Session of 2025

SENATE BILL No. 132

By Committee on Federal and State Affairs

1-30

AN ACT concerning child care; relating to licensure of day care facilities, child care homes and child care centers; reducing license fees and training requirements; creating a process for day care facility licensees to apply for a temporary waiver of certain statutory requirements; authorizing the secretary of health and environment to develop and operate pilot programs to increase child care facility availability and capacity; establishing the Kansas office of early childhood; transferring administration of day care licensing, parent education programs and the child care subsidy program to the Kansas office of early childhood; creating the day care facilities and child care resource and referral agencies licensing fee fund and the day care criminal background and fingerprinting fund; defining youth development programs; amending section 1, as enacted by this act, section 3, as enacted by this act, section 5, as enacted by this act, section 7, as enacted by this act, section 9, as enacted by this act, section 11, as enacted by this act, section 13, as enacted by this act, section 15, as enacted by this act, K.S.A. 38-1901, 38-2103, 65-504, 65-505, 65-508, 65-508, as amended by section 54 of this act, 65-512, 65-527, 65-531, 72-4161, 72-4162, 72-4163, 72-4164 and 72-4166 and K.S.A. 2024 Supp. 48-3406, 65-503, 65-503, as amended by section 50 of this act, and 65-516 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Each staff member of a child care center shall demonstrate an understanding of children and shall act with sound judgment.

(b) Each applicant with a temporary permit and each licensee of a child care center for fewer than 24 children shall hire a program director who:

(1) Is at least 18 years of age;

(2) has a high school diploma or equivalent; and

(3) has one of the following:

(A) An associate degree or a higher degree in early childhood, child development or a related academic discipline from a regionally accredited college or university;

(B) a child development associate credential;

(C) a technical certificate or diploma in early childhood;

(D) three months of experience in early childhood education providing direct care and supervision of children and three semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline from a regionally accredited college or university; or

(E) six months of experience in early childhood education providing direct care and supervision of children.

(c) Each applicant with a temporary permit and each licensee of a child care center for 24 or more children shall hire a program director who:

(1) Is at least 18 years of age;

(2) has a high school diploma or equivalent; and

(3) has one of the following:

(A) A bachelor's degree or a higher degree in early childhood, child development or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision of children;

(B) a bachelor's degree in an unrelated academic discipline from a regionally accredited college or university and any of the following:

(i) Six months of experience in early childhood education providing direct care and supervision of children;

(ii) 12 semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline;

(iii) a child development associate credential; or

(iv) a technical certificate or diploma in early childhood;

(C) an associate degree in early childhood, child development or a related academic discipline from a regionally accredited college or university and six months of experience in early childhood education providing direct care and supervision of children;

(D) 12 semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline from a regionally accredited college or university and any of the following options:

(i) Six months of experience in early childhood education providing direct care and supervision of children;

(ii) a child development associate credential; or

(iii) a technical certificate or diploma in early childhood;

(E) a child development associate credential and one year of experience in early childhood education providing direct care and supervision of children; or

(F) six years of experience in early childhood education providing direct care and supervision of children or four years of experience in a licensed child care center providing direct care and supervision of

children.

(d) Each individual who has obtained approval of program director qualifications by the secretary for the department of health and environment or the secretary's designee before December 31, 2025, shall be exempt from the requirements in subsections (b)(3) and (c)(3).

(e) There shall be a lead teacher present with each unit of children in the child care center. Each lead teacher shall:

(1) Be at least 18 years of age;

(2) have a high school diploma or equivalent; and

(3) have one of the following:

(A) An associate degree or a higher degree in early childhood, child development or a related academic discipline from a regionally accredited college or university;

(B) a technical certificate or diploma in early childhood;

(C) a child development associate credential;

(D) three semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision of children of the same age range that the lead teacher will be serving; or

(E) six months of experience in early childhood education providing direct care and supervision of children of the same age range that the lead teacher will be serving.

(f) Each program director in a child care center licensed for fewer than 24 children may also serve as a lead teacher in such child care center.

(g) Each assistant teacher shall:

(1) Have the ability to carry out assigned tasks competently under the guidance of another staff member;

(2) have skills and ability to implement age-appropriate activities;

(3) have understanding of and the ability to respond appropriately to children's needs;

(4) have the ability to foster positive, healthy relationships with children;

(5) have interpersonal skills necessary to communicate clearly and appropriately; and

(6) be at least 16 years of age.

(h) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. On and after July 1, 2026, section 1, as enacted by this act, is hereby amended to read as follows: (a) Each staff member of a child care center shall demonstrate an understanding of children and shall act with sound judgment.

(b) Each applicant with a temporary permit and each licensee of a

child care center for fewer than 24 children shall hire a program director who:

(1) Is at least 18 years of age;

(2) has a high school diploma or equivalent; and

(3) has one of the following:

(A) An associate degree or a higher degree in early childhood, child development or a related academic discipline from a regionally accredited college or university;

(B) a child development associate credential;

(C) a technical certificate or diploma in early childhood;

(D) three months of experience in early childhood education providing direct care and supervision of children and three semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline from a regionally accredited college or university; or

(E) six months of experience in early childhood education providing direct care and supervision of children.

(c) Each applicant with a temporary permit and each licensee of a child care center for 24 or more children shall hire a program director who:

(1) Is at least 18 years of age;

(2) has a high school diploma or equivalent; and

(3) has one of the following:

(A) A bachelor's degree or a higher degree in early childhood, child development or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision of children;

(B) a bachelor's degree in an unrelated academic discipline from a regionally accredited college or university and any of the following:

(i) Six months of experience in early childhood education providing direct care and supervision of children;

(ii) 12 semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline;

(iii) a child development associate credential; or

(iv) a technical certificate or diploma in early childhood;

(C) an associate degree in early childhood, child development or a related academic discipline from a regionally accredited college or university and six months of experience in early childhood education providing direct care and supervision of children;

(D) 12 semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline from a regionally accredited college or university and any of the following options:

(i) Six months of experience in early childhood education providing

direct care and supervision of children;

(ii) a child development associate credential; or

(iii) a technical certificate or diploma in early childhood;

(E) a child development associate credential and one year of experience in early childhood education providing direct care and supervision of children; or

(F) six years of experience in early childhood education providing direct care and supervision of children or four years of experience in a licensed child care center providing direct care and supervision of children.

(d) Each individual who has obtained approval of program director qualifications by the secretary of the department for health and environment or the secretary's designee before December 31, 2025, shall be exempt from the requirements in subsections (b)(3) and (c)(3).

(e) There shall be a lead teacher present with each unit of children in the child care center. Each lead teacher shall:

(1) Be at least 18 years of age;

(2) have a high school diploma or equivalent; and

(3) have one of the following:

(A) An associate degree or a higher degree in early childhood, child development or a related academic discipline from a regionally accredited college or university;

(B) a technical certificate or diploma in early childhood;

(C) a child development associate credential;

(D) three semester hours of academic study or equivalent training in early childhood, child development or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision of children of the same age range that the lead teacher will be serving; or

(E) six months of experience in early childhood education providing direct care and supervision of children of the same age range that the lead teacher will be serving.

(f) Each program director in a child care center licensed for fewer than 24 children may also serve as a lead teacher in the child care center.

(g) Each assistant teacher shall:

(1) Have the ability to carry out assigned tasks competently under the guidance of another staff member;

(2) have skills and ability to implement age-appropriate activities;

(3) have understanding of and the ability to respond appropriately to children's needs;

(4) have the ability to foster positive, healthy relationships with children;

(5) have interpersonal skills necessary to communicate clearly and

appropriately; and

(6) be at least 16 years of age.

~~(h) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 3. (a) (1) For each licensure year beginning after July 1, 2025, each person who provides care to children in a child care home shall complete professional development training in an amount determined by the secretary of up to 10 clock hours per licensure year.

(2) Such training shall consist of a minimum of eight hours of training specified by the secretary.

(3) As part of the professional development training required under this subsection:

(A) Each person who provides care to children in a child care home shall submit to the secretary proof of completion of up to four hours of such outside training in child care or any related subject. The secretary shall retain records of such person's compliance with this requirement; and

(B) a person who maintains a child care home with one provider, if such provider provides care simultaneously to four infants at any time during the licensure year, shall submit to the secretary proof of completion of at least three hours of such professional development training in an infant-specific subject. The secretary shall retain records of such person's compliance with this requirement.

(b) The secretary of health and environment shall update rules and regulations regarding child ratios on or before October 1, 2025.

(c) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. On and after July 1, 2026, section 3, as enacted by this act, is hereby amended to read as follows: (a) ~~(1)~~ For each licensure year beginning after July 1, ~~2025~~ *2026*, each person who provides care to children in a child care home shall complete professional development training in an amount determined by the ~~secretary~~ *executive director* of up to 10 clock hours per licensure year.

~~(2)~~*(b)* Such training shall consist of a minimum of eight hours of training specified by the ~~secretary~~ *executive director*.

~~(3)~~*(c)* As part of the professional development training required under this subsection:

~~(A)~~*(1)* Each person who provides care to children in a child care home shall submit to the ~~secretary~~ *executive director* proof of completion of up to four hours of such outside training in child care or any related subject. The ~~secretary~~ *executive director* shall retain records of such person's compliance with this requirement; and

~~(B)~~*(2)* a person who maintains a child care home with one provider, if such provider provides care simultaneously to four infants at any time

during the licensure year, shall submit proof of completion of at least three hours of such professional development training in an infant-specific subject. The ~~secretary~~ *executive director* shall retain records of such person's compliance with this requirement.

~~(b) The secretary of health and environment shall update rules and regulations regarding child ratios on or before October 1, 2025.~~

~~(c) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 5. (a) Each child care center shall have a program director who is employed full time.

(b) Each child care center that is licensed for more than 75 children shall have an administrator, who may also be the program director.

(c) The program director or administrator may, as needed, perform the duties of a lead teacher or assistant teacher for up to half of the program director's or administrator's total hours worked during each calendar month.

(d) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. On and after July 1, 2026, section 5, as enacted by this act, is hereby amended to read as follows: (a) Each child care center shall have a program director who is employed full time.

(b) Each child care center that is licensed for more than 75 children shall have an administrator, who may also be the program director.

(c) The program director or administrator may, as needed, perform the duties of a lead teacher or assistant teacher for up to half of the program director's or administrator's total hours worked during each calendar month.

~~(d) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 7. (a) A child care center shall meet the legal requirements of the local jurisdiction where the child care center is located for fire protection, water supply and sewage disposal.

(b) (1) The designated area for children's activities shall contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas and bathrooms.

(2) There shall be a minimum of 60 square feet of outdoor play space on the premises for each child using the space at any given time.

(c) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 8. On and after July 1, 2026, section 7, enacted by this act, is hereby amended to read as follows: (a) A child care center shall meet the legal requirements of the local jurisdiction where the child care center is located for fire protection, water supply and sewage disposal.

(b) (1) The designated area for children's activities shall contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas and bathrooms.

(2) There shall be a minimum of 60 square feet of outdoor play space on the premises for each child using the space at any given time.

~~(c) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 9. (a) The secretary of health and environment shall not require as a condition of licensure for a child care home that the licensee live in the child care home.

(b) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. On and after July 1, 2026, section 9, as enacted by this act, is hereby amended to read as follows: ~~(a)~~ The ~~secretary of health and environment~~ *executive director* shall not require as a condition of licensure for a child care home that the licensee live in the child care home.

