (6) Volunteers shall present written proof of freedom from active tuberculosis before serving in the center.
 - (7) Smoking shall not be permitted in the facility.
- (e) Personal hygiene.
- (1) Each juvenile shall bathe upon admission and be given the opportunity to bathe daily.
 - (2) Each juvenile shall be given the opportunity to brush their teeth after each meal.
 - (3) Each juvenile shall be furnished with toothpaste and a toothbrush. Pump soap shall be available at all community sinks and showers.
 - (4) Facilities for shaves and haircuts shall be made available. No juveniles shall be required to have a hair cut unless a physician determines that a hair cut is medically necessary.
 - (5) Each juvenile's washable clothing shall be changed and laundered at least twice a week. Underwear and socks shall be changed and laundered daily. Clean and serviceable footwear of appropriate size shall be issued to each juvenile.

- (6) Each female juvenile shall be provided personal hygiene supplies with regard to her menstrual cycle.
- (7) Clean, individual bath and face towels shall be issued to each juvenile at least twice a week. Bed linen shall be changed at least once a week.
- (8) Each juvenile shall be allowed to have at least eight hours of sleep each day. Fourteen hours of activity shall be provided.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended May 1, 1985; amended Aug. 23, 1993.)

K.A.R. 28-4-357. Emergency, safety, security and control.

- (a) Each center shall develop a disaster plan to provide for the safety of juveniles in emergencies. The plan shall be reviewed at least annually and updated as needed. The plan and subsequent updates, if any, shall be approved by the state fire marshal or the marshal's designee.
 - (1) The plan shall include provisions for the care of juveniles in disasters such as fires, tornadoes, storms, floods, and civil disorders, as well as occurrences of serious illness or injury to staff members and juveniles.
 - (2) The personnel in the center shall be informed of the disaster plans and the plans shall be posted in a prominent location and practiced.
 - (3) Each center shall have first aid supplies: assorted adhesive strip bandages, adhesive tape, roll of gauze, scissors, package of gauze squares, pump soap, elastic bandage, tweezers and rubbing alcohol.
 - (4) Each center which uses locked isolation shall have an effective policy and procedure to evacuate an isolated juvenile in the event of a fire or other emergency.
- (b) The center shall have one fire drill and one tornado drill per each shift per quarter.
- (c) Security and control. Each center shall use a combination of supervision, inspection, accountability and clearly defined policies and procedures on the use of security to promote safe and orderly operations.
 - (1) Written policies and procedures for center security and control shall be available to all staff members. The policies and procedures shall be reviewed at least annually and updated as needed. The following rules and requirements shall be included:
 - (A) A daily report on juvenile population movement shall be completed and kept on file at the center.

- (B) Written operational shift assignments shall state the duties and responsibilities for each assigned position in the center.
 - (C) Supervisory staff shall maintain a permanent log and prepare shift reports that record routine and emergency situations.
 - (D) Regular inspection and maintenance of security devices. Any corrective action shall be completed as necessary and recorded.
 - (E) No weapons shall be permitted in the center. Secure weapons lockers shall be provided for storage of any weapons carried by visiting law enforcement officers.
 - (F) Guidelines for the control and use of keys, tools and medical and culinary equipment shall be implemented.
 - (G) No juvenile or group of juveniles shall exercise control or authority over other juveniles, have access to the records of other juveniles or have access to or use of keys that control center security.
 - (H) Procedures for handling escapes, runaways and unauthorized absences shall be developed and adhered to.
 - (I) Safety and security precautions pertaining to facility and staff vehicles shall be developed and adhered to.
- (2) Policies and procedures for the prosecution of any illegal act committed while the juvenile is in care shall be developed.
 - (3) Policies and procedures to ensure that chemical agents such as mace, pepper mace or tear gas are never used by center staff shall be developed and adhered to.
 - (4) Poisons and all flammable materials shall be kept in locked storage.
 - (5) Written policies and procedures governing control of contraband shall be developed and adhered to. The procedures shall:
 - (A) Provide for searches of facilities and juveniles;
 - (B) provide that strip searches are conducted only at admission or when there is reasonable belief that the juvenile is carrying contraband or other prohibited material. The inspection shall be conducted in private by a trained staff member of the same sex as the juvenile. A second staff person shall observe the staff member conducting the search to verify that the search was conducted in accordance with agency policies. If necessary, a body cavity inspection shall be conducted only by a physician or nurse who is trained to conduct body cavity inspections; and

