

## HOUSE BILL No. 2728

By Committee on Education

1-31

9 AN ACT concerning school districts; relating to child care facilities;  
10 amending K.S.A. 65-501 and 72-8236 and repealing the existing  
11 sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-501 is hereby amended to read as follows: 65-  
15 501. It shall be unlawful for any person, firm, corporation or association  
16 to conduct or maintain a maternity center or a child care facility for chil-  
17 dren under 16 years of age without having a license or temporary permit  
18 therefor from the secretary of health and environment. ~~Nothing in this~~  
19 ~~act shall~~ *The provisions of K.S.A. 65-501 et seq., and amendments thereto,*  
20 *shall not apply to:*

21 (a) A residential facility or hospital that is operated and maintained  
22 by a state agency as defined in K.S.A. 75-3701, and amendments thereto;  
23 ~~or~~

24 (b) a summer instructional camp that:

25 (1) Is operated by a Kansas educational institution as defined in  
26 K.S.A. 74-32,120, and amendments thereto, or a postsecondary educa-  
27 tional institution as defined in K.S.A. 74-3201b, and amendments thereto;

28 (2) is operated for not more than five weeks;

29 (3) provides instruction to children, all of whom are 10 years of age  
30 and older; and

31 (4) is accredited by an agency or organization acceptable to the sec-  
32 retary of health and environment; *or*

33 (c) *any facility, program or service operated by the board of educa-*  
34 *tion of a school district or the governing authority of an accredited non-*  
35 *public school, if the board or governing body certifies annually, by reso-*  
36 *lution, that such facility, program or service:*

37 (1) *Is supervised by a teacher who holds a certificate to teach and an*  
38 *administrator who holds a school administrator's certificate issued by the*  
39 *state board of education pursuant to law;*

40 (2) *conducts, through the Kansas bureau of investigation, criminal*  
41 *background checks on all staff members upon hiring;*

42 (3) *provides classroom space comparable to that afforded other dis-*  
43 *trict programs;*

1     (4) *is offered at a site located on property owned or leased by the*  
2 *school district or the accredited nonpublic school and which property*  
3 *complies with required building and fire codes;*

4     (5) *maintains staff and student records and emergency contact infor-*  
5 *mation; and*

6     (6) *assists students to achieve academic performance at or above state*  
7 *standards.*

8     *A copy of such resolution shall be sent to the secretary on or before*  
9 *November 1 of each year.*

10     Sec. 2. K.S.A. 72-8236 is hereby amended to read as follows: 72-  
11 8236. (a) The board of education of any school district may: (1) Establish,  
12 operate and maintain a child care facility; (2) enter into cooperative or  
13 interlocal agreements with one or more other boards for the establish-  
14 ment, operation and maintenance of a child care facility; (3) contract with  
15 private, nonprofit corporations or associations or with any public or pri-  
16 vate agency or institution, whether located within or outside the state, for  
17 the establishment, operation and maintenance of a child care facility; and  
18 (4) prescribe and collect fees for providing care at a child care facility.

19     (b) Fees for providing care at a child care facility established under  
20 authority of this section shall be prescribed and collected only to recover  
21 the costs incurred as a result of and directly attributable to the establish-  
22 ment, operation and maintenance of the child care facility. Revenues from  
23 fees collected by a board under this section shall be deposited in the  
24 general fund of the school district and shall be considered reimburse-  
25 ments to the district for the purpose of the school district finance and  
26 quality performance act and may be expended whether the same have  
27 been budgeted or not and amounts so expended shall not be considered  
28 operating expenses.

29     (c) *Except as provided in K.S.A. 65-501, and amendments thereto,*  
30 *every school district which establishes, operates and maintains a child care*  
31 *facility shall be subject to the provisions contained in article 5 of chapter*  
32 *65 of Kansas Statutes Annotated.*

33     (d) As used in this section, the term “child” means any child who is  
34 three years of age or older, and any infant or toddler whose parent or  
35 parents are pupils or employees of a school district which establishes,  
36 operates and maintains, or cooperates in the establishment, operation and  
37 maintenance of, a child care facility under authority of this act.

38     Sec. 3. K.S.A. 65-501 and 72-8236 are hereby repealed.

39     Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.