~~(b) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 11. (a) Notwithstanding any other law to the contrary, a person granted licensure to maintain a day care facility may request from the secretary of health and environment a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the secretary of health and environment and shall contain the provisions of the statute sought to be waived and the reasons therefor.

(b) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 12. On and after July 1, 2026, section 11, as enacted by this act, is hereby amended to read as follows: ~~(a)~~ Notwithstanding any other law to the contrary, a person granted licensure to maintain a day care facility may request from the ~~secretary of health and environment~~ *executive director* a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the ~~secretary of health and environment~~ *executive director* and shall contain the provisions of the statute sought to be waived and the reasons therefor.

~~(b) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 13. (a) (1) Notwithstanding any other law to the contrary, the secretary of health and environment may develop and operate pilot programs designed to increase the availability or capacity of child care facilities in the state.

(2) The secretary may grant licensure to a person to maintain a day care facility or youth development program in a pilot program under this

section that waives the requirements of this act or rules and regulations related to licensure and operation of a day care facility or youth development program, including requirements for staff at such day care facility or youth development program. A day care facility or youth development program granted a license under this section shall comply with any alternative terms, conditions and requirements set by the secretary as may be necessary to protect the health, safety and welfare of any children that attend such day care facility or youth development program.

(3) The secretary shall not grant a license under this section if the secretary determines that a day care facility or youth development program or staff of such facility or program would endanger the health, safety and welfare of any child.

(b) The secretary may grant licensure to a person to maintain a day care facility or youth development program under this section for up to five licensure years, except that the secretary may grant an additional two years of licensure to any facility or program that participated in a pilot program pursuant to subsection (c) during the adoption of such rules and regulations.

(c) If the secretary determines that a pilot program has been successful and will increase the availability or capacity of child care facilities in the state, the secretary shall:

(1) Make suggestions and recommendations to the legislature for statutory changes relating to day care facilities or youth development programs; and

(2) adopt any rules and regulations consistent with the findings from such pilot program, including additional licensure categories and requirements therefor.

(d) On or before the first day of each regular session of the legislature, the secretary shall prepare and submit a report to the legislature regarding any pilot program. Such report shall include, but not be limited to, the number of participating day care facilities or youth development programs and number of children attending such facilities or programs, provisions of statutes and regulations waived by the secretary, recommendations for changes to this act and a summary of findings from the pilot program based on available information.

(e) As used in this section, "secretary" means the secretary of health and environment.

(f) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 14. On and after July 1, 2026, section 13, as enacted by this act, is hereby amended to read as follows: (a) (1) Notwithstanding any other law to the contrary, the ~~secretary of health and environment~~ *executive*

director may develop and operate pilot programs designed to increase the availability or capacity of child care facilities in the state.

(2) The ~~secretary~~ *executive director* may grant licensure to a person to maintain a day care facility or youth development program in a pilot program under this section that waives the requirements of this act or rules and regulations related to licensure and operation of a day care facility or youth development program, including requirements for staff at such day care facility or youth development program. A day care facility or youth development program granted a license under this section shall comply with any alternative terms, conditions and requirements set by ~~secretary~~ *the executive director* as may be necessary to protect the health, safety and welfare of any children that attend such day care facility or youth development program.

(3) The ~~secretary~~ *executive director* shall not grant a license under this section if the ~~secretary~~ *executive director* determines that a day care facility or youth development program or staff of such facility or program would endanger the health, safety and welfare of any child.

(b) The ~~secretary~~ *executive director* may grant licensure to a person to maintain a day care facility or youth development program under this section for up to five licensure years, except that the ~~secretary~~ *executive director* may grant an additional two years of licensure to any facility or program that participated in a pilot program pursuant to subsection (c) during the adoption of such rules and regulations.

(c) If the ~~secretary~~ *executive director* determines that a pilot program has been successful and will increase the availability or capacity of child care facilities in the state, the ~~secretary~~ *executive director* shall:

(1) Make suggestions and recommendations to the legislature for statutory changes relating to day care facilities or youth development programs; and

(2) adopt any rules and regulations consistent with the findings from such pilot program, including additional licensure categories and requirements therefor.

(d) On or before the first day of each regular session of the legislature, the ~~secretary~~ *executive director* shall prepare and submit a report to the legislature regarding any pilot program. Such report shall include, but not be limited to, the number of participating day care facilities or youth development programs and number of children attending such facilities or programs, provisions of statutes and regulations waived by the ~~secretary~~ *executive director*, recommendations for changes to this act and a summary of findings from the pilot program based on available information.

~~(e) As used in this section, "secretary" means the secretary of health and environment.~~

~~(f) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

New Sec. 15. The secretary of health and environment shall not impose restrictions on the use of 15-passenger vans purchased on or before July 1, 2025.

Sec. 16. On and after July 1, 2026, section 15, as enacted by this act, is hereby amended to read as follows: The ~~secretary of health and environment~~ *executive director* shall not impose restrictions on the use of 15-passenger vans purchased on or before July 1, 2025.

New Sec. 17. (a) There is hereby established within the executive branch the Kansas office of early childhood.

(b) The Kansas office of early childhood shall be administered under the direction and supervision of the executive director of early childhood.

(c) The governor shall appoint the executive director of early childhood, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.

(d) The executive director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor. The executive director shall serve at the pleasure of the governor.

(e) Except as provided in K.S.A. 38-2103, and amendments thereto, all budgeting, purchasing and related management functions of the Kansas office of early childhood shall be administered under the direction and supervision of the executive director of early childhood.

(f) All expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of early childhood or the executive director's designee. The executive director shall submit to the legislature the annual request for the Kansas office of early childhood for appropriations. The office's request shall be prepared and submitted in the form and manner provided by K.S.A. 75-3716 and 75-3717, and amendments thereto.

(g) The Kansas governmental operations accountability law applies to the Kansas office of early childhood and the office shall be subject to audit, review and evaluation under such law.

(h) The executive director shall maintain an office in Topeka, Kansas, and may maintain offices and facilities to carry out the function of the office in other locations of the state.

(i) (1) On or before July 1, 2025, the governor shall appoint an interagency transition team to begin office operations.

(2) On or before January 1, 2026:

(A) The governor shall appoint the executive director; and

(B) the office shall begin transitioning programs identified in section 19, and amendments thereto, from state agencies to the office.

(3) On or before July 1, 2026, all identified programs shall be under the direction and supervision of the executive director, including staff and other operational functions.

(j) Nothing in this act shall be construed to preempt, supersede or impinge on the authority of the Kansas department for children and families provided in K.S.A. 75-3084 through 75-3089, and amendments thereto.

New Sec. 18. The Kansas office of early childhood shall be responsible for carrying out the general policies of the governor and the executive director of early childhood by:

(a) Supporting the healthy development of Kansas children through the coordination of early childhood programs and services in the fields of early childhood care, child care, home visitation and other related issues;

(b) managing and administering various programs serving young children and families;

(c) maximizing administrative efficiencies to reduce burdens on families and improve access to early childhood services;

(d) assisting the governor in developing and implementing a comprehensive service delivery system for Kansas children and families;

(e) facilitating joint planning and coordination between the public and private sector to better serve the needs of children and families and increase access to care;

(f) ensuring consistent communication with service providers, parents and other individuals and organizations interested in early childhood services to effectively respond to parental and community need, provide assistance navigating the state's early childhood system and elevate parental options for care in the state's mixed-delivery system;

(g) supporting child care providers, including, but not limited to, center-based providers, family child care home providers and employer-based providers through the licensure process, participating in state child care programs and accessing funding or grant opportunities;

(h) developing metrics to evaluate efficiency and effectiveness of the state's early childhood system and collecting the necessary data to measure those metrics;

(i) supporting the early childhood service providers through the delivery of services that enhance the profession, uplift the profession and support the creation of a sustainable workforce; and

(j) developing a comprehensive strategy to expand access to a greater quantity of high-quality affordable care and services across every region of

Kansas.

New Sec. 19. (a) The executive director of early childhood shall:

(1) Collect metrics and information on services available to children and families to better measure the efficiency of the state's early childhood system and monitor benchmarks related to positive outcomes for children and families;

(2) prepare and implement plans for a comprehensive service delivery system for children and families;

(3) facilitate and coordinate interagency cooperation toward the goal of serving children and families with a variety of other state agencies, such as the Kansas department for children and families, the department of health and environment, the department of corrections, the state board of education, the state board of regents and any other state office, department or board providing services to Kansas children and families;

(4) provide a central contact for federal and state agencies concerning early childhood care and related services;

(5) provide a central contact for information and assistance for children, families, communities and businesses in need of early childhood care and related services;

(6) serve as the primary contact for the Kansas legislature on policy, administrative support and constituent services relating to early childhood care and related services;

(7) enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the executive director;

(8) charge and collect, by order, a fee necessary for the administration and processing of paper documents, including, but not limited to, applications, registrations, permits, licenses, certifications, renewals, reports and remittance of fees that are necessary or incidental to the execution of the laws relating to the Kansas office of early childhood;

(9) appoint and oversee directors of divisions within the office;

(10) transition the administration of the following programs to the office:

(A) Child care assistance;

(B) children's initiative fund grants and early childhood block grants;

(C) day care facility licensing, youth development programs, school-age programs and early youth care programs;

(D) children's cabinet accountability fund;

(E) child care quality;

(F) community-based child abuse prevention;

(G) child care capacity accelerator grants;

(H) children's cabinet administration;

(I) early childhood infrastructure;

(J) early childhood integrated data systems;
(K) head start collaboration office;
(L) healthy families America;
(M) Kansas early head start child care partnership;
(N) Kansas early head start home visitation;
(O) Kansas imagination library;
(P) maternal and child health home visitation;
(Q) maternal, infant and early childhood home visitation;
(R) parents as teachers; and
(S) preschool development grant for children from birth through five years of age.

(11) enter into agreements with the secretary of administration for the provision of shared services, including, but not limited to, personnel and other administrative services for the office;

(12) adopt, amend or revoke any rules and regulations necessary to carry out this act and the programs and duties of the office; and

(13) prepare and submit an annual written report to relevant legislative committees and to the governor that contains:

(A) The status of programs under the jurisdiction of the office of early childhood;

(B) an overview of the fiscal and administrative structures required to oversee the programs and services under the jurisdiction of the office of early childhood;

(C) data and metrics on the service rates for children and families, early childhood system efficiency, early childhood workforce and public-private partnerships; and

(D) recommendations and considerations to improve delivery of early childhood care and related services and support the healthy development of Kansas children and families.

(b) The executive director shall not adopt rules and regulations or policies requiring educational outcomes or curriculum for persons or entities licensed pursuant to this act.

(c) Nothing in this section shall be construed to authorize the executive director to administer the preschool programs in K.S.A. 72-3215, 72-3410 and 72-5154, and amendments thereto.

(d) Subject to this act the executive director shall organize the Kansas office of early childhood in the manner that the executive director deems most efficient. The executive director may establish policies governing the transaction of business of the office and the administration of each division within the office. The director of each division shall perform such duties and exercise such powers as the executive director may prescribe and such duties and powers as are prescribed by law. Such directors shall act for and exercise the powers of the executive director to the extent that authority to

do so is delegated by the executive director.

New Sec. 20. (a) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director shall appoint:

(1) Subordinate officers and employees as are necessary to enable the director to exercise or perform the functions, powers and duties pursuant to this act;

(2) the director of the division of child care;

(3) the director of the division of home visitation;

(4) the director of the division of head start collaboration; and

(5) the director of the Kansas children's cabinet.