- (C) require documentation of the incident, including the reason for the search, the identities of staff persons involved and the result. The documentation shall be kept on file at the center.
- (6) Policies and procedures shall govern documentation of all special incidents, including but not limited to the taking of hostages and the use of restraint other than for routine transport. Procedure and practice shall require submission of a written report of all special incidents to the director or the director's designee. The report is to be submitted no later than the conclusion of the shift. A copy of the report shall be kept in the file of the juvenile concerned. A copy of the report of any incident which involves the taking of hostages, the death or injury of a juvenile, or criminal charges against a juvenile or staff member shall be submitted to the Kansas department of health and environment, the placing agent and other persons as appropriate.
- (7) Any incident of disaster as enumerated in K.A.R. 28-4-357 (a)(1) shall be reported to the Kansas department of health and environment within 24 hours excluding weekends and holidays. Any incident of fire shall also be reported to the state fire marshal within the same time frame.
- (8) A written plan shall provide for continuing operations in the event of a work stoppage. Copies of this plan shall be available to all supervisory personnel who shall familiarize themselves with it. The Kansas department of health and environment shall be notified immediately of incidents of work stoppage.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended Aug. 23, 1993.)

K.A.R. 28-4-358. Policies relating to animals at the center.

- (a) If animals or pets are kept at the center, written policies shall be developed for their care. These policies shall be approved by the Kansas department of health and environment.
- (b) Animals shall have current immunizations as recommended by a veterinarian. A record of immunizations shall be kept on file at the center.
- (c) Animals that represent a hazard to juveniles shall be excluded from the center. Hazardous animals shall include, but not be limited to snapping turtles, pit bulldogs, and poisonous snakes and insects.
- (d) The pet area of each center shall be maintained in a clean and sanitary manner. No animal or bird shall be in the kitchen while food is being prepared.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended Aug. 23, 1993.)

K.A.R. 28-4-359. Environmental standards.

- (a) General building requirements.
 - (1) Each building shall meet the legal requirements of the community as to building code, zoning, fire protection, water supply and sewage disposal. Each center shall use public water and sewage systems, or shall have private water and sewage systems having approval and permits as required by K.S.A. 65-163 and K.S.A. 65-165 and amendments thereto. Where local fire regulations do not exist, construction shall be in compliance with the Kansas fire prevention code. When local and state regulations differ, the more stringent requirement shall prevail.
 - (2) A licensed architect shall be responsible for the plans for any newly constructed building or for any major addition or alteration to an existing building.
 - (A) In the case of a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the Kansas department of health and environment for review prior to commencing the final working drawings and specifications. The final working drawings, construction specifications and plot plans shall be submitted to the department for review and written approval prior to the letting of contracts.
 - (B) In the case of an addition or alteration to an existing building, a written statement defining the proposed use of the construction and the plans and specifications shall be submitted to the Kansas department of health and environment for review and written approval prior to commencing construction.
 - (3) If construction is not commenced within one year of the submittal of proposal for a new building or the addition or alteration to an existing building, the plans and proposal shall be resubmitted to the Kansas department of health and environment before proposed construction begins.
- (b) Location and grounds requirements.
 - (1) Community resources such as health services, police protection, and fire protection from an organized fire department shall be available to the center.
 - (2) There shall be at least 100 square feet of outside activity space available per juvenile expected to utilize each area at any one time.
 - (3) The outside activity area shall be free of physical hazards.
 - (4) If the center is on the same grounds as any other type facility, the center shall be a separate, self-contained unit. No secure facility, other than a juvenile detention center, shall be attached to or on the grounds of an adult jail or lockup. When a juvenile detention facility is in the same building or on the same grounds as an adult jail or lockup, there shall be:

