

Substitute for HOUSE BILL No. 2294

By Committee on Commerce, Labor and Economic Development

3-19

1 AN ACT concerning child care; relating to licensure of day care facilities,
2 child care homes and child care centers; reducing license fees and
3 training requirements; creating a process for a temporary waiver of
4 certain statutory requirements; authorizing the secretary of health and
5 environment and the director of early childhood to develop and operate
6 pilot programs to increase child care facility availability and capacity;
7 establishing the Kansas office of early childhood and the director of
8 early childhood; transferring administration of day care licensing,
9 parent education programs and the child care subsidy program to the
10 Kansas office of early childhood; creating the day care facilities and
11 child care resource and referral agencies licensing fee fund and the day
12 care criminal background and fingerprinting fund; defining youth
13 development programs; amending K.S.A. 38-1901, 38-2103, 65-501,
14 65-504, 65-505, 65-508, 65-512, 65-527, 65-531, 72-4161, 72-4162,
15 72-4163, 72-4164 and 72-4166 and K.S.A. 2024 Supp. 48-3406, 65-
16 503 and 65-516 and repealing the existing sections.

17

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

19

20 New Section 1. (a) Each licensed child care center that provides care
21 to any number or type of child shall hire a program director or lead teacher
22 who:

23

(1) Is at least 18 years of age;

24

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

25

(3) has one of at least four educational or experienced-based criteria
26 specific to such licensure as determined by the director, which shall
27 include one non-academic experience-based option for qualifications
28 under this paragraph.

29

(b) Each licensed child care center may hire assistant teachers. Each
30 assistant teacher shall be at least 16 years of age and have necessary skills
31 and abilities as determined by the director. The director shall not require
32 assistant teachers to meet educational requirements.

33

(c) Waivers to this section may be granted on a case-by-case basis by
34 the secretary in accordance with section 5, and amendments thereto.

35

(d) On and after July 1, 2026, this section shall be administered by
36 the director of early childhood and waivers to this section may be granted

1 on a case-by-case basis by the director based on a recommendation from
2 the deputy director of child care licensure and finance in accordance with
3 section 5, and amendments thereto.

4 (e) From July 1, 2025, through June 30, 2026, this section shall be a
5 part of and supplemental to article 5 of chapter 46 of the Kansas Statutes
6 Annotated, and amendments thereto.

7 New Sec. 2. (a) (1) For each licensure year beginning after July 1,
8 2025, each person who provides care to children in a child care home shall
9 complete professional development training in an amount determined by
10 the secretary of health and environment of up to 10 clock hours per
11 licensure year.

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

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

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

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

26 (b) The secretary shall update rules and regulations to not require
27 licensure for an individual who provides care for less than 35 hours, unless
28 otherwise increased by the secretary, to four or fewer children, not more
29 than two of whom may be infants who are not related to the individual by
30 blood, marriage or legal adoption, nor to individuals who provide care for
31 children in such child's own home or when care is arranged between
32 friends and neighbors on an irregular basis.

33 (c) The secretary shall update rules and regulations regarding child
34 ratios on or before October 1, 2025.

35 (d) On and after July 1, 2026, this section shall be administered by
36 the director of early childhood.

37 (e) From July 1, 2025, through June 30, 2026, this section shall be a
38 part of and supplemental to article 5 of chapter 65 of the Kansas Statutes
39 Annotated, and amendments thereto.

40 New Sec. 3. (a) A child care center shall meet the legal requirements
41 of the local jurisdiction where the child care center is located for fire
42 protection, water supply and sewage disposal.

43 (b) (1) The designated area for children's activities shall contain a

1 minimum of 28 square feet of floor space per child, excluding kitchens,
2 passageways, storage areas and bathrooms.

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

5 (c) On and after July 1, 2026, this section shall be administered by the
6 director of early childhood.

7 (d) From July 1, 2025, to June 30, 2026, this section shall be a part of
8 and supplemental to article 5 of chapter 65 of the Kansas Statutes
9 Annotated, and amendments thereto.

10 New Sec. 4. (a) The secretary of health and environment shall not
11 require as a condition of licensure for a child care home that the licensee
12 live in the child care home.

13 (b) On and after July 1, 2026, this section shall be administered by
14 the director of early childhood.

15 (c) From July 1, 2025, through June 30, 2026, this section shall be a
16 part of and supplemental to article 5 of chapter 65 of the Kansas Statutes
17 Annotated, and amendments thereto.

18 New Sec. 5. (a) (1) Notwithstanding any law to the contrary, a
19 person granted licensure to maintain a day care facility may request to the
20 secretary of health and environment a waiver from the requirements of this
21 act for a set period of time. Waiver requests shall be made in a form and
22 manner approved by the secretary and shall contain the provisions of the
23 statute sought to be waived.

24 (2) Such waiver request shall be submitted to the secretary and may
25 be granted on a case-by-case basis.

26 (b) (1) On and after July 1, 2026, notwithstanding any law to the
27 contrary, a person granted licensure to maintain a day care facility may
28 request from the deputy director of child care licensure a waiver from the
29 requirements of this act for a set period of time. Waiver requests shall be
30 made in a form and manner approved by the director of early childhood
31 and shall contain the provisions of the statute sought to be waived.

32 (2) Such waiver request shall be submitted to the deputy director of
33 child care licensure and finance. Upon a recommendation by the deputy
34 director of child care licensure and finance on a case-by-case basis, the
35 director may grant a waiver.

36 (c) From July 1, 2025, through June 30, 2026, this section shall be a
37 part of and supplemental to article 5 of chapter 65 of the Kansas Statutes
38 Annotated, and amendments thereto.

39 New Sec. 6. (a) (1) Notwithstanding any other law to the contrary, the
40 secretary of health and environment may develop and operate pilot
41 programs designed to increase the availability or capacity of day care
42 facilities in the state.

43 (2) The secretary may grant licensure to a person to maintain a day

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

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

15 (b) The secretary may grant licensure to a person to maintain a day
16 care facility or youth development program under this section for up to
17 five licensure years, except that the secretary may grant an additional two
18 years of licensure to any facility or program that participated in a pilot
19 program pursuant to subsection (c).

20 (c) If the secretary determines that a pilot program has been
21 successful and will increase the availability or capacity of child care
22 facilities in the state, the secretary shall make suggestions and
23 recommendations to the legislature for statutory changes relating to day
24 care facilities or youth development programs.

25 (d) On and after July 1, 2026, this section shall be administered by
26 the director of early childhood.

27 (e) From July 1, 2025, through June 30, 2026, this section shall be a
28 part of and supplemental to article 5 of chapter 65 of the Kansas Statutes
29 Annotated, and amendments thereto.

30 New Sec. 7. (a) The secretary of health and environment shall not
31 impose restrictions on the use of 15-passenger vans purchased on or before
32 July 1, 2025.

33 (b) On and after July 1, 2026, this section shall be administered by
34 the director of early childhood.

35 (c) From July 1, 2025, through June 30, 2026, this section shall be a
36 part of and supplemental to article 5 of chapter 65 of the Kansas Statutes
37 Annotated, and amendments thereto.

38 New Sec. 8. (a) There is hereby established within the executive
39 branch the Kansas office of early childhood for the purpose of creating
40 greater transparency, safety and efficiency to Kansans with the oversight
41 of all funds, programs and policies related to early childhood care services
42 provided in Kansas.

43 (b) The Kansas office of early childhood shall be administered under

1 the direction and supervision of the director of early childhood.

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

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

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

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

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

24 (h) The director shall maintain an office in Topeka, Kansas.

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

27 (2) On or before January 1, 2026:

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

29 (B) the office shall begin transitioning programs identified in section
30 12, and amendments thereto, from state agencies to the office.