(b) All subordinate officers and employees shall perform such duties and exercise such powers as the executive director of the office may prescribe and as perscribed by law, and shall act for and exercise the powers of the executive director.

(c) Nothing in this section shall be construed to affect the status, rights or benefits of civil service accrued or vested in any employee of the Kansas children's cabinet, the Kansas department for children and families, the department for health and environment or the state department of education.

New Sec. 21. (a) (1) There is hereby established within and as a part of the Kansas office of early childhood the division of child care. The division shall oversee day care facility and child care resource and referral agency licensing and child care finance and quality.

(2) The division of child care shall be administered by a director of the division of child care, who shall be in the unclassified service under the Kansas civil service act and appointed by the executive director.

(3) All of the powers, duties and functions of the existing day care and child care resource and referral agency licensing programs pursuant to this act within the division of public health of the department of health and environment are hereby transferred to the division of child care.

(4) Whenever day care and child care resource and referral agency licensing, or words of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, including any statute, rule and regulation, contract or any document created pursuant to the authorities transferred by this section, such reference or designation shall apply to the division of child care. The office of early childhood shall serve as the state lead agency for child care and development fund administration pursuant to 45 C.F.R. §§ 98.10 through 98.15.

(5) The division of child care may enter into agreements with the Kansas department for children and families for the administration of child care subsidy payments. If executed, such agreements shall require that the secretary for children and families determine an applicant's eligibility for the child care subsidy according to K.S.A. 39-709, and amendments

thereto, and provide information pertaining to such eligible applicants to the division for administration of such benefits.

(b) (1) There is hereby established within and as a part of the Kansas office of early childhood the division of home visitation. The division shall oversee home visitation programs.

(2) The division of home visitation shall be administered by a director of the Kansas division of home visitation, who shall be in the unclassified service under the Kansas civil service act and appointed by the executive director.

(3) All of the powers, duties and functions of the existing home visitation programs outlined in section 19, and amendments thereto, are hereby transferred to the division of home visitation.

(4) Whenever the existing home visitation programs outlined in section 19, and amendments thereto, or words of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, including any statute, rule and regulation, contract or any document created pursuant to the authorities transferred by this section, such reference or designation shall apply to the division of home visitation.

(c) (1) There is hereby established within and as a part of the Kansas office of early childhood the division of head start collaboration. The division shall oversee the early head start home visitation program and early head start child care partnerships.

(2) The division of head start collaboration shall be administered by a director of the division of head start collaboration, who shall be in the unclassified service under the Kansas civil service act and appointed by the executive director.

(3) All of the powers, duties and functions of the existing head start programs outlined in section 19, and amendments thereto, are hereby transferred to the division of home visitation.

(4) Whenever the existing head start programs outlined in section 19, and amendments thereto, or words of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, including any statute, rule and regulation, contract or any document created pursuant to the authorities transferred by this section, such reference or designation shall apply to the division of head start collaboration.

(d) (1) There is hereby established within and as a part of the Kansas office of early childhood a division that shall be the Kansas children's cabinet established under K.S.A. 38-1901, and amendments thereto.

(2) The Kansas children's cabinet shall be administered by the director of the Kansas children's cabinet, who shall be in the unclassified service under the Kansas civil service act and appointed by the executive

director.

(3) All of the powers, duties and functions of the existing Kansas children's cabinet executive director are hereby transferred to the director of the Kansas children's cabinet under the Kansas office of early childhood.

New Sec. 22. (a) On or before July 1, 2026, except as otherwise provided by this act, all rules and regulations, orders and directives of state agencies related to the programs transferred by this act that are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the Kansas office of early childhood until revised, amended, revoked or nullified pursuant to law.

(b) (1) On or before July 1, 2026, the balances of all funds and accounts appropriated or reappropriated that were used for or pertain to the powers, duties and functions of programs transferred to the Kansas office of early childhood pursuant to this act are hereby transferred within the state treasury to the Kansas office of early childhood and shall be used for the purpose for which the appropriation was originally made. The executive director of the Kansas office of early childhood shall determine and certify to the director of accounts and reports the amount in each account of the state general fund or special revenue fund of state agencies that have been determined by the executive director to be transferred. Upon receipt of a certification pursuant to this paragraph, the director of accounts and reports shall transfer the amount certified pursuant to this paragraph from each account of the state general fund or special revenue fund of a state agency that has been determined by the executive director to be transferred.

(2) On or before July 1, 2026, the Kansas office of early childhood shall succeed to all property, property rights and records of state agencies that were used for or pertain to the powers, duties and functions of the programs transferred to the Kansas office of early childhood pursuant to this act.

(3) On or before July 1, 2026, any conflict as to the proper disposition of the unexpended balance of any appropriation, property, property rights, personnel or records as a result of the transfer of programs to the Kansas office of early childhood pursuant to this act arising under this subsection shall be determined by the governor.

(c) (1) On or after July 1, 2026, no suit, action or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against any state agency or program mentioned in this act or by or against any officer of the state in such officer's official duties, shall abate by reason of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any

such state agency or any officer affected.

(2) On or after July 1, 2026, no criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this act.

(d) (1) On or before July 1, 2026, all officers and employees of the state agencies related to the programs transferred in this act who, immediately prior to the effective date of this act, are engaged in the exercise and performance of the powers, duties and functions transferred by this act, as well as all officers and employees of the state agencies related to the programs transferred in this act who are determined by executive director of the Kansas office of early childhood to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this act, are hereby transferred to the Kansas office of early childhood. All classified officers and employees so transferred shall retain their status as classified employees.

(2) On or before July 1, 2026, officers and employees transferred by this act shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed prior to the date of this transfer.

(3) On or before July 1, 2026, notwithstanding the effective date of this act, the provisions of this act prescribing the transfer of officers and employees to the Kansas office of early childhood established by this act, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

New Sec. 23. (a) It shall be unlawful for any person, firm, corporation or association to conduct or maintain a day care facility for children under 16 years of age without having a license or temporary permit therefor from the executive director of the Kansas office of early childhood. Nothing in this act shall apply to:

(1) 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;

(2) child care facilities as defined in K.S.A. 65-503, and amendments thereto; or

(3) a summer instructional camp that:

(A) 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;

(B) is operated for not more than five weeks;

(C) provides instruction to children, all of whom are 10 years of age or older; and

(D) is accredited by an agency or organization acceptable to the executive director of the Kansas office of early childhood.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 24. (a) As used in this act:

(1) "Act" means sections 2, 4, 6, 8, 10, 12, 14, 16 through 45, and amendments thereto.

(2) "Assistant teacher" means a staff member of a child care center who meets requirements specified in section 2, and amendments thereto, and is responsible for assisting the lead teacher in the care of children.

(3) "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children.

(4) "Child care home" means the premises where care is provided for children at a residence.

(5) "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 on specific services provided by child care facilities, to assist parents to find child care.

(6) (A) "Day care facility" means a day care home, preschool, child care center, school-age program, youth development program or other facility of a type determined by the executive director to require regulation under this act.

(B) "Day care facility" does not include an individual who provides care for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage or legal adoption.

(7) "Employee" means a person working, regularly volunteering or residing in a day care facility.

(8) "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months who has not yet learned to walk.

(9) "Lead teacher" means an individual who meets the requirements of section 1, and amendments thereto, and can independently staff any unit in a child care center.

(10) "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license.

(11) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

(12) "Program director" means the staff member of a child care center who meets the requirements of section 2, and amendments thereto, and

who is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.

(13) "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.

(14) "Unit" means the number of children who may be present in one group in a child care center.

(15) "Youth development program" means the same as defined in section 40, and amendments thereto.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 25. (a) The executive director of the Kansas office of early childhood shall have the power to grant a license to a person to maintain a day care facility for children under 16 years of age. A license granted to maintain a day 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 children, and the number of children that may be cared for at any one time. No greater number of children than is authorized in the license shall be kept on such 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 such 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.

(b) The executive director of the Kansas office of early childhood shall not grant a license in any case until careful inspection of the day care facility has been made according to the terms of this act and until such day care facility has complied with all the requirements of this act. The executive director of the Kansas office of early childhood may issue a temporary permit to operate for a period of not to exceed 90 days upon receipt of an initial application for license. The executive director of the Kansas office of early childhood may extend the temporary permit to operate for an additional period of not to exceed 90 days if an applicant is not in full compliance with this act but has made efforts toward full compliance.

(c) (1) In all cases where the secretary for children and families deems it necessary, an investigation of the day 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, such agents shall have the right of entry and access to the premises of the facility and to any information deemed necessary for the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such facility shall be filed with the

executive director of the Kansas office of early childhood.

(2) In cases where neither approval nor disapproval can be given within a period of 30 days following a formal request for such a study, the executive director of the Kansas office of early childhood may issue a temporary license without a fee, pending final approval or disapproval of the center or facility.

(d) Whenever the executive director of the Kansas office of early childhood refuses to grant a license to an applicant, the executive director of the Kansas office of early childhood shall issue an order to that effect, stating the reasons for such denial and, within five days after the issuance of such order, notify the applicant of the refusal. Upon application and not more than 15 days after the date of issuance of such order, a hearing on the order shall be held in accordance with the Kansas administrative procedure act.

(e) When the executive director of the Kansas office of early childhood finds, upon investigation or is advised by the secretary for children and families, that K.S.A. 59-2123, and amendments thereto, or this act are being violated or the day care facility is maintained without due regard to the health, safety or welfare of any child, the executive director of the Kansas office of early childhood may issue an order revoking such license after giving notice and conducting a hearing in accordance with the Kansas administrative procedure act. Such order shall clearly state the reason for the revocation.

(f) If the executive director 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 executive director revokes or refuses to renew a license of a licensee who is a repeat violator for three or more times 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.

(g) Any applicant or licensee aggrieved by a final order of the executive director of the Kansas office of early childhood denying or revoking a license under this act may appeal the order in accordance with the Kansas judicial review act.

(h) This section shall take effect on and after July 1, 2026.

New Sec. 26. (a) The annual fee for a license to conduct a day care facility or child care resource and referral agency shall be fixed by the executive director of the Kansas office of early childhood by rules and regulations in an amount not to exceed the following:

(1) For a child care resource and referral agency, $150; and

(2) for any day care facility subject to this act, there shall be no annual fee for a license to conduct a child care facility.

(b) The license fee shall be paid to the executive director of the Kansas office of early childhood when the license is applied for and annually thereafter. The fee shall not be refundable. Fees in effect under subsection (a) immediately prior to July 1, 2026, shall continue in effect on and after July 1, 2026, until a different fee is established by the executive director of the Kansas office of early childhood by rules and regulations.

(c) Any licensee who fails to renew such license within 30 days after the expiration of the license shall pay to the executive director the renewal fee plus a late fee in an amount of $75 or an amount equal to the fee for the renewal of a license, whichever is greater.

(d) Any licensee applying for an amended license shall pay to the executive director of the Kansas office of early childhood a fee established by rules and regulations of the executive director in an amount of not to exceed $35.

(e) There is hereby created the day care facilities and child care resource and referral agencies licensing fee fund. The executive director of the Kansas office of early childhood shall remit all moneys received by the executive director from fees under this section to the state treasurer in accordance with 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 day care facilities and child care resource and referral agencies licensing fee fund. All expenditures from the day care facilities and child care resource and referral agencies licensing fee fund shall be made only for the purposes of this act in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the Kansas office of early childhood or by the executive director's designee. 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 day care facilities or child care resource and referral agencies licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the Kansas office of early childhood to administer this act. 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 this act.