- (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities;
 - (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and
 - (C) separate juvenile and adult staffs, including management, security staff and direct care staff such as recreational, educational and counseling staff members.
- (5) There shall be sufficient space for visitor and staff parking at each center.
- (c) The water supply to each center shall be from a source approved and certified by the health authority.
- (1) Plumbing shall be installed and maintained in compliance with local and state plumbing codes.
 - (2) Any privately owned water supply shall be approved by the county health officer or the Kansas department of health and environment.
- (d) Structural requirements.
- (1) Center construction shall provide for the removal of architectural barriers to disabled persons in accordance with state and federal statutes. All parts of each center shall be accessible to and usable by disabled persons.
 - (2) Each center's structural design shall facilitate personal contact and interaction between staff members and juveniles.
 - (3) Asbestos shall not be used in new or remodeling construction. Before any remodeling construction is started, any friable asbestos shall be covered and sealed in a manner that provides a protective barrier between the asbestos and the occupants of the building. The method of handling shall be in compliance with K.A.R. 28-50-1 through 28-50-14, the Kansas department of health and environment regulations governing asbestos control.
 - (4) Floors shall be smooth and free from cracks, easily cleanable and shall not be slippery. Floor covering for living quarters shall be required. All floor covering shall meet fire safety regulations, be kept clean and be maintained in good repair.
 - (5) Walls shall be smooth, easily cleanable and in sound condition. Paneling shall meet any applicable fire safety regulations. Lead-free paint shall be used on all painted surfaces.

- (6) Juveniles' rooms shall be limited to the ground level and above. Any room with floor level more than 30 inches below ground level shall be considered a basement. The minimum square footage of floor space shall be 80 square feet in single rooms, and an average of not less than 60 square feet of floor space per person in rooms accommodating more than one person. At least one dimension of the usable floor space unencumbered by furnishings or fixtures shall be no less than seven feet. The minimum ceiling height shall be seven feet eight inches over 90% of the room area. An even temperature of between 68° fahrenheit and 78° fahrenheit shall be maintained with an air exchange of at least four times per hour.
- (7) Bedrooms occupied by juveniles shall have a window source of natural light. Access to a drinking water source and toilet facilities shall be available 24 hours a day. Locking systems shall be approved by the state fire marshal or the marshal's designee.
- (8) Separate beds with level, flat mattresses in good condition, shall be provided for each juvenile. Beds shall be above the floor level.
- (9) Adequate, clean bedding shall be provided for each juvenile.
- (10) All quarters utilized by juveniles shall have minimum lighting of 20 foot candles in all parts of the room. There shall be minimum lighting of 35 foot candles in areas used for reading, study or other close work.
- (11) There shall be adequate space for study and recreation.
- (12) Each living unit shall contain:
 - (A) Furnishings that provide sufficient seating for the maximum number of juveniles expected to use the area at any one time;
 - (B) writing surfaces that provide sufficient space for the maximum number of juveniles expected to use the area at any one time;
 - (C) furnishings that are consistent with the security needs of the assigned juveniles; and
 - (D) adequate central storage for household supplies, bedding, linen and recreational equipment.
- (13) If a center has dayrooms, they shall provide space for varied juvenile activities. Dayrooms shall be situated immediately adjacent to the juvenile sleeping rooms but separated from them by a floor-to-ceiling wall. Each dayroom shall provide at least 35 square feet per person, exclusive of lavatories, showers and toilets, for the maximum number of juveniles expected to use the dayroom area at any one time.
- (14) There shall be a working telephone readily accessible to staff members in all areas of the building. Emergency numbers such as fire, police, hospital, physician, poison control center and ambulance shall be posted by each phone.

- (15) The inside program and activity areas, excluding the sleeping rooms, day room and class rooms, shall provide floor space equivalent to a minimum of 100 square feet per juvenile.
 - (16) Sufficient space shall be provided for contact visiting. There shall be adequately designed space to permit screening and search of both juveniles and visitors. Storage space shall be provided for the secure storage of visitors' coats, handbags and other personal items not allowed into the visiting area.
 - (17) Each room used for locked isolation shall meet the requirements for an individual bedroom.
 - (A) The walls of each room used for locked isolation shall be completely free of objects.
 - (B) The door of each room used for locked isolation shall be equipped with a window mounted in a manner which allows inspection of the entire room. Glass in this window shall be impact-resistant and shatterproof.
 - (C) The locking system shall be approved by the state fire marshal or the marshal's designee.
 - (18) A service sink and storage area for cleaning supplies shall be provided in a well ventilated room separate from kitchen and living areas.
- (e) Food services.
- (1) Food storage, preparation and service shall comply with K.A.R. 28-36-20 through 28-36-29, the Kansas department of health and environment regulations governing food and lodging services.
 - (2) All foods not requiring refrigeration shall be stored at least six inches above the floor in clean, dry, well-ventilated storerooms or other approved areas with no overhead drain or sewer lines.
 - (3) Dry bulk food which is not in an original, unopened container shall be stored in metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled.
 - (4) Poisonous or toxic materials shall not be stored with or over food. If medication requiring refrigeration is stored with refrigerated food, the medication shall be stored in a locked medicine box under all food items in the refrigerator.
 - (5) All perishables and potentially hazardous foods shall be continuously maintained at 45° fahrenheit or lower in the refrigerator, or 10° fahrenheit or lower in the freezer, with 0° fahrenheit recommended.