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

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

38 New Sec. 9. (a) The Kansas office of early childhood shall be
39 responsible for:

40 (1) The implementation of child care policies, processes, procedures
41 and funding with direction from the governor, the director of early
42 childhood and the legislature;

43 (2) the implementation of policies, processes and awards granted

1 through the children's cabinet, subject to appropriations and approval of
2 the legislature;

3 (3) the provision of mediation, support and problem-solving
4 resolutions through child care advocacy services;

5 (4) providing easily-accessible support to the public and persons
6 providing and receiving child care services;

7 (5) ensuring access to information, services, resolution of issues,
8 rules and regulations and funding in a user-friendly manner as prescribed
9 by the director;

10 (6) serving as a central point of contact for federal and state agencies
11 on child care services, funding and grants; and

12 (7) maximizing administrative efficiencies to reduce burdens on
13 families and improve access to early childhood services.

14 (b) The director of early childhood shall ensure efficient use of funds
15 for the provision of child care services and report such efficient use
16 through the following:

17 (1) Maximizing funds for child care services, support programs and
18 grant initiatives for efficiency and the reduction of administrative waste
19 and ensuring greatest possible benefit to eligible families and providers;
20 and

21 (2) establishing clear performance metrics and accountability
22 measures to ensure effective use of state and federal resources, including
23 conducting regular audits, outcome-based evaluations and cost-efficiency
24 reviews.

25 (c) On or before January 20, 2026, and each year thereafter, the
26 director shall submit a report to the Kansas legislature that includes:

27 (1) The allocation and expenditure of funds and resources;

28 (2) measurable outcomes of programs funded through the office,
29 including, but not limited to, compliance to safety regulations and number
30 of complaints received and resolved;

31 (3) identified inefficiencies within the office and system and the
32 corrective action taken in response;

33 (4) recommendations for improving fiscal stewardship, service
34 delivery, implementation of statutory requirement and any potential
35 changes;

36 (5) updates on changes to rules and regulations;

37 (6) all data and metrics related to service rates for children and
38 families, workforce and private actors, service delivery and fiscal
39 efficiency of all programs and recommendations for continuation or
40 termination of such programs; and

41 (7) any pilot program, including, but not be limited to, the number of
42 participating day care facilities or youth development programs and
43 number of children attending such facilities or programs, provisions of

1 statutes and regulations waived by the director, recommendations for
2 changes to this act and a summary of findings from the pilot program
3 based on available information.

4 New Sec. 10. (a) The director of early childhood shall:

5 (1) Prepare and implement plans for a comprehensive service
6 delivery system for children and families;

7 (2) facilitate and coordinate interagency cooperation toward the goal
8 of serving children and families with a variety of other state agencies, such
9 as the Kansas department for children and families, the department of
10 health and environment, the department of corrections, the state board of
11 education, the state board of regents and any other state offices,
12 department or board providing services to Kansas children and families;

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

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

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

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

27 (7) appoint and oversee deputy directors within the office;

28 (8) transition the administration of the following programs and state
29 functions to the office:

30 (A) Child care subsidy;

31 (B) children's cabinet and trust fund;

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

34 (D) child care quality;

35 (E) head start collaboration office;

36 (F) healthy families America;

37 (G) Kansas early head start child care partnership;

38 (H) Kansas early head start home visitation;

39 (I) maternal and child health home visitation;

40 (J) maternal, infant and early childhood home visitation; and

41 (K) parents as teachers;

42 (9) enter into agreements with the secretary of administration for the
43 provision of shared services, including, but not limited to, personnel and

1 other administrative services for the office; and

2 (10) adopt, amend or revoke any rules and regulations necessary to
3 carry out this act and the programs and duties of the office.

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

7 (c) Nothing in this section shall be construed to authorize the director
8 to administer the preschool programs in K.S.A. 72-3215, 72-3410 and 72-
9 5154, and amendments thereto.

10 (d) Subject to this act, the director shall organize the Kansas office of
11 early childhood in the manner that the director deems most efficient. The
12 director may establish policies governing the transaction of business of the
13 office and the administration of each division within the office. The deputy
14 directors shall perform such duties and exercise such powers as the
15 director may prescribe and such duties and powers as are prescribed by
16 law. Such deputy directors shall act for and exercise the powers of the
17 director to the extent that authority to do so is delegated by the director.

18 (e) Administration of programs transferred by this section are subject
19 to federal and state appropriations.

20 New Sec. 11. (a) Except as otherwise provided by law, and subject to
21 the Kansas civil service act, the director shall appoint:

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

25 (2) the deputy director of child care licensure and finance;

26 (3) the deputy director of child care advocacy;

27 (4) the deputy director of home visitation; and

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

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

34 New Sec. 12. (a) (1) There is hereby established within and as a part
35 of the Kansas office of early childhood the deputy director of child care
36 licensure and finance. The deputy director shall oversee day care licensure,
37 including, day care facility and child care resource and referral agency
38 licensing and child care finance and quality.

39 (2) The deputy director shall be in the unclassified service under the
40 Kansas civil service act and appointed by the director.

41 (3) All of the powers, duties and functions of the existing day care
42 and child care resource and referral agency licensing programs pursuant to
43 this act within the division of public health of the department of health and

1 environment are hereby transferred to the deputy director.

2 (4) The deputy director shall manage all components of licensure,
3 including, but not limited to, inspections, waiver approvals and revocation
4 of licenses.

5 (5) Whenever day care and child care resource and referral agency
6 licensing, or words of like effect, are referred to or designated by any
7 statute, rule and regulation, contract or any other document, including any
8 statute, rule and regulation, contract or any document created pursuant to
9 the authorities transferred by this section, such reference or designation
10 shall apply to the deputy director.

11 (6) The deputy director may enter into agreements with the Kansas
12 department for children and families for the administration of child care
13 subsidy payments. If executed, such agreements shall require that the
14 secretary for children and families determine an applicant's eligibility for
15 the child care subsidy according to K.S.A. 39-709, and amendments
16 thereto, and provide information pertaining to such eligible applicants to
17 the deputy director for the administration of such benefits.

18 (b) (1) There is hereby established within and as a part of the Kansas
19 office of early childhood the deputy director of child care advocacy.

20 (2) The deputy director shall be in the unclassified service under the
21 Kansas civil service act and appointed by the director.

22 (3) The deputy director shall:

23 (i) Serve as a central point of contact for concerns regarding the
24 delivery and system of child care services and receive, investigate and
25 address complaints, concerns and inquiries in a timely manner from the
26 public regarding child care services, providers and related programs;

27 (ii) act as an advocate for parents, families and child care providers
28 by facilitating communication between stakeholders and ensuring that
29 concerns are resolved efficiently and fairly;

30 (iii) work collaboratively with state agencies, the director of early
31 childhood, service providers and advocacy organizations to improve the
32 quality, accessibility and affordability of child care services in Kansas;

33 (iv) provide clear guidance and information, in conjunction with and
34 from the direction of the director, to the public about child care
35 regulations, available support programs and how to access services when
36 concerns arise;

37 (v) submit an annual report to the director, to be shared with the
38 legislature, detailing the number and nature of concerns addressed, actions
39 taken and recommendations for improvements in child care services and
40 policies;

41 (vi) review all revocations of licensure upon a complaint and make
42 appeal to director. If an unsatisfactory determination is made, the provider
43 may appeal through the administrative procedure act; and

1 (vii) recommend changes in policies, regulations or procedures to
2 improve the functioning of child care services in Kansas to the director, the
3 governor and the legislature.

4 (c) (1) There is hereby established within and as a part of the Kansas
5 office of early childhood the deputy director of home visitation. The
6 deputy director shall oversee home visitation programs.

7 (2) The deputy director shall be in the unclassified service under the
8 Kansas civil services act and appointed by the director.