(f) This section shall take effect on and after July 1, 2026.

New Sec. 27. (a) The executive director of the Kansas office of early childhood shall serve notice of the issuance, limitation, modification, suspension or revocation of a license to conduct a day care facility to the

secretary for children and families, the secretary of corrections, state department of education, office of the state fire marshal, county, city-county or multi-county department of health and any licensed child placement agency or licensed child care resource and referral agency serving the area where the facility is located. A day care facility or child care resource and referral agency that has had a license limited, modified, suspended, revoked or denied by the executive director of the Kansas office of early childhood 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 child under 16 years of age in any day care facility or child care resource and referral agency that is not licensed by the executive director of the Kansas office of early childhood.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 28. (a) Each day care facility licensee shall keep a record upon forms prescribed and provided by the executive director of the Kansas office of early childhood. Such record shall include the name and age of each child received and cared for in the facility together with the names and addresses of the parents or guardians of such children and such other information as the executive director of the Kansas office of early childhood may require. Each day care facility licensee shall apply to and shall receive without charge from the executive director of the Kansas office of early childhood forms for such records as may be required. Such 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 that would identify an individual.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 29. (a) Each day care facility subject to this act shall:

(1) Be properly heated, plumbed, lighted and ventilated;

(2) have plumbing, water and sewerage systems that conform to all applicable state and local laws; and

(3) be operated with strict regard to the health, safety and welfare of each child.

(b) (1) Every day care facility shall furnish or cause to be furnished for the use of each employee an individual towel, washcloth or disposable towel, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all children other than infants, and keep or require such articles to be kept at all times in a clean and sanitary condition.

(2) Toothbrushes in a day care facility may be used after meals or as appropriate.

(3) Every day care facility or child care resource and referral agency shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) The executive director of the Kansas office of early childhood shall develop and adopt rules and regulations for the operation and maintenance of day care facilities. The rules and regulations for operating and maintaining day care facilities shall be designed to promote the health, safety and welfare of any 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.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, a day care facility shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the executive director of the Kansas office of early childhood;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) A day care facility shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the executive director of the Kansas office of early childhood.

(f) The executive director of the Kansas office of early childhood may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) Each child cared for in a day care facility, including children of the person maintaining the facility, shall be required to have current immunizations as the secretary of health and environment considers necessary. The person maintaining a day care facility shall maintain a record of each child's immunizations and provide to the secretary of health and environment and the executive director of the Kansas office of early childhood such information relating thereto, in accordance with rules and regulations of the secretary of health and environment and executive director, except that the person maintaining a day care facility shall not have such person's license revoked solely for the failure to have or

maintain the immunization records required by this subsection.

(h) The immunization requirement of subsection (g) 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.

(i) This section shall take effect on and after July 1, 2026.

New Sec. 30. (a) It shall be unlawful for any day care facility to receive or care for any adult except as authorized by rules and regulations adopted by the secretary of health and environment and the executive director of the Kansas office of early childhood.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 31. (a) It is hereby made the duty of the executive director of the Kansas office of early childhood to inspect or cause to be inspected on or after July 1, 2026, and once every 12 months thereafter, every day care facility, unless otherwise provided in subsection (b). For the purpose of inspection, the executive director or the executive director's authorized agent, as an employee of the executive director or who has a contract with the executive director to provide inspections pursuant to this act and who holds a certificate issued pursuant to subsection (c), shall have the right of entry and access to every department and every place in the premises, to call for and examine the records that are required to be kept according to this act and to make and preserve a record of every inspection. The licensee shall give all reasonable information to the authorized agent of the executive director of the Kansas office of early childhood and afford every reasonable facility for viewing the premises and seeing the children therein. No such child, without the consent of the child, shall be required to be interviewed by any agent unless the agent is an authorized person.

(b) The executive director of the Kansas office of early childhood shall conduct an inspection of any day care facility upon receiving a complaint. Any new day care facility shall be inspected prior to issuance of a license. The executive director may conduct an inspection of any day care facility that has a record of repeated complaints or serious violations at any time. Every 12 months, the executive director shall inspect any day care facility that provides services to military families receiving military assistance for child care.

(c) (1) The executive director shall create a surveyor certification and provide a minimum of yearly continuing education to qualify for such certification.

(2) If a surveyor fails to comply with the certification requirements

established by the executive director pursuant to paragraph (1), the executive director may require such surveyor to complete an improvement plan.

(3) If such surveyor does not satisfactorily complete the improvement plan, the executive director may terminate such surveyor's current certification.

(d) Persons conducting inspections and surveys pursuant to this act shall hold a certification issued by the executive director.

(e) This section shall take effect on and after July 1, 2026.

New Sec. 32. (a) Whenever an authorized agent of the executive director of the Kansas office of early childhood or the secretary for children and families finds a day care facility that is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of changes or alterations as such agent determines is necessary in order to comply with the requirements of the law, and such agent shall file a copy of such notice with the executive director of the Kansas office of early childhood. 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 Kansas administrative procedure act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 33. (a) Any person, firm, corporation or association that violates this act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $5 but not more than $50. Each and every day that the person fails or refuses to comply with such provisions shall be deemed a separate offense under this act. 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 section 32, and amendments thereto, upon notice and a hearing in accordance with the Kansas administrative procedure act, the building or premises where such day care facility is conducted may be closed until such person has complied with this act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 34. (a) Upon complaint of any authorized agent of the executive director of the Kansas office of early childhood, the county attorney of each county in this state is hereby authorized and required to file a complaint and prosecute to the final determination all actions or proceedings against any person under this act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 35. (a) No person shall knowingly maintain a day care facility if an employee in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person

felony under the Kansas criminal code;

(B) has been convicted of a felony 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 been convicted of any act that 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, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act that if done by an adult would constitute the commission of a felony and that 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, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state 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. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or on the national sex offender registry;

(4) 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. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) Has failed to successfully complete a corrective action plan that has been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) such person's record has not been expunged;

(5) has had a child removed from the home based on a court order pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a court order from 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 has reached the age of majority before being returned to the home and such person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

(7) 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. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) Notwithstanding the provisions in subsection (a), no person shall maintain a day 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 day care facility and who has been found to be 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 this subsection, the executive director of the Kansas office of early childhood 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. 38-2226, and amendments thereto, or the Kansas department for children and families or court of this state concerning employees in a day care facility. The executive director shall have access to these records for the purpose of determining whether or not the home meets the requirements of this section, K.S.A. 59-2132, and amendments thereto, and sections 24 and 29, and amendments thereto.

(e) In accordance with this subsection, the executive director is authorized to conduct national criminal history record checks to determine

criminal history on employees in a day care facility. In order to conduct a national criminal history check, the executive director shall require fingerprinting for identification and determination of criminal history in accordance with K.S.A. 22-4714, and amendments thereto.

(f) (1) The executive director of the Kansas office of early childhood shall adopt rules and regulations to fix a fee for fingerprinting employees in a day care facility, as may be required by the Kansas office of early childhood to reimburse the Kansas office of early childhood for the cost of the fingerprinting.

(2) The executive director shall remit all moneys received from the fees established under this section to the state treasurer in accordance with K.S.A. 72-4215, 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 child care criminal background and fingerprinting fund.

(h) The day care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the executive director of the Kansas office of early childhood. All moneys credited to the day care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the Kansas office of early childhood. All expenditures from the day care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or the executive director's designee.

(i) The executive director shall notify the day 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 (a)(8) of the person who is the subject of the review.

(j) No day care facility or the employees thereof shall be liable for civil damages to any person who is refused employment or discharged from employment by reason of such facility's compliance with this section, if such facility acts in good faith to comply with this section.

(k) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from being an employee in a day 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 executive director and to the courts pursuant to the Kansas judicial review act.

(l) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except that, if extraordinary circumstances exist, the executive director of the Kansas office of early childhood may exercise discretion to make exceptions from this requirement. This subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010.

(m) This section shall take effect on and after July 1, 2026.

New Sec. 36. (a) The executive director may limit, modify or suspend any license or temporary permit issued under sections 23 through 35, and amendments thereto, upon any of the following grounds and in the manner provided in this act:

(1) 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;

(2) aiding, abetting or permitting the violation of any provision of this act or of the rules and regulations promulgated under this act;

(3) conduct in the operation or maintenance, or both the operation and maintenance, of a day care facility that is inimical to the health, safety or welfare of any child receiving services from such day care facility or to the public;

(4) the conviction of a licensee or holder of a temporary permit, at any time during licensure or during the time that the temporary permit is in effect, of crimes as defined in section 35, and amendments thereto; and

(5) a third or subsequent violation by the licensee or holder of a temporary permit of section 42(b), and amendments thereto.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 37. (a) The executive director may limit, modify or suspend any license or temporary permit issued under sections 25 through 35, and amendments thereto, prior to any hearing when, in the opinion of the executive director, the action is necessary to protect any child in the day 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.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 38. (a) Records in the possession of the executive director of early childhood or such director's agents regarding day care facilities shall not be released publicly in a manner that would identify individuals, except that individual names of licensees, applicants, facilities and day care facilities may be released. Nothing in this section prohibits the release

of any information as required by law.

(b) Records in the possession of the executive director of early childhood or such director's agents regarding day care facilities may be released to:

(1) An agency or organization authorized to receive notice under section 27, and amendments thereto;

(2) any local, state or federal governmental entity or subdivision thereof;

(3) any child and adult care food program sponsoring agency; or

(4) any disaster or emergency entity.

(c) The executive director of the Kansas office of early childhood shall prohibit the release of the name, address and telephone number of a day care facility if the executive director determines that prohibition of the release of the information is necessary to protect the health, safety or welfare of the public or the children enrolled in the day 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 ⅔ 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 contact information concerning specific facilities.

(e) In any hearings conducted under the licensing or regulation provisions of this act, the presiding officer may close the hearing to the public to prevent public disclosure of matters relating to persons restricted by other laws.

(f) Such records shall be confidential and shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. This subsection shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(g) This section shall take effect on and after July 1, 2026.

New Sec. 39. (a) The executive director of the Kansas office of early childhood, in addition to any other penalty prescribed under this act, 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 that affect significantly and adversely the health, safety or sanitation of children in a day 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 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.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 40. (a) As used in this section:

(1) "Child" means an individual who is enrolled or attending kindergarten, is less than 18 years of age, or is 18 years of age and has an individualized program plan, is not a volunteer or employee and is attending a youth development program.

(2) "Individualized program plan" means a written goal-oriented plan of specialized services for each child with special needs or for each juvenile offender attending a day reporting program.

(3) "Premises" means the location, including the building and adjoining grounds, for which the applicant has a temporary permit or license to conduct a youth development program.

(4) "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of such subdivision, for recreation programs that serve children who are less than 18 years of age.

(5) "School" means any building used for instruction of students enrolled in kindergarten or any of the grades one through 12 by a school district or an accredited nonpublic school.

(6) "School-age program" means a child care facility that serves exclusively school-age children and youth but does not include a youth development program.

(7) "Youth development program" means a child care facility where youth activities are conducted that is not located in an individual's residence and that serves children who are enrolled in kindergarten to less than 18 years of age.