- (A) Each cold storage facility shall be provided with a clearly visible, accurate thermometer.
 - (B) All foods stored in the refrigerator shall be covered.
 - (C) Food not stored in the original container shall be labeled with the contents and date.
 - (D) Raw meat shall be stored under all other food items in the refrigerator before cooking.
 - (E) Adequate facilities to maintain product temperatures shall be available.
- (6) All dense hot foods shall be stored in containers four inches or less deep.
- (7) Food preparation and service.
- (A) Each food preparation area shall be adequately equipped for the sanitary preparation and storage of food and washing of dishes and utensils. Food shall be prepared and served in a sanitary manner.
 - (B) Cooking equipment shall be kept clean and in good condition.
 - (C) Dishes shall have hard-glazed surfaces and shall be free of cracks and chips.
 - (D) Dishes, kitchen utensils and serving equipment shall be maintained in a sanitary condition using one of the following methods:
 - (i) A three-compartment sink supplied with hot and cold running water to each compartment and a drain board for washing, rinsing, sanitizing and air drying, with appropriate chemical test kit for testing the sanitizing solution;
 - (ii) a domestic-type dishwasher for groups of 24 or fewer persons;
 - (iii) a commercial-type dishwasher providing a 12 second rinse with 180° fahrenheit water, for groups of 25 persons or more;
 - (iv) other methods of sanitizing by manual or mechanical cleaning in accordance with K.A.R. 28-36-24 (3) and (4); or
 - (v) the use of disposable plates, cups, and plastic utensils of food-grade medium weight. Disposable table service shall be used only one time and then destroyed.
 - (E) Tables shall be in good condition and shall be washed before and after each meal. Floors shall be swept after meals.

- (F) Meat shall be thawed using one of the following methods:
 - (i) Removing the meat from the freezer in advance and putting it in the refrigerator to thaw;
 - (ii) placing the meat under running, tepid water 72° fahrenheit; or
 - (iii) in the microwave as part of the cooking process.

- (8) Sanitary conditions.
 - (A) Only authorized persons shall be in the kitchen.
 - (B) Each kitchen shall be equipped with separate hand washing facilities. Personnel shall wash their hands before handling food and after working with raw meat.
 - (C) Hair shall be restrained.
 - (D) No staff member with any open wounds or infections shall cook.
 - (E) Clean and soiled linen shall be properly stored in the kitchen area.
 - (F) A covered trash can shall be used in the restroom used by the kitchen staff.

- (9) Food safety.
 - (A) All dairy products shall be pasteurized. Dry milk shall be used for cooking only.
 - (B) Meat products shall be obtained from government-approved sources.
 - (C) Home canned foods, other than jams and jellies, and home frozen foods shall not be served in the center.
 - (D) Commercially canned food from dented, rusted, bulging or leaking cans, and food from cans without labels shall not be used.

- (10) Nutrition.
 - (A) Meals and snacks shall meet the nutrient needs of the juveniles in accordance with recommended dietary allowances. A sufficient quantity of food shall be prepared for each meal to allow each juvenile second portions of vegetables, fruit, bread and milk.
 - (B) Special diets shall be provided for juveniles, if medically indicated, or to accommodate religious practice, as indicated by a religious consultant.