9 (3) All the powers, duties and functions of existing home visitation
10 programs are hereby transferred to the deputy director of home visitation.

11 (4) Whenever the existing home visitation programs or word of like
12 effect, are referred to or designated by any statute, rule and regulation,
13 contract or any other document, including any statute, rule and regulation,
14 contract or any document created pursuant to the authorities transferred by
15 this section, such reference or designation shall apply to the deputy
16 director.

17 (d) (1) There is hereby established within and as a part of the Kansas
18 office of early childhood the deputy director of the Kansas children's
19 cabinet established under K.S.A. 38-1901, and amendments thereto.

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

23 (3) All of the powers, duties functions and cabinet-approved
24 programs of the existing Kansas children's cabinet director are hereby
25 transferred to the director of the Kansas children's cabinet under the
26 Kansas office of early childhood.

27 (4) The children's cabinet established in K.S.A 38-1901, and
28 amendments thereto, is subject to appropriations of the legislature.

29 New Sec. 13. (a) On or before July 1, 2026, except as otherwise
30 provided by this act, all rules and regulations, orders and directives of state
31 agencies related to the programs transferred by this act that are in effect on
32 the effective date of this act shall continue to be effective and shall be
33 deemed to be rules and regulations, orders and directives of the Kansas
34 office of early childhood until revised, amended, revoked or nullified
35 pursuant to law.

36 (b) (1) On or before July 1, 2026, the balances of all funds and
37 accounts appropriated or reappropriated that were used for or pertain to the
38 powers, duties and functions of programs transferred to the Kansas office
39 of early childhood pursuant to this act are hereby transferred within the
40 state treasury to the Kansas office of early childhood and shall be used for
41 the purpose for which the appropriation was originally made. The director
42 of Kansas office of early childhood shall determine and certify to the
43 director of accounts and reports the amount in each account of the state

1 general fund or special revenue fund of state agencies that have been
2 determined by the director of the Kansas office of early childhood to be
3 transferred. Upon receipt of a certification pursuant to this paragraph, the
4 director of accounts and reports shall transfer the amount certified
5 pursuant to this paragraph from each account of the state general fund or
6 special revenue fund of a state agency that has been determined by the
7 director of the Kansas office of early childhood to be transferred.

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

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

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

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

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

40 (2) On or before July 1, 2026, officers and employees transferred by
41 this act shall retain all retirement benefits and leave balances and rights
42 that had accrued or vested prior to the date of transfer. The service of each
43 such officer or employee so transferred shall be deemed to have been

1 continuous. Any subsequent transfers, layoffs or abolition of classified
2 service positions under the Kansas civil service act shall be made in
3 accordance with the civil service laws and any rules and regulations
4 adopted thereunder. Nothing in this act shall affect the classified status of
5 any transferred person employed prior to the date of this transfer.

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

11 New Sec. 14. (a) To the extent that funds expended for child care
12 services are subject to federal requirements and appropriation acts of the
13 legislature, such funds shall not be expended by any agency or office to
14 reimburse providers for unfilled child care slots, not including
15 reimbursement for a child who is temporarily absent due to illness or other
16 reason and intend to resume receiving child care services.

17 (b) On and after July 1, 2026, this section shall be administered by
18 the director of early childhood.

19 (c) From July 1, 2025, through June 30, 2026, this section shall be a
20 part of and supplemental to article 5 of chapter 65 of the Kansas Statutes
21 Annotated, and amendments thereto.

22 New Sec. 15. (a) It shall be unlawful for any person, firm,
23 corporation or association to conduct or maintain a day care facility for
24 children under 16 years of age without having a license or temporary
25 permit therefor from the executive director of the Kansas office of early
26 childhood. Nothing in this act shall apply to:

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

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

31 (3) a summer instructional camp that is provided by a not-for-profit,
32 school, verifiable nonpublic school or an employee of such school; or

33 (4) a person or group of persons providing educational activities for
34 children ages pre-K through high school to such persons' children.

35 (b) Organizations or persons providing services defined as a day care
36 under this act and not included in this section may apply for and be
37 granted a waiver as provided for under the act.

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

39 New Sec. 16. (a) As used in this act:

40 (1) "Act" means sections 8 through 36 through , and amendments
41 thereto.

42 (2) "Assistant teacher" means a staff member of a child care center
43 who is responsible for assisting the lead teacher in the care of children.

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

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

5 (5) "Child care resource and referral agency" means a business or
6 service conducted, maintained or operated by a person engaged in
7 providing resource and referral services, including information on specific
8 services provided by child care facilities, to assist parents to find child
9 care.

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

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

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

17 (9) "Lead teacher" means an individual who can independently staff
18 any unit in a child care center.

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

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

23 (12) "Program director" means the staff member of a child care center
24 is responsible for implementing and supervising the comprehensive and
25 coordinated plan of activities that provide for the education, care,
26 protection and development of children who attend a child care center.

27 (13) "Religious beliefs" means the same as defined in K.S.A. 44-663,
28 and amendments thereto.

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

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

34 (16) "Youth development program" means the same as defined in
35 section 32, and amendments thereto.

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

37 New Sec. 17. (a) The director of the Kansas office of early childhood
38 shall have the power to grant a license to a person to maintain a day care
39 facility for children under 16 years of age. A license granted to maintain a
40 day care facility shall state the name of the licensee, describe the particular
41 premises in or at which the business shall be carried on, whether it shall
42 receive and care for children, and the number of children that may be
43 cared for at any one time. No greater number of children than is authorized

1 in the license shall be kept on such premises, and the business shall not be
2 carried on in a building or place not designated in the license. The license
3 shall be kept posted in a conspicuous place on such premises, where the
4 business is conducted. A license granted to maintain a day care facility
5 shall have on its face an expiration sticker stating the date of expiration of
6 the license.

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

17 (c) (1) In all cases where the secretary for children and families
18 deems it necessary, an investigation of the day care facility shall be made
19 under the supervision of the secretary for children and families or other
20 designated qualified agents. For that purpose and for any subsequent
21 investigations, such agents shall have the right of entry and access to the
22 premises of the facility and to any information deemed necessary for the
23 completion of the investigation. In all cases where an investigation is
24 made, a report of the investigation of such facility shall be filed with the
25 director of the Kansas office of early childhood.

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

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

38 (e) When the director of the Kansas office of early childhood finds,
39 upon investigation or is advised by the secretary for children and families,
40 that K.S.A. 59-2123, and amendments thereto, or this act are being
41 violated or the day care facility is maintained without due regard to the
42 health, safety or welfare of any child, the director of the Kansas office of
43 early childhood may issue an order revoking such license after giving

1 notice and conducting a hearing in accordance with the Kansas
2 administrative procedure act. Such order shall clearly state the reason for
3 the revocation.

4 (f) If the director revokes or refuses to renew a license, the licensee
5 who had a license revoked or not renewed shall not be eligible to apply for
6 a license for a period of one year subsequent to the date such revocation or
7 refusal to renew becomes final. If the director revokes or refuses to renew
8 a license of a licensee who is a repeat violator for three or more times of
9 statutory requirements or rules and regulations or is found to have
10 contributed to the death or serious bodily harm of a child under such
11 licensee's care, such licensee shall be permanently prohibited from
12 applying for a new license to provide child care or from seeking
13 employment under another licensee.

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

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

19 New Sec. 18. (a) The annual fee for a license to conduct a day care
20 facility or child care resource and referral agency shall be fixed by the
21 director of the Kansas office of early childhood by rules and regulations in
22 an amount not to exceed the following:

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

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

26 (b) The license fee shall be paid to the director of the Kansas office of
27 early childhood when the license is applied for and annually thereafter.
28 The fee shall not be refundable. Fees in effect under subsection (a)
29 immediately prior to July 1, 2026, shall continue in effect on and after July
30 1, 2026, until a different fee is established by the director of the Kansas
31 office of early childhood by rules and regulations.