(b) No license for a youth development program or school-age program shall be denied, suspended or revoked on the basis that the building does not meet the requirements for licensure if the building:

(1) Is a public recreation center or school and is used by school-age children and youth that are of the same age as children and who are cared for in a youth development program or school-age program;

(2) complies, during all hours of operation of a youth development program or school-age program, with the Kansas fire prevention code or a building code that is by law deemed to comply with the Kansas fire prevention code; and

(3) except as provided in subsection (c), complies during all hours of operation of a youth development program or school-age program with all local building code provisions that apply to recreation centers if the building is a public recreation center or to schools if the building is a school.

(c) If the standards that a building is required to comply with under subsections (b)(2) and (b)(3) are in conflict or are otherwise inconsistent, then the building standards shall be subject to subsection (b)(2).

(d) No license for a youth development program or school-age program that operates in accordance with subsection (b)(1) shall be denied, suspended or revoked based on an environmental deficiency and shall be approved or renewed if:

(1) The environmental deficiency does not pose an imminent risk to children and youth;

(2) the environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and

(3) the applicant or licensee has notified the public recreation center or school of the environmental deficiency.

(e) The executive director is authorized to adopt rules and regulations applicable to the services provided by youth development programs, regarding health, safety, supervisory qualifications or training and premises safety, including modifications of occupancy capacity limits or group gathering restrictions, consistent with the local or state building or fire codes.

(f) The executive director shall consult with youth development programs to identify and resolve barriers to such programs qualifying as eligible providers of child care services for which participating families may receive state or federal child care financial assistance.

(g) The executive director shall develop and implement pilot programs and is authorized to adopt modifications to licenses issued pursuant to this section to provide flexibility to youth development programs to address the needs of families served.

(h) Whenever drop-in program or words of like effect, are referred to or designated by any statute, rule or regulation, contract or any other document, such reference or designation shall apply to a youth development program.

(i) This section shall take effect on July 1, 2026.

New Sec. 41. (a) Any license, certificate of registration or temporary permit that was issued prior to the effective date of this act and 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.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 42. (a) As used in this section:

(1) "Day care home" means a child care home as defined in section 24, and amendments thereto, or a group day care home.

(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 is hereby prohibited 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. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home or outside the facility or facilities of a day care home, including, but not limited to, porches, yards or garages.

(c) Each day 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 that shall be maintained in an operable condition in a readily accessible location.

(e) The executive director of the Kansas office of early childhood may levy a civil fine against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to this act.

(f) In addition to any civil fine that may be levied pursuant to subsection (e), any day care home that violates any provision of this section may also be subject to criminal punishment pursuant to K.S.A. 21-6112, and amendments thereto.

(g) This section shall take effect on and after July 1, 2026.

New Sec. 43. (a) Except as otherwise provided, information and records pertaining to the immunization status of persons against childhood diseases as required by section 29, and amendments thereto, may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure to the following individuals and groups who need to know such information in order 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 day care facilities, including, but not limited to, facilities licensed by the executive director of the Kansas office of early childhood;

(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) healthcare professionals.

(b) Information and records that pertain to the immunization status of persons against childhood diseases as required by section 29, and amendments thereto, whose parent or guardian has submitted a written statement of religious objection to immunization as provided in section 29, and amendments thereto, may not be disclosed or exchanged without a parent or guardian's written release authorizing such disclosure.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 44. (a) The executive director of the Kansas office of early childhood 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 executive director shall adopt rules and regulations that are consistent with the requirements for the receipt of child care ARRA funds and provide for the establishment of an online information dissemination system in accordance with this subsection.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 45. To the extent that funds expended for child care services are subject to federal requirements and appropriation acts of the legislature, such funds shall not be expended by any agency to reimburse providers for unfilled child care slots, not including reimbursement for a child who is temporarily absent due to illness or other reason and intend to resume receiving child care services.

New Sec. 46. (a) Licensed youth development programs and school-age programs that operate on or within premises of a public or private school licensed by the state of Kansas shall be exempt from the requirements of K.S.A. 65-508(b)(3), and amendments thereto, and section 29(b)(3), and amendments thereto.

(b) Such premises shall be governed by a memorandum of understanding concerning the provisions of school inspections between the state fire marshal and the local political or taxing subdivision.

Sec. 47. K.S.A. 38-1901 is hereby amended to read as follows: 38-1901. On and after ~~the effective date of this act~~ *July 1, 2025*:

(a) *(1)* The advisory committee on children and families is hereby redesignated and shall be known and referred to as the Kansas children's cabinet.

(2) The Kansas children's cabinet shall be a division in the Kansas office of early childhood.

(b) *(1)* The Kansas children's cabinet shall consist of ~~15~~ *18* members as follows:

~~(1)~~*(A) The executive director of the Kansas office of early childhood;*

(B) The secretary of health and environment, or the secretary's designee;

~~(2)~~*(C)* the secretary for children and families, or the secretary's designee;

~~(3)~~*(D)* a member of the state board of regents selected by the state board of regents, or such member's designee;

~~(4)~~*(E)* the commissioner of education, or the commissioner's designee;

~~(5)~~*(F)* the ~~commissioner of juvenile justice~~ *secretary of corrections*, or the ~~commissioner's~~ *secretary's* designee;

~~(6)~~*(G)* a member of the Kansas supreme court selected by the Kansas supreme court, or such member's designee;

~~(7)~~*(H)* five members of the public *appointed by the governor* who are interested in and knowledgeable about the needs of children and families ~~shall be appointed by the governor, which~~ *and who*, subject to ~~the provisions of~~ subsection (e), may include persons who are children's advocates, members of organizations with experience in programs that benefit children or other individuals who have experience with children's programs and services;

~~(8)~~*(I)* one ~~person~~ *legislative member* appointed by the speaker of the house of representatives;

~~(9)~~*(J) one legislative member appointed by the majority leader of the house of representatives;*

(L) one ~~person~~ *legislative member* appointed by the minority leader of the house of representatives;

~~(10)~~*(M)* one ~~person~~ *legislative member* appointed by the president of the senate; ~~and~~

~~(11)~~*(N) one legislative member appointed by the majority leader of the senate; and*

(O) one ~~person~~ *legislative member* appointed by the minority leader of the senate.

(2) The members designated by ~~clauses (1), (2), (3), (4), (5) and (6) of this subsection~~ *subparagraphs (1)(A) through (1)(G)* shall be nonvoting members of the Kansas children's cabinet. All other members shall be voting members.

(c) (1) ~~Except as provided in paragraph (2) of this subsection, the members of the Kansas children's cabinet appointed by the governor, speaker, president and minority leaders shall serve for terms of four years and until their successors are appointed and qualified.~~ The ~~governor~~ *voting members* shall appoint a chairperson of the ~~committee~~ *cabinet* from among the *voting* members ~~appointed by the governor~~. The chairperson shall serve in such office ~~throughout such member's current term of office and~~ until a

successor is appointed and qualified. The members of the Kansas children's cabinet may elect any additional officers from among its members necessary to carry out the duties and functions of the Kansas children's cabinet.

(2) ~~Of the members first appointed by the governor, two shall be appointed for terms of two years, two shall be appointed for terms of three years and the member selected by the governor to be the chairperson shall be appointed for a term of four years. The member first appointed by the speaker of the house of representatives shall be appointed for a term of one year, the member first appointed by the minority leader of the house of representatives shall be appointed for a term of two years, the member first appointed by the president of the senate shall be appointed for a term of three years and the member first appointed by the minority leader of the senate shall be appointed for a term of four years. The governor shall designate the term for which each of the members first appointed by the governor shall serve~~*Each voting member shall serve at the pleasure of such voting member's appointing authority.*

(3) All members appointed to fill vacancies in the membership of the Kansas children's cabinet and all members appointed to succeed members appointed to membership on the Kansas children's cabinet shall be appointed in like manner as that provided for the original appointment of the member succeeded. ~~All members appointed to fill vacancies of a member of the Kansas children's cabinet appointed by the governor, the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate or the minority leader of the senate shall be appointed to fill the unexpired term of such member.~~

(d) Not more than three members of the Kansas children's cabinet appointed by the governor under subsection ~~(b)(7)~~ *(b)(1)(H)* shall be members of the same political party.

(e) (1) No person shall serve on the Kansas children's cabinet if such person has knowingly acquired a substantial interest in any business. Any such person who knowingly acquires such an interest shall vacate such member's position on the Kansas children's cabinet.

(2) ~~For purposes of~~*As used in* this subsection~~,~~*:*

(A) "Substantial interest" means any of the following:

~~(A)~~*(i)* If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding $5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

~~(B)~~*(ii)* If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation ~~which~~ *that* is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate

amount of $2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

~~(C)~~*(iii)* If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in ~~that~~ *the* business, irrespective of that amount of compensation received by the individual or the individual's spouse.

~~(D)~~*(iv)* If an individual or an individual's spouse receives compensation ~~which~~ *that* is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of $2,000 or more in the preceding calendar year.

~~(3) As used in this subsection,~~ *(B)* "Client or customer" means a business or combination of businesses.

~~(4) As used in this subsection,~~ *(C)* "Business" means any entity ~~which~~ *that* is eligible to receive funds from the children's initiatives fund, as provided in K.S.A. 38-2102, and amendments thereto, from the children's initiatives accountability fund, established by K.S.A. 38-2103, and amendments thereto, or from the family and children trust account of the family and children investment fund, as provided in K.S.A. 38-1808, and amendments thereto.

(f) The Kansas children's cabinet shall meet upon the call of the chairperson as necessary to carry out the duties and functions of the Kansas children's cabinet. A quorum of the Kansas children's cabinet shall be five voting members.

(g) The Kansas children's cabinet shall have and perform the following functions:

(1) Assist the governor *and the executive director of the Kansas office of early childhood* in developing and implementing a coordinated, comprehensive service delivery system to serve the children and families of Kansas;

(2) identify barriers to service and gaps in service due to strict definitions of boundaries between departments and agencies;

(3) facilitate interagency and interdepartmental cooperation toward the common goal of serving children and families;

(4) investigate and identify methodologies for the combining of funds across departmental boundaries to better serve children and families;

(5) propose actions needed to achieve coordination of funding and services across departmental lines;

(6) encourage and facilitate joint planning and coordination between the public and private sectors to better serve the needs of children and families; ~~and~~

(7) perform the duties and functions prescribed by K.S.A. 38-2103, and amendments thereto*; and*

(8) review each individual application submitted to the cabinet for any grant funding opportunities and allocate and administer such grants upon direction by the executive director of the Kansas office of early childhood.

(h) Members of the Kansas children's cabinet shall not be paid compensation~~,~~ but shall receive subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto. The subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, shall be paid from available appropriations of the ~~Kansas department for children and families~~ *Kansas office of early childhood,* except that expenses of members who are employed by a state agency shall be reimbursed by that state agency.

~~(i) On the effective date of this act, the advisory committee on children and families is hereby abolished and all powers, duties, functions, records and other property of the advisory committee on children and families are hereby transferred to the Kansas children's cabinet created by this section. Except as otherwise specifically provided by this act, the Kansas children's cabinet shall be a continuation of the advisory committee on children and families as it existed prior to the effective date of this act.~~

Sec. 48. K.S.A. 38-2103 is hereby amended to read as follows: 38-2103. (a) The Kansas children's cabinet established by K.S.A. 38-1901, and amendments thereto, shall advise the governor ~~and~~*,* the legislature *and the executive director of the Kansas office of early childhood* regarding the uses of the moneys credited to the children's initiatives fund.