- (C) Menus shall be planned one week in advance. Copies of the menus for the preceding month shall be kept on file and available for inspection.
- (11) If meals are catered:
- (A) The meals shall be obtained from sources licensed by the Kansas department of health and environment.
 - (B) Food shall be transported in covered and temperature-controlled containers and shall not be allowed to stand. Hot foods shall be maintained at not less than 140° fahrenheit, and cold foods shall be maintained at 45° fahrenheit or less.
- (f) Toilets and lavatories.
- (1) For each eight or fewer juveniles of each sex, there shall be at least one toilet, one lavatory and a bathtub or shower. All toilets shall be above floor level.
 - (2) Each bathroom shall be ventilated. Each inside bathroom shall have a mechanical ventilating system to the outside with a minimum of ten air changes per hour.
 - (3) Toilet and bathing facilities and drinking water shall be convenient to sleeping quarters, living and recreation rooms.
 - (4) Cold and hot water, not exceeding 120° fahrenheit, shall be supplied to lavatories, bathtubs and showers.
 - (5) Toilet facilities and drinking water shall be convenient to reception and admission areas.
 - (6) Locked sleeping rooms shall be equipped with a drinking fountain, lavatory and toilet, unless a communication system or procedure is in effect to give the resident immediate access to a lavatory, toilet and drinking water.
- (g) Laundry.
- (1) If laundry is done at the center, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in such manner as to safeguard the health and safety of the juveniles.
 - (2) Soiled linen shall be stored separately from clean linen. In centers constructed after January 1, 1974, separate hand washing facilities shall be provided in each laundry room which serves 25 or more persons.
 - (3) Blankets shall be laundered or sanitized before reissue.
 - (4) Blankets, when used with sheets, shall be laundered at least once each month.

- (5) Mattresses shall be water repellent and washed down and sprayed with disinfectant before reissue. Mattress materials and treatments shall meet state fire marshal regulations.
 - (6) Adequate space shall be allocated for storage of clean and dirty linen and clothing. If inhouse laundry service is provided, adequate space shall be allocated for the laundry room and storage of laundry supplies, including locked storage for chemical agents used in the laundry area.
- (h) Building maintenance standards.
- (1) Each building shall be clean at all times and free from accumulated dirt, vermin and rodent infestation.
 - (2) Floors and walking surfaces shall be kept free of hazardous substances at all times.
 - (3) A schedule for cleaning each building shall be established and maintained.
 - (4) Floors shall be swept and mopped daily.
 - (5) Washing aids, such as brushes, dishmops and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.
 - (6) Mops and other cleaning tools shall be cleaned and dried after each use and stored in a well-ventilated place on adequate racks.
 - (7) Insecticides, rodent killers and other poisons shall be used under careful supervision. These poisons shall be stored in a locked area.
 - (8) Toilets, lavatories, sinks and other such facilities in the living quarters shall be cleaned thoroughly each day.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1979; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 23, 1993.)

K.A.R. 28-4-360. Compliance with regulations.

- (a) Center licenses shall be prominently displayed.
- (b) A copy of these regulations shall be kept on the premises at all times. A copy of the regulations for licensing of detention centers and secure care centers for children and youth shall be available to all staff members.
- (c) Centers licensed January 1, 1993 or later shall be required to meet structural requirements as stated in K.A.R. 28-4-359(d). Centers licensed before January 1, 1993 which are in compliance with the regulations for licensing detention centers and secure care centers for children and youth that became effective May 1, 1979 and were amended November 19, 1986, May 1, 1987 and February 26, 1990 shall continue to comply with those rules

and regulations applicable to physical plant requirements regardless of the minimums established under current regulations. Each existing center which makes any structural addition or alteration, shall come into compliance with current structural requirements.

- (d) Each applicant or licensee may submit a written request for an exception to a regulation to the Kansas department of health and environment. An exception may be granted if the secretary determines that the exception would not diminish the current level of juvenile care and if statutory requirements are not violated. The nature of the exception, the conditions and the duration of the exception shall be in writing. Written notification shall be given to the licensee.
- (e) Each center shall develop and implement a quality assurance program to ensure consistent compliance with these regulations. The quality assurance program shall provide for:
 - (1) Review of policies, procedures and practice; and
 - (2) reconciliation with licensure requirements.
- (f) The county health department representative or the contracted surveyor who evaluates the center for licensing purposes shall be used as a consultant with regard to compliance with licensing regulations.
- (g) The Kansas department of health and environment shall revoke a license or deny any application in any case in which there is a failure of compliance with the provisions of these regulations.

(Authorized by K.S.A. 65-508 and implementing K.S.A. 65-504 and K.S.A. 65-508; effective May 1, 1979; amended Aug. 23, 1993.)