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

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

39 (e) There is hereby created the day care facilities and child care
40 resource and referral agencies licensing fee fund. The director of the
41 Kansas office of early childhood shall remit all moneys received by the
42 director from fees under this section to the state treasurer in accordance
43 with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

1 remittance, the state treasurer, notwithstanding any other law to the
2 contrary, shall deposit the entire amount in the state treasury to the credit
3 of the day care facilities and child care resource and referral agencies
4 licensing fee fund. All expenditures from the day care facilities and child
5 care resource and referral agencies licensing fee fund shall be made only
6 for the purposes of this act in accordance with appropriation acts upon
7 warrants of the director of accounts and reports issued pursuant to
8 vouchers approved by the director of the Kansas office of early childhood
9 or by the director's designee. Notwithstanding any other law to the
10 contrary, no moneys shall be transferred or otherwise revert from this fund
11 to the state general fund by appropriation act or other act of the legislature.
12 Moneys available under this section by the creation of the day care
13 facilities or child care resource and referral agencies licensing fee fund
14 shall not be substituted for or used to reduce or eliminate moneys available
15 to the Kansas office of early childhood to administer this act. Nothing in
16 this act shall be construed to authorize a reduction or elimination of
17 moneys made available by the state to local units of government for the
18 purposes of this act.

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

20 New Sec. 19. (a) The director of the Kansas office of early childhood
21 shall serve notice of the issuance, limitation, modification, suspension or
22 revocation of a license to conduct a day care facility to the secretary for
23 children and families, the secretary of corrections, state department of
24 education, office of the state fire marshal, county, city-county or multi-
25 county department of health and any licensed child placement agency or
26 licensed child care resource and referral agency serving the area where the
27 facility is located. A day care facility or child care resource and referral
28 agency that has had a license limited, modified, suspended, revoked or
29 denied by the director of the Kansas office of early childhood shall notify
30 in writing the parents or guardians of the enrollees of the limitation,
31 modification, suspension, revocation or denial. Neither the secretary for
32 children and families nor any other person shall place or cause to be placed
33 any child under 16 years of age in any day care facility or child care
34 resource and referral agency that is not licensed by the director of the
35 Kansas office of early childhood.

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

37 New Sec. 20. (a) Each day care facility licensee shall keep a record
38 upon forms prescribed and provided by the director of the Kansas office of
39 early childhood. Such record shall include the name and age of each child
40 received and cared for in the facility together with the names and
41 addresses of the parents or guardians of such children and such other
42 information as the director of the Kansas office of early childhood may
43 require. Each day care facility licensee shall apply to and shall receive

1 without charge from the director of the Kansas office of early childhood
2 forms for such records as may be required. Such forms shall contain a
3 copy of this act.

4 (b) Information obtained under this section shall be confidential and
5 shall not be made public in a manner that would identify an individual.

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

7 New Sec. 21. (a) Each day care facility subject to this act shall:

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

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

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

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

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

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

23 (c) The director of the Kansas office of early childhood shall develop
24 and adopt rules and regulations for the operation and maintenance of day
25 care facilities. The rules and regulations for operating and maintaining day
26 care facilities shall be designed to promote the health, safety and welfare
27 of any child served in such facilities by ensuring safe and adequate
28 physical surroundings, healthful food, adequate handwashing, safe storage
29 of toxic substances and hazardous chemicals, sanitary diapering and
30 toileting, home sanitation, supervision and care of the residents by capable,
31 qualified persons of sufficient number, after-hour care, an adequate
32 program of activities and services, sudden infant death syndrome and safe
33 sleep practices training, prohibition on corporal punishment, crib safety,
34 protection from electrical hazards, protection from swimming pools and
35 other water sources, fire drills, emergency plans, safety of outdoor
36 playground surfaces, door locks, safety gates and transportation and such
37 appropriate parental participation as may be feasible under the
38 circumstances.

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

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

1 of early childhood;

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

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

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

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

13 (g) Each child cared for in a day care facility, including children of
14 the person maintaining the facility, shall be required to have current
15 immunizations as the secretary of health and environment considers
16 necessary. The person maintaining a day care facility shall maintain a
17 record of each child's immunizations and provide to the secretary of health
18 and environment and the director of the Kansas office of early childhood
19 such information relating thereto, in accordance with rules and regulations
20 of the secretary of health and environment and director, except that the
21 person maintaining a day care facility shall not have such person's license
22 revoked solely for the failure to have or maintain the immunization records
23 required by this subsection.

24 (h) The immunization requirement of subsection (g) shall not apply if
25 one of the following is obtained:

26 (1) Certification from a licensed physician stating that the physical
27 condition of the child is such that immunization would endanger the child's
28 life or health; or

29 (2) a written statement signed by the child's parent or guardian that
30 such immunization violates sincerely held religious beliefs of the parent or
31 guardian.

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

33 New Sec. 22. (a) It shall be unlawful for any day care facility to
34 receive or care for any adult except as authorized by rules and regulations
35 adopted by the director of the Kansas office of early childhood.

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

37 New Sec. 23. (a) It is hereby made the duty of the director of the
38 Kansas office of early childhood to inspect or cause to be inspected on or
39 after July 1, 2026, and once every 12 months thereafter, every day care
40 facility, unless otherwise provided in subsection (b). For the purpose of
41 inspection, the director or the director's authorized agent, as an employee
42 of the director or who has a contract with the director to provide
43 inspections pursuant to this act and who holds a certificate issued pursuant

1 to subsection (c), shall have the right of entry and access to every
2 department and every place in the premises, to call for and examine the
3 records that are required to be kept according to this act and to make and
4 preserve a record of every inspection. The licensee shall give all
5 reasonable information to the authorized agent of the director of the
6 Kansas office of early childhood and afford every reasonable facility for
7 viewing the premises and seeing the children therein. No such child,
8 without the consent of the child, shall be required to be interviewed by any
9 agent unless the agent is an authorized person.

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

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

19 (2) If a surveyor fails to comply with the certification requirements
20 established by the director pursuant to paragraph (1), the director may
21 require such surveyor to complete an improvement plan.

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

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

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

27 New Sec. 24. (a) Whenever an authorized agent of the director of the
28 Kansas office of early childhood or the secretary for children and families
29 finds a day care facility that is not being conducted according to law, it
30 shall be the duty of such agent to notify the licensee in writing of changes
31 or alterations as such agent determines is necessary in order to comply
32 with the requirements of the law, and such agent shall file a copy of such
33 notice with the director of the Kansas office of early childhood. It shall
34 thereupon be the duty of the licensee to make such changes or alterations
35 as are contained in the written notice within five days from the receipt of
36 such notice. Notice shall be given in accordance with the Kansas
37 administrative procedure act.

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

39 New Sec. 25. (a) Any person, firm, corporation or association that
40 violates this act shall be guilty of a misdemeanor and, upon conviction,
41 shall be fined not less than \$5 but not more than \$50. Each and every day
42 that the person fails or refuses to comply with such provisions shall be
43 deemed a separate offense under this act. If, for 30 days after any final

1 conviction for such violation or revocation of license, the person still fails
2 or refuses to comply with the orders in the notice under section 24, and
3 amendments thereto, upon notice and a hearing in accordance with the
4 Kansas administrative procedure act, the building or premises where such
5 day care facility is conducted may be closed until such person has
6 complied with this act.

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

8 New Sec. 26. (a) Upon complaint of any authorized agent of the
9 director of the Kansas office of early childhood, the county attorney of
10 each county in this state is hereby authorized and required to file a
11 complaint and prosecute to the final determination all actions or
12 proceedings against any person under this act.