(b) *Use of such funds shall be subject to appropriations made by the legislature.*

(c) The Kansas children's cabinet shall review, assess and evaluate all uses of the moneys in the children's initiatives fund. The Kansas children's cabinet shall study and shall initiate studies, assessments and evaluations, by contract or otherwise, through institutions of higher education and other appropriate research entities to identify best practices and to measure and otherwise determine the efficiency and efficacy of practices that are utilized in programs, projects, improvements, services and other purposes for which moneys are allocated or appropriated from the children's initiatives fund. The costs of such reviews, assessments and evaluations shall be paid from the children's initiatives accountability fund.

~~(c)~~*(d)* There shall be conducted performance audits and other audit

work by the legislative post auditor upon request by the Kansas children's cabinet and as directed by the legislative post audit committee in accordance with ~~the provisions of~~ the legislative post audit act. The purpose of such performance audits and other audit work shall be to provide interested parties with the program evaluation and research needed to make informed decisions for the uses of moneys credited to the children's initiatives fund. The auditor to conduct such performance audit or other audit work shall be specified in accordance with K.S.A. 46-1122, and amendments thereto, and if the legislative post audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112, and amendments thereto, is to perform all or part of the audit work of such audit, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, and amendments thereto. The audit work required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards. The post auditor shall compute the reasonably anticipated cost of the audit work performed by a firm for such performance audit or other audit work pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto, and the Kansas children's cabinet shall pay such cost from the children's initiatives accountability fund. If all or part of the audit work for such performance audit or other audit work is performed by the division of post audit and the division of post audit incurs costs in addition to those attributable to the operations of the division of post audit in the performance of other duties and responsibilities, the post auditor shall charge the Kansas children's cabinet for such additional costs and the Kansas children's cabinet shall pay such charges from the children's initiatives accountability fund. The payment of any such costs and any such charges shall be a transaction between the division of post audit and the Kansas children's cabinet and such transaction shall be settled in accordance with ~~the provisions of~~ K.S.A. 75-5516, and amendments thereto. All moneys received by the division of post audit for such costs and charges shall be credited to the audit services fund.

~~(d)~~*(e)* There is hereby established in the state treasury the children's initiatives accountability fund, which shall be administered in accordance with this section and ~~the provisions of~~ appropriation acts. The governor shall recommend and the legislature shall provide for moneys to be credited annually to the children's initiatives accountability fund by transfers or ~~other provisions of~~ appropriation acts.

~~(e)~~*(f)* All moneys credited to the children's initiatives accountability fund shall be used for the purposes of providing funding for assessment and evaluation of programs, projects, improvements, services and other

purposes for which moneys are allocated or appropriated from the children's initiatives fund. All expenditures from the children's initiatives accountability fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.

~~(f)~~*(g)* On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas endowment for youth fund interest earnings based on*:*

(1) The average daily balance of moneys in the children's initiatives accountability fund for the preceding month*;* and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 49. K.S.A. 2024 Supp. 48-3406 is hereby amended to read as follows: 48-3406. (a) For the purposes of this section:

(1) "Applicant" means an individual who is:

(A) A military spouse or military servicemember who resides or plans to reside in this state due to the assigned military station of the individual or the individual's spouse; or

(B) an individual who has established or intends to establish residency in this state.

(2) "Complete application" means the licensing body has received all forms, fees, documentation, a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate and any other information required or requested by the licensing body for the purpose of evaluating the application, consistent with this section and the rules and regulations adopted by the licensing body pursuant to this section. If the licensing body has received all such forms, fees, documentation and any other information required or requested by the licensing body, an application shall be deemed to be a complete application even if the licensing body has not yet received a criminal background report from the Kansas bureau of investigation. An application by a military spouse of an active military servicemember shall be considered a "complete application" without the submission of fees, pursuant to ~~the provisions of~~ subsection (u).

(3) "Electronic credential" or "electronic certification, license or registration" means an electronic method by which a person may display or transmit to another person information that verifies the status of a person's certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

(4) "Licensing body" means an official, agency, board or other entity of the state that authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization

to an individual so authorized.

(5) "Military servicemember" means a current member of any branch of the United States armed services, United States military reserves or national guard of any state or a former member with an honorable discharge.

(6) "Military spouse" means the spouse of a military servicemember.

(7) "Person" means a natural person.

(8) "Private certification" means a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization.

(9) "Scope of practice" means the procedures, actions, processes and work that a person may perform under a government issued license, registration or certification.

(10) "Verification system" means an electronic method by which the authenticity and validity of electronic credentials are verified.

(b) Notwithstanding any other provision of law, any licensing body shall, upon submission of a complete application, issue a paper-based and verified electronic license, registration or certification to an applicant as provided by this section, so that the applicant may lawfully practice the person's occupation. Any licensing body may satisfy any requirement under this section to provide a paper-based license, registration, certification or permit in addition to an electronic license, registration, certification or permit by issuing such electronic credential to the applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy shall be considered a valid license, registration, certification or permit for all purposes.

(c) An applicant who holds a valid current license, registration or certification in another state, district or territory of the United States shall receive a paper-based and verified electronic license, registration or certification:

(1) If the applicant qualifies under the applicable Kansas licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then pursuant to applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the license, registration or certification within 15 days from the date a complete application was submitted if the applicant is a military servicemember or military spouse or within 45 days from the date a complete application was submitted for all other applicants; or

(2) if the applicant does not qualify under the applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state, or if the Kansas professional practice act does not have licensure, registration or certification by

endorsement, reinstatement or reciprocity statutes, then the applicant shall receive a license, registration or certification as provided herein if, at the time of application, the applicant:

(A) Holds a valid current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification requirements that the licensing body determines authorize a similar scope of practice as those established by the licensing body of this state, or holds a certification issued by another state for practicing the occupation but this state requires an occupational license, and the licensing body of this state determines that the certification requirements certify a similar scope of practice as the licensing requirements established by the licensing body of this state;

(B) has worked for at least one year in the occupation for which the license, certification or registration is sought;

(C) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation of the license, certificate or registration, or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure, registration or certification denied or refused to practice an occupation for which the applicant seeks licensure, registration or certification;

(D) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action in a Kansas practice act;

(E) does not have a disqualifying criminal record as determined by the licensing body of this state under Kansas law;

(F) provides proof of solvency, financial standing, bonding or insurance if required by the licensing body of this state, but only to the same extent as required of any applicant with similar credentials or experience;

(G) pays any fees required by the licensing body of this state; and

(H) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate.

Upon receiving a complete application and the provisions of subsection (c)(2) apply and have been met by the applicant, the licensing body shall issue the license, registration or certification within 15 days from the date

a complete application was submitted by a military servicemember or military spouse, or within 45 days from the date a complete application was submitted by an applicant who is not a military servicemember or military spouse, to the applicant on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. The probationary period shall not exceed six months. Upon completion of the probationary period, the license, certification or registration shall become a non-probationary license, certification or registration.

(d) Any applicant who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license, registration or certification under subsection (c)(2) may be required to complete such additional testing, training, monitoring or continuing education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice in a manner that protects the health and safety of the public, as provided by subsection (j).

(e) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification based on the applicant's work experience in another state, if the applicant:

(1) Worked in a state that does not use an occupational license, registration, certification or private certification to regulate an occupation, but this state uses an occupational license, registration or certification to regulate the occupation;

(2) worked for at least three years in the occupation during the four years immediately preceding the application; and

(3) satisfies the requirements of subsection (c)(2)(C) through (H).

(f) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification under subsection (b) based on the applicant's holding of a private certification and work experience in another state, if the applicant:

(1) Holds a private certification and worked in a state that does not use an occupational license or government certification to regulate an occupation, but this state uses an occupational license or government certification to regulate the occupation;

(2) worked for at least two years in the occupation;

(3) holds a current and valid private certification in the occupation;

(4) is held in good standing by the organization that issued the private certification; and

(5) satisfies the requirements of subsection (c)(2)(C) through (H).

(g) An applicant licensed, registered or certified under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that

revocation or suspension of an applicant's license, registration or certificate in the applicant's state of residence or any jurisdiction in which the applicant held a license, registration or certificate shall automatically cause the same revocation or suspension of such applicant's license, registration or certificate in Kansas. No hearing shall be granted to an applicant where such applicant's license, registration or certificate is subject to such automatic revocation or suspension, except for the purpose of establishing the fact of revocation or suspension of the applicant's license, registration or certificate by the applicant's state of residence or jurisdiction in which the applicant held a license, registration or certificate.

(h) In the event the licensing body determines that the license, registration or certificate currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is a military spouse or military servicemember does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body shall issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that were not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(i) In the event the licensing body determines that the license, registration or certification currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is not a military spouse or military servicemember, does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that was not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(j) Any testing, continuing education or training requirements administered under subsection (d), (h) or (i) shall be limited to Kansas law that regulates the occupation and that are materially different from or additional to the law of another state, or shall be limited to any materially different or additional body of knowledge or skill required for the

occupational license, registration or certification in Kansas.

(k) A licensing body may grant licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or with a general discharge under honorable conditions.

(l) Nothing in this section shall be construed to apply in conflict with or in a manner inconsistent with federal law or a multistate compact, or a rule or regulation or a reciprocal or other applicable statutory provision that would allow an applicant to receive a license. Nothing in this section shall be construed as prohibiting a licensing body from denying any application for licensure, registration or certification, or declining to grant a temporary or probationary license, if the licensing body determines that granting the application may jeopardize the health and safety of the public.

(m) Nothing in this section shall be construed to be in conflict with any applicable Kansas statute defining the scope of practice of an occupation. The scope of practice as provided by Kansas law shall apply to applicants under this section.

(n) Notwithstanding any other provision of law, during a state of emergency declared by the legislature, a licensing body may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the licensing body to an applicant whose qualifications the licensing body determines to be sufficient to protect health and safety of the public and may prohibit any unlicensed person from practicing any profession licensed, certified, registered or regulated by the licensing body.

(o) ~~Not later than January 1, 2025,~~ Licensing bodies shall provide paper-based and verified electronic credentials to persons regulated by the licensing body. A licensing body may prescribe the format or requirements of the electronic credential to be used by the licensing body. Any statutory or regulatory requirement to display, post or produce a credential issued by a licensing body may be satisfied by the proffer of an electronic credential authorized by the licensing body. A licensing body may use a third-party electronic credential system that is not maintained by the licensing body.

(p) ~~On or before January 1, 2025, and~~ Subject to appropriations ~~therefore~~ *therefor*, the secretary of administration shall develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked or suspended by licensing bodies or that have expired or otherwise changed in status. The secretary of administration may utilize the services or facilities of a third party for the central electronic record system. The central electronic record system shall comply with the requirements adopted by the information technology executive council

pursuant to K.S.A. 75-7203, and amendments thereto. ~~Beginning January 1, 2025,~~ Each licensing body shall be able to integrate with the uniform or singular license verification portal in the manner and format required by the secretary of administration indicating any issuance, renewal, revocation, suspension, expiration or other change in status of an electronic credential that has occurred. No charge for the establishment or maintenance of the uniform or singular license verification portal shall be imposed on any licensing body or any person with a license, registration, certification or permit issued by a licensing body. The centralized electronic credential data management systems shall include an instantaneous verification system that is operated by the licensing body's respective secretary, or the secretary's designee, or the secretary's third-party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. Centralized electronic credential data management systems shall maintain an auditable record of credentials issued by each licensing body.

(q) Nothing in this section shall be construed as prohibiting or preventing a licensing body from developing, operating, maintaining or using a separate electronic credential system of the licensing body or of a third party in addition to making the reports to the central electronic record system required by subsection (p) or participating in a multistate compact or a reciprocal licensure, registration or certification process as long as the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

(r) Each licensing body shall adopt rules and regulations necessary to implement and carry out ~~the provisions of~~ this section.

(s) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto, or to the certification of law enforcement officers pursuant to the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

(t) The state board of healing arts and the state board of technical professions, with respect to an applicant who is seeking a license to practice professional engineering or engage in the practice of engineering, as defined in K.S.A. 74-7003, and amendments thereto, may deny an application for licensure, registration or certification, or decline to grant a temporary or probationary license, if the board determines the applicant's qualifications are not substantially equivalent to those established by the board. Such boards shall not otherwise be exempt from ~~the provisions of~~ this act.

(u) Notwithstanding any other provision of law to the contrary, applicants who are military spouses of active military service members shall be exempt from all fees assessed by any licensing body to obtain an

occupational credential in Kansas and renew such credential including initial or renewal application, licensing, registration, certification, endorsement, reciprocity or permit fees and any criminal background report fees, whether assessed by the licensing body or another agency. Licensing bodies shall adopt rules and regulations to implement ~~the provisions of~~ this subsection.

(v) This section shall apply to all licensing bodies not excluded under subsection (s), including, but not limited to:

(1) The abstracters' board of examiners;

(2) the board of accountancy;

(3) the board of adult care home administrators;

(4) the secretary for aging and disability services, with respect to K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;

(5) the Kansas board of barbering;

(6) the behavioral sciences regulatory board;

(7) the Kansas state board of cosmetology;

(8) the Kansas dental board;

(9) the state board of education;

(10) the Kansas board of examiners in fitting and dispensing of hearing instruments;

(11) the board of examiners in optometry;

(12) the state board of healing arts, as provided by subsection (t);

(13) the secretary of health and environment~~, with respect to K.S.A. 82a-1201 et seq., and amendments thereto~~;

(14) *the executive director of Kansas office of early childhood;*

(15) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;

~~(15)~~*(16)* the state board of mortuary arts;

~~(16)~~*(17)* the board of nursing;

~~(17)~~*(18)* the state board of pharmacy;

~~(18)~~*(19)* the Kansas real estate commission;

~~(19)~~*(20)* the real estate appraisal board;

~~(20)~~*(21)* the state board of technical professions, as provided by subsection (t); and

~~(21)~~*(22)* the state board of veterinary examiners.

(w) All proceedings pursuant to this section shall be conducted in accordance with ~~the provisions of~~ the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(x) *(1)* ~~Commencing on July 1, 2021, and each year thereafter,~~ Each licensing body listed in subsection ~~(u)(1)~~*(v)(1)* through ~~(21)~~*(22)* shall provide a report for the period of July 1 through June 30 to the director of legislative research by August 31 of each year, providing information requested by the director of legislative research to fulfill the requirements

of this subsection. The director of legislative research shall develop the report format, prepare an analysis of the reports and submit and present the analysis to the office of the governor, the *house of representatives* committee on commerce, labor and economic development ~~of the house of representatives~~ *or any successor committee thereof*, the *senate* committee on commerce ~~of the senate~~ *or any successor committee thereof*, the *house of representatives* committee on appropriations ~~of the house of representatives~~ *or any successor committee thereof* and the *senate* committee on ways and means ~~of the senate~~ *or any successor committee thereof* by January 15 of the succeeding year. The director's report may provide any analysis the director deems useful and shall provide the following items, detailed by applicant type, including military servicemember, military spouse and non-military individual:

~~(1)~~*(A)* The number of applications received under ~~the provisions of~~ this section;

~~(2)~~*(B)* the number of applications granted under this section;

~~(3)~~*(C)* the number of applications denied under this section;

~~(4)~~*(D)* the average time between receipt of the application and completion of the application;

~~(5)~~*(E)* the average time between receipt of a complete application and issuance of a license, certification or registration; and

~~(6)~~*(F)* identification of applications submitted under this section where the issuance of credentials or another determination by the licensing body was not made within the time limitations pursuant to this section and the reasons for the failure to meet such time limitations.

(2) All information shall be provided by the licensing body to the director of legislative research in a manner that maintains the confidentiality of all applicants and in aggregate form that does not permit identification of individual applicants.

Sec. 50. K.S.A. 2024 Supp. 65-503 is hereby amended to read as follows: 65-503. 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.~~ *"Act" means article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.*

(b) "Assistant teacher" means a staff member of a child care center who meets requirements specified in section 1, and amendments thereto,

and is responsible for assisting the lead teacher in the care of children.

(c) *"Boarding school" means a facility that 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.*

(d) "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children.

(e) (1) "Child care facility" means:

~~(1)~~*(A)* 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~~ *excluding* 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)~~*(B)* a children's home, orphanage, maternity home, day care facility or other facility ~~of a type determined by~~ *that* the secretary *determines* to require regulation under ~~the provisions of~~ this act;

~~(3)~~*(C)* 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)~~*(D)* 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.

(2) "Child care facility" does not include an individual who provides care for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage or legal adoption.

~~(d)~~*(f) "Child care home" means the premises where care is provided for children at a residence.*

(g) "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.

(h) "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.

(i) (1) "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.

(2) "Day care facility" does not include:

(A) A youth development program; or

(B) an individual who provides care for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage or legal adoption.

~~(e)~~*(j) "Employee" means a person working, regularly volunteering or residing in a child care facility.*

(k) "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months who has not yet learned to walk.

(l) "Lead teacher" means an individual who meets the requirements of section 1, and amendments thereto, and can independently staff any unit in a child care center.

(m) "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license.

(n) "Maternity center" means a facility that 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.

(o) "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.~~

~~(h) "Employee" means a person working, regularly volunteering or residing in a child care facility.~~

(p) "Program director" means the staff member of a child care center who meets the requirements of section 1, and amendments thereto, and is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.

(q) "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.

(r) "Unit" means the number of children who may be present in one group in a child care center.

(s) "Youth development program" means the same as defined in K.S.A. 65-527, and amendments thereto.

Sec. 51. On and after July 1, 2026, K.S.A. 2024 Supp. 65-503, as amended by section 50 of this act, is hereby amended to read as follows:

65-503. As used in this act:

(a) "Act" means article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) "Assistant teacher" means a staff member of a child care center who meets requirements specified in section ~~1~~ *2*, and amendments thereto, and is responsible for assisting the lead teacher in the care of children.

(c) "Boarding school" means a facility that 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.

~~(d) "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children.~~

~~(e)~~ (1) "Child care facility" means:

(A) 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, excluding 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;

(B) a children's home, orphanage, maternity home~~, day care facility~~ or other facility that the secretary determines to require regulation under this act;

(C) 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

(D) 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.

(2) "Child care facility" does not include an individual who provides care for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage or legal adoption.

~~(f) "Child care home" means the premises where care is provided for children at a residence.~~

~~(g) "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.~~

~~(h)~~*(e)* "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.

~~(i) (1) "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 K.S.A. 65-501 et seq., and amendments thereto.~~

~~(2) "Day care facility" does not include:~~

~~(A) A youth development program; or~~

~~(B) an individual who provides care for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage or legal adoption.~~

~~(j)~~*(f)* "Employee" means a person working, regularly volunteering or residing in a child care facility.

~~(k)~~*(g)* "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months who has not yet learned to walk.

~~(l)~~*(h)* "Lead teacher" means an individual who meets the requirements of section~~1~~ *2*, and amendments thereto, and can independently staff any unit in a child care center.

~~(m)~~*(i)* "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license.

~~(n)~~*(j)* "Maternity center" means a facility that 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.

~~(o)~~*(k)* "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

~~(p)~~*(l)* "Program director" means the staff member of a child care center who meets the requirements of section~~1~~*2*, and amendments thereto, and is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.

~~(q)~~*(m)* "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.

~~(r)~~*(n)* "Unit" means the number of children who may be present in one group in a child care center.

~~(s) "Youth development program" means the same as defined in K.S.A. 65-527, and amendments thereto.~~

Sec. 52. On and after July 1, 2026, K.S.A. 65-504 is hereby amended to read as follows: 65-504. (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.

Sec. 53. K.S.A. 65-505 is hereby amended to read as follows: 65-505. (a) *(1)* 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)~~*(A)* For a maternity center, $150;

~~(2)~~*(B)* for a child placement agency, $150; *and*

~~(3)~~*(C)* for a child care resource and referral agency, $150~~; and~~.

~~(4)~~*(2)* ~~for any other~~*Except for child care facilities listed in paragraph (1), there shall be no annual fee for a license to conduct a* 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~~.

(3) 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~~ *that* 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 *of $75 or* equal to the fee for the renewal of a license*, whichever is greater*.

(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*, and amendments thereto,* 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*, and amendments thereto*. 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*, and amendments thereto*.

Sec. 54. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (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~~ *that* 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) *(1)* Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee *an*

individual towel, ~~wash cloth~~ *washcloth or disposable products*, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all *children* other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition.

(2) Toothbrushes in a day care facility may be used after meals or as appropriate.

(3) 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) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area

that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) 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.

(h) The immunization requirement of subsection (g) 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.

Sec. 55. On and after July 1, 2026, K.S.A. 65-508, as amended by section 54 of this act, is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to this act shall:

(1) Be properly heated, plumbed, lighted and ventilated;

(2) have plumbing, water and sewerage systems that 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) (1) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee an individual towel, washcloth or disposable products, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all children other than infants, and shall keep or require such articles to be

kept at all times in a clean and sanitary condition.

(2) Toothbrushes in a ~~day~~ *child* care facility may be used after meals or as appropriate.

(3) 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) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding,

including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) 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.

(h) The immunization requirement of subsection (g) 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.

Sec. 56. K.S.A. 65-512 is hereby amended to read as follows: 65-512. (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*, as an employee of the secretary or who has a contract with the secretary to provide inspections pursuant to K.S.A. 65-501 et seq. and who holds a certificate issued pursuant to subsection (c),* shall have the right of entry and access ~~thereto in~~ *to* every department and ~~to~~ every place in the premises, ~~shall~~ *to* call for and examine the records ~~which~~ *that* are required to be kept by the provisions of this act and ~~shall~~ *to* 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. 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. *Every 12 months,* 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.~~*The secretary shall create a surveyor certification and provide a minimum of yearly continuing education to qualify for such certification.*

(2) If a surveyor fails to comply with the certification requirements established by the secretary as provided in paragraph (1), the secretary may require such surveyor to complete an improvement plan.

(3) If such surveyor does not satisfactorily complete the improvement plan, the secretary may terminate such surveyor's current certification.

(d) Persons conducting inspections and surveys pursuant to K.S.A. 65-501 et seq., and amendments thereto, shall hold a certification issued by the secretary.

Sec. 57. On and after July 1, 2026, K.S.A. 2024 Supp. 65-516 is hereby amended to read as follows: 65-516. (a) No person shall knowingly maintain a child care facility if an employee who, in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony 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 been convicted of any act that 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, *and amendments thereto,* or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act that if done by an adult would constitute the commission of a felony and that 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, *and amendments thereto,* or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state 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. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) 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. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) The person has failed to successfully complete a corrective action plan that had been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 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;

(6) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

(7) 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. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) If the secretary determines *that* there is no safety concern, the secretary may license a family foster home, as defined in K.S.A. 38-134, and amendments thereto, when a person who has been adjudicated as a juvenile offender for an offense described in subsection (a)(2):

(1) Was a child in the custody of the secretary and placed with such family foster home by the secretary;

(2) is 18 years of age or older;

(3) (A) maintains residence at such family foster home; or

(B) has been legally adopted by any person who resides at such family foster home; and

(4) six months have passed since the date of adjudication.