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

14 New Sec. 27. (a) No person shall knowingly maintain a day care
15 facility if an employee in this state or in other states or the federal
16 government:

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

19 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
20 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
21 of the Kansas Statutes Annotated, and amendments thereto, or any felony
22 violation of any provision of the uniform controlled substances act prior to
23 July 1, 2009;

24 (C) has been convicted of any act that is described in articles 34, 35
25 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal,
26 or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and
27 amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418
28 through 21-6422 or 21-6424, and amendments thereto, or been convicted
29 of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301,
30 and amendments thereto, to commit any such act or been convicted of
31 conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302,
32 and amendments thereto, to commit such act, or similar statutes of any
33 other state or the federal government;

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

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

40 (2) except as provided in subsection (b), has been adjudicated a
41 juvenile offender because of having committed an act that if done by an
42 adult would constitute the commission of a felony and that is a crime
43 against persons, is any act described in articles 34, 35 or 36 of chapter 21

1 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or
2 56 of chapter 21 of the Kansas Statutes Annotated, and amendments
3 thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422
4 or 21-6424, and amendments thereto, or similar statutes of any other state
5 or the federal government, or is any act described in K.S.A. 21-4301 or 21-
6 4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto,
7 or similar statutes of any other state or the federal government;

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

12 (4) has committed an act of physical, mental or emotional abuse or
13 neglect or sexual abuse and who is listed in the child abuse and neglect
14 registry maintained by the Kansas department for children and families
15 pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child
16 abuse and neglect registries maintained by any other state or the federal
17 government and:

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

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

23 (5) has had a child removed from the home based on a court order
24 pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a
25 court order from any other state based upon a similar statute that finds the
26 child to be deprived or a child in need of care based on a finding of
27 physical, mental or emotional abuse or neglect or sexual abuse and the
28 child has not been returned to the home or the child has reached the age of
29 majority before being returned to the home and such person has failed to
30 satisfactorily complete a corrective action plan approved by the
31 department of health and environment;

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

35 (7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et
36 seq., and amendments thereto, or an immediate intervention agreement
37 pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge
38 of child abuse or a sexual offense; or

39 (8) has an infectious or contagious disease.

40 (b) Notwithstanding the provisions in subsection (a), no person shall
41 maintain a day care facility if such person has been found to be a person in
42 need of a guardian or a conservator, or both, as provided in K.S.A. 59-
43 3050 through 59-3095, and amendments thereto.

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

4 (d) In accordance with this subsection, the director of the Kansas
5 office of early childhood shall have access to any court orders or
6 adjudications of any court of record, any records of such orders or
7 adjudications, criminal history record information, including, but not
8 limited to, diversion agreements in the possession of the Kansas bureau of
9 investigation and any report of investigations as authorized by K.S.A. 38-
10 2226, and amendments thereto, or the Kansas department for children and
11 families or court of this state concerning employees in a day care facility.
12 The director shall have access to these records for the purpose of
13 determining whether or not the home meets the requirements of this
14 section, K.S.A. 59-2132, and amendments thereto, and sections 16 and 21,
15 and amendments thereto.

16 (e) In accordance with this subsection, the director is authorized to
17 conduct national criminal history record checks to determine criminal
18 history on employees in a day care facility. In order to conduct a national
19 criminal history check, the director shall require fingerprinting for
20 identification and determination of criminal history in accordance with
21 K.S.A. 22-4714, and amendments thereto.

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

27 (2) The director shall remit all moneys received from the fees
28 established under this section to the state treasurer in accordance with
29 K.S.A. 72-4215, and amendments thereto. Upon receipt of each such
30 remittance, the state treasurer shall deposit the entire amount in the state
31 treasury to the credit of the child care criminal background and
32 fingerprinting fund.

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

1 (h) The director shall notify the day care applicant or licensee within
2 seven days by certified mail, with return receipt requested, when the result
3 of the national criminal history record check or other appropriate review
4 reveals unfitness specified in subsection (a)(1) through (a)(8) of the person
5 who is the subject of the review.

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

10 (j) For the purpose of subsection (a)(3), a person listed in the child
11 abuse and neglect central registry shall not be prohibited from being an
12 employee in a day care facility unless such person has:

13 (1) Had an opportunity to be interviewed and present information
14 during the investigation of the alleged act of abuse or neglect; and

15 (2) been given notice of the agency decision and an opportunity to
16 appeal such decision to the director and to the courts pursuant to the
17 Kansas judicial review act.

18 (k) No person shall maintain a day care facility unless such person is
19 a high school graduate or the equivalent thereof, except that, if
20 extraordinary circumstances exist, the director of the Kansas office of
21 early childhood may exercise discretion to make exceptions from this
22 requirement. This subsection shall not apply to any person who was
23 maintaining a day care facility on the day immediately prior to July 1,
24 2010.

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

26 New Sec. 28. (a) The director may limit, modify or suspend any
27 license or temporary permit issued under sections 15 through 27, and
28 amendments thereto, upon any of the following grounds and in the manner
29 provided in this act:

30 (1) Violation by the licensee or holder of a temporary permit of any
31 provision of this act, or of the rules and regulations promulgated under this
32 act;

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

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

39 (4) the conviction of a licensee or holder of a temporary permit, at
40 any time during licensure or during the time that the temporary permit is in
41 effect, of crimes as defined in section 27, and amendments thereto; and

42 (5) a third or subsequent violation by the licensee or holder of a
43 temporary permit of section 34(b), and amendments thereto.

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

2 New Sec. 29. (a) The director may limit, modify or suspend any
3 license or temporary permit issued under sections 15 through 27, and
4 amendments thereto, prior to any hearing when, in the opinion of the
5 director, the action is necessary to protect any child in the day care facility
6 from physical or mental abuse, abandonment or any other substantial
7 threat to health, safety or welfare. Administrative proceedings under this
8 section shall be conducted in accordance with the emergency adjudicative
9 proceedings of the Kansas administrative procedure act and in accordance
10 with other relevant provisions of the Kansas administrative procedure act.

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

12 New Sec. 30. (a) Records in the possession of the director of early
13 childhood or such director's agents regarding day care facilities shall not
14 be released publicly in a manner that would identify individuals, except
15 that individual names of licensees, applicants, facilities and day care
16 facilities may be released. Nothing in this section prohibits the release of
17 any information as required by law.

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

20 (1) An agency or organization authorized to receive notice under
21 section 19, and amendments thereto;

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

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

25 (4) any disaster or emergency entity.

26 (c) The director of the Kansas office of early childhood shall prohibit
27 the release of the name, address and telephone number of a day care
28 facility if the director determines that prohibition of the release of the
29 information is necessary to protect the health, safety or welfare of the
30 public or the children enrolled in the day care facility.

31 (d) Any records under subsection (a), (b) or (c) shall be available to
32 any member of the standing committee on appropriations of the house of
33 representatives or the standing committee on ways and means of the senate
34 carrying out such member's or committee's official functions in accordance
35 with K.S.A. 75-4319, and amendments thereto, in a closed or executive
36 meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of
37 such committee, records received by the committee shall not be further
38 disclosed. Unauthorized disclosure may subject such member to discipline
39 or censure from the house of representatives or senate. Such records shall
40 not identify individuals but shall include data and contact information
41 concerning specific facilities.

42 (e) In any hearings conducted under the licensing or regulation
43 provisions of this act, the presiding officer may close the hearing to the

1 public to prevent public disclosure of matters relating to persons restricted
2 by other laws.

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

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

9 New Sec. 31. (a) The director of the Kansas office of early childhood,
10 in addition to any other penalty prescribed under this act, may assess a
11 civil fine, after proper notice and an opportunity to be heard in accordance
12 with the Kansas administrative procedure act, against a licensee for each
13 violation of such provisions or rules and regulations adopted pursuant
14 thereto that affect significantly and adversely the health, safety or
15 sanitation of children in a day care facility. Each civil fine assessed under
16 this section shall not exceed \$500. In the case of a continuing violation,
17 every day such violation continues shall be deemed a separate violation.