(c) 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.

(d) Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(e) 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. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning employees 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.

(f) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on employees 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 in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

(g) (1) The secretary shall adopt rules and regulations ~~on or before January 1, 2019,~~ to fix a fee for fingerprinting ~~persons residing, working or regularly volunteering~~ *employees* in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under 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 shall deposit the entire amount in the state treasury to the credit of the child care criminal background and fingerprinting fund.

~~(i)~~*(h)* The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expenditures from the child care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

~~(j)~~*(i)* 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 subsections (a)(1) through (8) with regard to the person who is the subject of the review.

~~(k)~~*(j)* 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.

~~(l)~~*(k)* 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.

~~(m)~~*(l)* 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 on 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 department of corrections; and

(F) the courts.

(6) A violation ~~of the provisions~~ of paragraph (5) shall be an unclassified misdemeanor punishable by a fine of $100 for each violation.

~~(n) 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.~~

Sec. 58. K.S.A. 65-527 is hereby amended to read as follows: 65-527. (a) As used in this section:

(1) ~~"Drop-in program" means a child care facility that is not located in an individual's residence, that serves exclusively school-age children and youth and where the operator permits children and youth to arrive at and depart from the program at the child or youth's own volition at unscheduled times.~~*"Child" means an individual who is enrolled or attending kindergarten, is less than 18 years of age, or is 18 years of age and has an individualized program plan, is not a volunteer or employee and is attending a youth development program.*

(2) "Individualized program plan" means a written goal-oriented plan of specialized services for each child with special needs or for each juvenile offender attending a day reporting program.

(3) "Premises" means the location, including the building and adjoining grounds, for which the applicant has a temporary permit or license to conduct a youth development program.

~~(2)~~*(4)* "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of such subdivision, for recreation programs that serve children who are less than 18 years of age.

~~(3)~~*(5)* "School" means any building used for instruction of students enrolled in kindergarten or any of the grades one through 12 by a school district or an accredited nonpublic school.

~~(4)~~*(6)* "School-age program" means a child care facility that serves exclusively school-age children and youth but does not include a ~~drop-in~~ *youth development* program.

(7) "Youth development program" means a child care facility where youth activities are conducted that is not located in an individual's residence and that serves children who are enrolled in kindergarten to less than 18 years of age.

(b) No license for a ~~drop-in~~ *youth development* program or school-age program shall be denied, suspended or revoked on the basis that the building does not meet *the* requirements for licensure if the building:

(1) Is a public recreation center or school and is used by school-age children and youth *that are of* the same age as children and ~~youth~~ *who are* cared for in ~~the drop-in~~ *a youth development* program or school-age program;

(2) complies, during all hours of operation of ~~the drop-in~~ *a youth development* program or school-age program, with the Kansas fire prevention code or a building code that is by law deemed to comply with the Kansas fire prevention code; and

(3) complies, except as provided in subsection (c), during all hours of

operation of ~~the drop-in~~ *a youth development* program or school-age program, with all local building code provisions that apply to recreation centers~~,~~ if the building is a public recreation center~~,~~ or *to* schools~~,~~ if the building is a school.

(c) If the standards that a building is required to comply with pursuant to subsections (b)(2) and (b)(3) conflict or are otherwise inconsistent, then the standards provided by subsection (b)(2) shall control.

(d) No license for a ~~drop-in~~ *youth development* program or school-age program that operates in accordance with subsection (b)(1) shall be denied, suspended or revoked based on an environmental deficiency *and shall be approved or renewed* if:

(1) The environmental deficiency does not pose an imminent risk to children and youth;

(2) the environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and

(3) the applicant or licensee has notified the public recreation center or school of the environmental deficiency.

(e) Whenever drop-in program or words of like effect, are referred to or designated by any statute, rule or regulation, contract or any other document, such reference or designation shall apply to a youth development program.

(f) This section shall expire on June 30, 2026.

Sec. 59. On and after July 1, 2026, K.S.A. 65-531 is hereby amended to read as follows: 65-531. ~~On and after July 1, 1996:~~ (a) Except as provided further, information and records ~~which~~ *that* 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~~ *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~~*healthcare* professionals.

(b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any other Kansas statute ~~which~~ *that* provides for privileged information between a patient and a ~~health care~~ *healthcare* provider, there shall be no privilege preventing the furnishing of information and records as

authorized by this section by any ~~health care~~ *healthcare* provider.

(c) Information and records ~~which~~ *that* 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.

Sec. 60. On and after July 1, 2026, K.S.A. 72-4161 is hereby amended to read as follows: 72-4161. As used in this act:

(a) "Board" means the board of education of any school district.

(b) *"Executive director" means the executive director of the Kansas office of early childhood.*

(c) "Infant" and "toddler" means any child under the age of eligibility for school attendance.

(d) "Parent education program" means a program developed and operated by a board for the purpose of providing expectant parents and parents of infants or toddlers or both with information, advice, assistance, resource materials, guidance and learning experiences regarding such measures as parenting skills and the various styles of parenting, the processes and principles of growth and development of children, home learning activities designed for infants and toddlers, techniques emphasizing a positive approach to discipline, effective methods of communicating and interacting with children so as to foster the development of self-esteem, strategies for structuring behavioral limits and increasing mutual positive regard, and other elements of effective parenting that are conducive to the structuring of a home environment in which children are encouraged to be successful and productive learners.

(e) "School district" means any public school district organized and operating under the laws of this state.

~~(c) "Parent education program" means a program developed and operated by a board for the purpose of providing expectant parents and parents of infants or toddlers or both with information, advice, assistance, resource materials, guidance and learning experiences regarding such measures as parenting skills and the various styles of parenting, the processes and principles of growth and development of children, home learning activities designed for infants and toddlers, techniques emphasizing a positive approach to discipline, effective methods of communicating and interacting with children so as to foster the development of self-esteem, strategies for structuring behavioral limits and increasing mutual positive regard, and other elements of effective parenting that are conducive to the structuring of a home environment in which children are encouraged to be successful and productive learners.~~

~~(d) "Infant" and "toddler" means any child under the age of eligibility~~

~~for school attendance.~~

~~(e) "State board" means the state board of education.~~

Sec. 61. On and after July 1, 2026, K.S.A. 72-4162 is hereby amended to read as follows: 72-4162. (a) The board of every school district may:

(1) Develop and operate a parent education program;

(2) enter into cooperative or interlocal agreements with one or more other boards for the development and operation of a parent education program;

(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 provision of services ~~which~~ *that* are appropriate to a parent education program; and

(4) apply for a grant of state moneys to supplement amounts expended by the school district for development and operation of a parent education program.

(b) In order to be eligible to receive a grant of state moneys for the development and operation of a parent education program, a board shall submit to the ~~state board~~ *executive director* an application for a grant and a description of the program. The application and description shall be prepared in such form and manner as the ~~state board~~ *executive director* shall require and shall be submitted at a time to be determined and specified by the ~~state board~~ *executive director*. Approval by the ~~state board~~ *executive director* of the program and the application is prerequisite to the award of a grant.

(c) Each board ~~which~~ *that* is awarded a grant under this act shall make such periodic and special reports of statistical and financial information to the ~~state board~~ *executive director* as ~~it~~ *the executive director* may request.

Sec. 62. On and after July 1, 2026, K.S.A. 72-4163 is hereby amended to read as follows: 72-4163. (a) The ~~state board~~ *executive director,* shall adopt rules and regulations for the administration of this act and shall:

(1) Establish standards and criteria for reviewing, evaluating and approving parent education programs and applications of school districts for grants;

(2) conduct a needs-assessment survey of school districts applying for grants;

(3) evaluate and approve parent education programs;

(4) establish priorities in accordance with the findings of the needs-assessment survey for the award of grants to school districts and for determination of the amount of such grants;

(5) be responsible for awarding grants to school districts; and

(6) request of and receive from each school district ~~which~~ *that* is awarded a grant for development and operation of a parent education program reports containing information with regard to the effectiveness of the program.

(b) In evaluating and approving parent education programs for the award of grants to school districts, the ~~state board~~ *executive director* shall consider:

(1) Prior experiences of school districts in the development and operation of parent education programs;

(2) level of effort exhibited by school districts in the development and operation of parent education programs;

(3) the amounts budgeted by school districts for the development and operation of parent education programs; and

(4) the potential effectiveness of the parent education programs for which applications for the grant of state moneys are made.

Sec. 63. On and after July 1, 2026, K.S.A. 72-4164 is hereby amended to read as follows: 72-4164. (a) ~~(1) In the 1990-91 school year, to the extent that appropriations are available therefor, and on the basis of established priorities, the state board shall select for the award of grants of state moneys those school districts, not to exceed 100 school districts, which the state board determines to be most capable of developing and operating successful parent education programs.~~

~~(2) In the 1991-92 school year, to the extent that appropriations are available therefor, and on the basis of established priorities, the state board shall select for the award of grants of state moneys those school districts, not to exceed 200 school districts, which the state board determines to be most capable of developing and operating successful parent education programs.~~

~~(3)~~ In ~~the 1992-93 school year and in~~ each school year ~~thereafter~~, to the extent that appropriations are available therefor, each school district ~~which~~ *that* has developed and is operating an approved parent education program shall be eligible to receive a grant of state moneys.

(b) The amount of a grant *awarded* to a school district shall be determined by the ~~state board~~ *executive director* in accordance with established priorities, but in no event shall such amount exceed the amount of actual expenses incurred by the school district in the development and operation of a program. If the amount of appropriations for parent education programs is insufficient to pay in full the amount *that* each school district is determined to be eligible to receive, the ~~state board~~ *executive director* shall prorate the amount appropriated among all school districts in proportion to the amount *that* each such school district is determined to be eligible to receive.

Sec. 64. On and after July 1, 2026, K.S.A. 72-4166 is hereby

amended to read as follows: 72-4166. The ~~state board~~ *executive director,* in cooperation with ~~the Kansas department for children and families, the state department of health and environment, and other~~ appropriate associations and organizations, may provide any board, upon its request therefor, with technical advice and assistance regarding the development and operation of a parent education program or an application for a grant of state moneys~~,~~ and may make studies and gather and disseminate information regarding materials, resources, procedures and personnel ~~which~~ *that* are or may become available to assist school districts in the development and operation of parent education programs.

Sec. 65. K.S.A. 38-1901, 38-2103, 65-505, 65-508, 65-512, 65-527 and K.S.A. 2024 Supp. 48-3406 and 65-503 are hereby repealed.

Sec. 66. On and after July 1, 2026, section 1, as enacted by this act, section 3, as enacted by this act, section 5, as enacted by this act, section 7, as enacted by this act, section 9, as enacted by this act, section 11, as enacted by this act, section 13, as enacted by this act, section 15, as enacted by this act, 65-504, 65-508, as amended by section 54 of this act, 65-531, 72-4161, 72-4162, 72-4163, 72-4164 and 72-4166 and K.S.A. 2024 Supp. 65-503, as amended by section 50 of this act, and 65-516 are hereby repealed.

Sec. 67. This act shall take effect and be in force from and after its publication in the statute book.