18 (b) All fines assessed and collected under this section shall be
19 remitted to the state treasurer in accordance with K.S.A. 75-4215, and
20 amendments thereto. Upon receipt of each such remittance, the state
21 treasurer shall deposit the entire amount in the state treasury to the credit
22 of the state general fund.

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

24 New Sec. 32. (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (h) Whenever drop-in program or words of like effect, are referred to

1 or designated by any statute, rule or regulation, contract or any other
2 document, such reference or designation shall apply to a youth
3 development program.

4 (i) If a licensed youth development program or school age program
5 operates on or within the premises of a public or private school that is
6 required to pass a fire safety inspection each school year pursuant to
7 K.S.A. 31-144(b), and amendments thereto, no additional fire safety
8 inspection of the licensed youth development program or school age
9 program shall be required by the director, the state fire marshal, the fire
10 chief or any local political or taxing subdivision.

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

12 New Sec. 33. (a) Any license, certificate of registration or temporary
13 permit that was issued prior to the effective date of this act and is in effect
14 on the effective date of this act shall continue in effect until the expiration
15 thereof, unless suspended or revoked prior to such time.

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

17 New Sec. 34. (a) As used in this section:

18 (1) "Day care home" means a child care home as defined in section
19 16, and amendments thereto, or a group day care home.

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

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

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

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

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

43 (f) In addition to any civil fine that may be levied pursuant to

1 subsection (e), any day care home that violates any provision of this
2 section may also be subject to criminal punishment pursuant to K.S.A. 21-
3 6112, and amendments thereto.

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

5 New Sec. 35. (a) Except as otherwise provided, information and
6 records pertaining to the immunization status of persons against childhood
7 diseases as required by section 21, and amendments thereto, may be
8 disclosed and exchanged without a parent or guardian's written release
9 authorizing such disclosure to the following individuals and groups who
10 need to know such information in order to assure compliance with state
11 statutes or to achieve age-appropriate immunization status for children:

12 (1) Employees of public agencies or departments;

13 (2) health records staff of day care facilities, including, but not
14 limited to, facilities licensed by the director of the Kansas office of early
15 childhood;

16 (3) persons other than public employees who are entrusted with the
17 regular care of those under the care and custody of a state agency,
18 including, but not limited to, operators of day care facilities, group homes,
19 residential care facilities and adoptive or foster homes; and

20 (4) healthcare professionals.

21 (b) Information and records that pertain to the immunization status of
22 persons against childhood diseases as required by section 21, and
23 amendments thereto, whose parent or guardian has submitted a written
24 statement of sincerely held religious beliefs regarding immunization as
25 provided in section 21, and amendments thereto, may not be disclosed or
26 exchanged without a parent's or guardian's written release authorizing such
27 disclosure.

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

29 New Sec. 36. (a) The director of the Kansas office of early childhood
30 shall establish or cause to be established an online information
31 dissemination system that is accessible to the public, including names of
32 licensees, applicants and history of citations and substantiated findings.
33 The director shall adopt rules and regulations that are consistent with the
34 requirements for the receipt of child care ARRA funds and provide for the
35 establishment of an online information dissemination system in
36 accordance with this subsection.

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

38 Sec. 37. K.S.A. 38-1901 is hereby amended to read as follows: 38-
39 1901. On and after ~~the effective date of this act~~ July 1, 2025:

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

43 (2) *The Kansas children's cabinet shall be within the Kansas office of*

1 *early childhood.*

2 (b) (I) The Kansas children's cabinet shall consist of ~~15~~ 18 members
3 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (c) (1) ~~Except as provided in paragraph (2) of this subsection, the~~
41 ~~members of the Kansas children's cabinet appointed by the governor,~~
42 ~~speaker, president and minority leaders shall serve for terms of four years~~
43 ~~and until their successors are appointed and qualified. The governor voting~~

1 ~~members~~ shall appoint a chairperson of the ~~committee~~ *cabinet* from among
2 the *voting* members ~~appointed by the governor~~. The chairperson shall serve
3 in such office ~~throughout such member's current term of office and until a~~
4 successor is appointed and qualified. The members of the Kansas
5 children's cabinet may elect any additional officers from among its
6 members necessary to carry out the duties and functions of the Kansas
7 children's cabinet.

8 ~~(2) Of the members first appointed by the governor, two shall be~~
9 ~~appointed for terms of two years, two shall be appointed for terms of three~~
10 ~~years and the member selected by the governor to be the chairperson shall~~
11 ~~be appointed for a term of four years. The member first appointed by the~~
12 ~~speaker of the house of representatives shall be appointed for a term of one~~
13 ~~year, the member first appointed by the minority leader of the house of~~
14 ~~representatives shall be appointed for a term of two years, the member first~~
15 ~~appointed by the president of the senate shall be appointed for a term of~~
16 ~~three years and the member first appointed by the minority leader of the~~
17 ~~senate shall be appointed for a term of four years. The governor shall~~
18 ~~designate the term for which each of the members first appointed by the~~
19 ~~governor shall serve. Each voting member shall serve at the pleasure of~~
20 ~~such voting member's appointing authority.~~

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

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

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

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

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

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

43 ~~(B)(ii)~~ *(ii)* If an individual or an individual's spouse, either individually or

1 collectively, has received during the preceding calendar year compensation
2 ~~which that~~ is or will be required to be included as taxable income on
3 federal income tax returns of the individual and spouse in an aggregate
4 amount of \$2,000 from any business or combination of businesses, the
5 individual has a substantial interest in that business or combination of
6 businesses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (h) Members of the Kansas children's cabinet shall not be paid
12 compensation; but shall receive subsistence allowances, mileage and other
13 expenses as provided by K.S.A. 75-3223, and amendments thereto. The
14 subsistence allowances, mileage and other expenses as provided in K.S.A.
15 75-3223, and amendments thereto, shall be paid from available
16 appropriations of the ~~Kansas department for children and families~~ *Kansas*
17 *office of early childhood*, except that expenses of members who are
18 employed by a state agency shall be reimbursed by that state agency.

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

27 Sec. 38. K.S.A. 38-2103 is hereby amended to read as follows: 38-
28 2103. (a) The Kansas children's cabinet established by K.S.A. 38-1901,
29 and amendments thereto, shall advise the governor ~~and~~, the legislature *and*
30 *the director of the Kansas office of early childhood* regarding the uses of
31 the moneys credited to the children's initiatives fund.

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

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

1 ~~(e)~~(d) There shall be conducted performance audits and other audit
2 work by the legislative post auditor upon request by the Kansas children's
3 cabinet and as directed by the legislative post audit committee in
4 accordance with ~~the provisions of~~ the legislative post audit act. The
5 purpose of such performance audits and other audit work shall be to
6 provide interested parties with the program evaluation and research needed
7 to make informed decisions for the uses of moneys credited to the
8 children's initiatives fund. The auditor to conduct such performance audit
9 or other audit work shall be specified in accordance with K.S.A. 46-1122,
10 and amendments thereto, and if the legislative post audit committee
11 specifies under such statute that a firm, as defined by K.S.A. 46-1112, and
12 amendments thereto, is to perform all or part of the audit work of such
13 audit, such firm shall be selected and shall perform such audit work as
14 provided in K.S.A. 46-1123, ~~and amendments thereto,~~ and K.S.A. 46-1125
15 through 46-1127, and amendments thereto. The audit work required
16 pursuant to this subsection shall be conducted in accordance with
17 generally accepted governmental auditing standards. The post auditor shall
18 compute the reasonably anticipated cost of the audit work performed by a
19 firm for such performance audit or other audit work pursuant to this
20 subsection, subject to review and approval by the contract audit committee
21 established by K.S.A. 46-1120, and amendments thereto, and the Kansas
22 children's cabinet shall pay such cost from the children's initiatives
23 accountability fund. If all or part of the audit work for such performance
24 audit or other audit work is performed by the division of post audit and the
25 division of post audit incurs costs in addition to those attributable to the
26 operations of the division of post audit in the performance of other duties
27 and responsibilities, the post auditor shall charge the Kansas children's
28 cabinet for such additional costs and the Kansas children's cabinet shall
29 pay such charges from the children's initiatives accountability fund. The
30 payment of any such costs and any such charges shall be a transaction
31 between the division of post audit and the Kansas children's cabinet and
32 such transaction shall be settled in accordance with ~~the provisions of~~
33 K.S.A. 75-5516, and amendments thereto. All moneys received by the
34 division of post audit for such costs and charges shall be credited to the
35 audit services fund.

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

42 ~~(e)~~(f) All moneys credited to the children's initiatives accountability
43 fund shall be used for the purposes of providing funding for assessment

1 and evaluation of programs, projects, improvements, services and other
2 purposes for which moneys are allocated or appropriated from the
3 children's initiatives fund. All expenditures from the children's initiatives
4 accountability fund shall be made in accordance with appropriation acts
5 upon warrants of the director of accounts and reports issued pursuant to
6 vouchers approved in the manner prescribed by law.

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

10 (1) ~~The~~ Average daily balance of moneys in the children's initiatives
11 accountability fund for the preceding month; and

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

14 Sec. 39. K.S.A. 2024 Supp. 48-3406 is hereby amended to read as
15 follows: 48-3406. (a) For the purposes of this section:

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

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

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

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

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

42 (4) "Licensing body" means an official, agency, board or other entity
43 of the state that authorizes individuals to practice a profession in this state

1 and issues a license, registration, certificate, permit or other authorization
2 to an individual so authorized.

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

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

8 (7) "Person" means a natural person.

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

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

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

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

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

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

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

1 practice act does not have licensure, registration or certification by
2 endorsement, reinstatement or reciprocity statutes, then the applicant shall
3 receive a license, registration or certification as provided herein if, at the
4 time of application, the applicant:

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

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

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

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

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

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

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

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

42 Upon receiving a complete application and the provisions of subsection
43 (c)(2) apply and have been met by the applicant, the licensing body shall

1 issue the license, registration or certification within 15 days from the date
2 a complete application was submitted by a military servicemember or
3 military spouse, or within 45 days from the date a complete application
4 was submitted by an applicant who is not a military servicemember or
5 military spouse, to the applicant on a probationary basis, but may revoke
6 the license, registration or certification at any time if the information
7 provided in the application is found to be false. The probationary period
8 shall not exceed six months. Upon completion of the probationary period,
9 the license, certification or registration shall become a non-probationary
10 license, certification or registration.

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

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

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

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

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

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

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

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

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

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

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

42 (g) An applicant licensed, registered or certified under this section
43 shall be entitled to the same rights and subject to the same obligations as

1 are provided by the licensing body for Kansas residents, except that
2 revocation or suspension of an applicant's license, registration or
3 certificate in the applicant's state of residence or any jurisdiction in which
4 the applicant held a license, registration or certificate shall automatically
5 cause the same revocation or suspension of such applicant's license,
6 registration or certificate in Kansas. No hearing shall be granted to an
7 applicant where such applicant's license, registration or certificate is
8 subject to such automatic revocation or suspension, except for the purpose
9 of establishing the fact of revocation or suspension of the applicant's
10 license, registration or certificate by the applicant's state of residence or
11 jurisdiction in which the applicant held a license, registration or certificate.

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

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

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

1 different or additional body of knowledge or skill required for the
2 occupational license, registration or certification in Kansas.

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

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

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

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

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

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

1 requirements adopted by the information technology executive council
2 pursuant to K.S.A. 75-7203, and amendments thereto. ~~Beginning January~~
3 ~~1, 2025,~~ Each licensing body shall be able to integrate with the uniform or
4 singular license verification portal in the manner and format required by
5 the secretary of administration indicating any issuance, renewal,
6 revocation, suspension, expiration or other change in status of an
7 electronic credential that has occurred. No charge for the establishment or
8 maintenance of the uniform or singular license verification portal shall be
9 imposed on any licensing body or any person with a license, registration,
10 certification or permit issued by a licensing body. The centralized
11 electronic credential data management systems shall include an
12 instantaneous verification system that is operated by the licensing body's
13 respective secretary, or the secretary's designee, or the secretary's third-
14 party agent on behalf of the licensing body for the purpose of instantly
15 verifying the authenticity and validity of electronic credentials issued by
16 the licensing body. Centralized electronic credential data management
17 systems shall maintain an auditable record of credentials issued by each
18 licensing body.

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

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

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

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

42 (u) Notwithstanding any other provision of law to the contrary,
43 applicants who are military spouses of active military service members

1 shall be exempt from all fees assessed by any licensing body to obtain an
2 occupational credential in Kansas and renew such credential including
3 initial or renewal application, licensing, registration, certification,
4 endorsement, reciprocity or permit fees and any criminal background
5 report fees, whether assessed by the licensing body or another agency.
6 Licensing bodies shall adopt rules and regulations to implement ~~the~~
7 ~~provisions of~~ this subsection.

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

- 10 (1) The abstracters' board of examiners;
- 11 (2) the board of accountancy;
- 12 (3) the board of adult care home administrators;
- 13 (4) the secretary for aging and disability services, with respect to
14 K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- 15 (5) the Kansas board of barbering;
- 16 (6) the behavioral sciences regulatory board;
- 17 (7) the Kansas state board of cosmetology;
- 18 (8) the Kansas dental board;
- 19 (9) the state board of education;
- 20 (10) the Kansas board of examiners in fitting and dispensing of
21 hearing instruments;
- 22 (11) the board of examiners in optometry;
- 23 (12) the state board of healing arts, as provided by subsection (t);
- 24 (13) the secretary of health and environment, ~~with respect to K.S.A.~~
25 ~~82a-1201 et seq., and amendments thereto;~~
- 26 (14) *the secretary of health and environment, on or before June 30,*
27 *2026;*
- 28 (15) *the director of the Kansas office of early childhood, on and after*
29 *July 1, 2026;*
- 30 (16) the commissioner of insurance, with respect to K.S.A. 40-241
31 and 40-4901 et seq., and amendments thereto;
- 32 ~~(15)~~(17) the state board of mortuary arts;
- 33 ~~(16)~~(18) the board of nursing;
- 34 ~~(17)~~(19) the state board of pharmacy;
- 35 ~~(18)~~(20) the Kansas real estate commission;
- 36 ~~(19)~~(21) the real estate appraisal board;
- 37 ~~(20)~~(22) the state board of technical professions, as provided by
38 subsection (t); and
- 39 ~~(21)~~(23) the state board of veterinary examiners.

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

43 (x) ~~(1) Commencing on July 1, 2021, and each year thereafter, Each~~

1 licensing body listed in subsection ~~(u)(1)~~ (v)(1) through ~~(21)~~ (22) shall
 2 provide a report for the period of July 1 through June 30 to the director of
 3 legislative research by August 31 of each year, providing information
 4 requested by the director of legislative research to fulfill the requirements
 5 of this subsection. The director of legislative research shall develop the
 6 report format, prepare an analysis of the reports and submit and present the
 7 analysis to the office of the governor, the *house of representatives*
 8 committee on commerce, labor and economic development ~~of the house of~~
 9 ~~representatives or any successor committee thereof~~, the *senate* committee
 10 on commerce ~~of the senate or any successor committee thereof~~, the *house*
 11 *of representatives* committee on appropriations ~~of the house of~~
 12 ~~representatives or any successor committee thereof~~ and the *senate*
 13 committee on ways and means ~~of the senate or any successor committee~~
 14 *thereof* by January 15 of the succeeding year. The director's report may
 15 provide any analysis the director deems useful and shall provide the
 16 following items, detailed by applicant type, including military
 17 servicemember, military spouse and non-military individual:

- 18 ~~(+)~~(A) The number of applications received under ~~the provisions of~~
 19 this section;
- 20 ~~(2)~~(B) the number of applications granted under this section;
- 21 ~~(3)~~(C) the number of applications denied under this section;
- 22 ~~(4)~~(D) the average time between receipt of the application and
 23 completion of the application;
- 24 ~~(5)~~(E) the average time between receipt of a complete application and
 25 issuance of a license, certification or registration; and
- 26 ~~(6)~~(F) identification of applications submitted under this section
 27 where the issuance of credentials or another determination by the licensing
 28 body was not made within the time limitations pursuant to this section and
 29 the reasons for the failure to meet such time limitations.

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

34 Sec. 40. K.S.A. 65-501 is hereby amended to read as follows: 65-501.

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

- 40 ~~(a)~~(1) A residential facility or hospital that is operated and maintained
 41 by a state agency as defined in K.S.A. 75-3701, and amendments thereto;
 42 ~~or~~
- 43 ~~(b)~~(2) a summer instructional camp that:

1 ~~(1) Is operated by a Kansas educational institution as defined in~~
2 ~~K.S.A. 74-32,120, and amendments thereto, or a postsecondary~~
3 ~~educational institution as defined in K.S.A. 74-3201b, and amendments~~
4 ~~thereto;~~

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

6 ~~(3) provides instruction to children, all of whom are 10 years of age~~
7 ~~and older; and~~

8 ~~(4) is accredited by an agency or organization acceptable to the~~
9 ~~secretary of health and environment is provided by a not-for-profit, school,~~
10 ~~verifiable nonpublic school or an employee of such school; or~~

11 ~~(3) a person or group of persons providing educational activities for~~
12 ~~children ages pre-K through high school to such persons' children.~~

13 ~~(b) Organizations or persons providing services defined as a day care~~
14 ~~in K.S.A. 65-503, and amendments thereto, and not included in this section~~
15 ~~may apply for and be granted a waiver as allowed under this act.~~

16 Sec. 41. K.S.A. 2024 Supp. 65-503 is hereby amended to read as
17 follows: 65-503. As used in this act:

18 ~~(a) "Child placement agency" means a business or service conducted,~~
19 ~~maintained or operated by a person engaged in finding homes for children~~
20 ~~by placing or arranging for the placement of such children for adoption or~~
21 ~~foster care.~~

22 ~~(b) "Child care resource and referral agency" means a business or~~
23 ~~service conducted, maintained or operated by a person engaged in~~
24 ~~providing resource and referral services, including information of specific~~
25 ~~services provided by child care facilities, to assist parents to find child~~
26 ~~care. "Act" means article 5 of chapter 65 of the Kansas Statutes~~
27 ~~Annotated, and amendments thereto.~~

28 ~~(b) "Assistant teacher" means a staff member of a child care center~~
29 ~~and is responsible for assisting the lead teacher in the care of children.~~

30 ~~(c) "Boarding school" means a facility that provides 24-hour care to~~
31 ~~school age children, provides education as its primary function and is~~
32 ~~accredited by an accrediting agency acceptable to the secretary of health~~
33 ~~and environment.~~

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

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

37 ~~(1) A facility maintained by a person who has control or custody of~~
38 ~~one or more children under 16 years of age, unattended by parent or~~
39 ~~guardian, for the purpose of providing the children with food or lodging,~~
40 ~~or both, except excluding children in the custody of the secretary for~~
41 ~~children and families who are placed with a prospective adoptive family~~
42 ~~pursuant to the provisions of an adoptive placement agreement or who are~~
43 ~~related to the person by blood, marriage or legal adoption;~~

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

4 (3) a child placement agency or child care resource and referral
5 agency, or a facility maintained by such an agency for the purpose of
6 caring for children under 16 years of age; or

7 (4) any receiving or detention home for children under 16 years of
8 age provided or maintained by, or receiving aid from, any city or county or
9 the state.

10 (5) *On and after July 1, 2026, "child care facility" does not include*
11 *day care facility or child resource and referral agency.*

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

14 (g) *"Child care resource and referral agency" means a business or*
15 *service conducted, maintained or operated by a person engaged in*
16 *providing resource and referral services, including information of specific*
17 *services provided by child care facilities, to assist parents to find child*
18 *care.*

19 (h) *"Child placement agency" means a business or service*
20 *conducted, maintained or operated by a person engaged in finding homes*
21 *for children by placing or arranging for the placement of such children for*
22 *adoption or foster care.*

23 (i) (1) *"Day care facility" means a child care facility that includes a*
24 *day care home, preschool, child care center, school-age program or other*
25 *facility of a type determined by the secretary to require regulation under*
26 *the provisions of K.S.A. 65-501 et seq., and amendments thereto.*

27 (2) *"Day care facility" does not include a youth development*
28 *program.*

29 (3) *On and after July 1, 2026, this subsection shall expire.*

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

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

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

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

39 (n) *"Maternity center" means a facility that provides delivery services*
40 *for normal, uncomplicated pregnancies but does not include a medical*
41 *care facility as defined by K.S.A. 65-425, and amendments thereto.*

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

1 ~~(f) "Boarding school" means a facility which provides 24-hour care to~~
2 ~~school age children, provides education as its primary function, and is~~
3 ~~accredited by an accrediting agency acceptable to the secretary of health~~
4 ~~and environment.~~

5 ~~(g) "Maternity center" means a facility which provides delivery~~
6 ~~services for normal, uncomplicated pregnancies but does not include a~~
7 ~~medical care facility as defined by K.S.A. 65-425, and amendments~~
8 ~~thereto.~~

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

11 ~~(p) "Program director" means the staff member of a child care center~~
12 ~~and is responsible for implementing and supervising the comprehensive~~
13 ~~and coordinated plan of activities that provide for the education, care,~~
14 ~~protection and development of children who attend a child care center.~~

15 ~~(q) "Religious beliefs" means the same as defined in K.S.A. 44-663,~~
16 ~~and amendments thereto.~~

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

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

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

24 Sec. 42. On and after July 1, 2026, K.S.A. 65-504 is hereby amended
25 to read as follows: 65-504. (a) The secretary of health and environment
26 shall have the power to grant a license to a person to maintain a maternity
27 center or child care facility for children under 16 years of age. A license
28 granted to maintain a maternity center or child care facility shall state the
29 name of the licensee, describe the particular premises in or at which the
30 business shall be carried on, whether it shall receive and care for women
31 or children, and the number of women or children that may be treated,
32 maintained, boarded or cared for at any one time. No greater number of
33 women or children than is authorized in the license shall be kept on those
34 premises and the business shall not be carried on in a building or place not
35 designated in the license. The license shall be kept posted in a conspicuous
36 place on the premises where the business is conducted. ~~A license granted~~
37 ~~to maintain a day care facility shall have on its face an expiration sticker~~
38 ~~stating the date of expiration of the license.~~

39 The secretary of health and environment shall grant no license in any
40 case until careful inspection of the maternity center or child care facility
41 shall have been made according to the terms of this act and until such
42 maternity center or child care facility has complied with all the
43 requirements of this act. Except as provided by this subsection, no license

1 shall be granted without the approval of the secretary for children and
2 families. The secretary of health and environment may issue, without the
3 approval of the secretary for children and families, a temporary permit to
4 operate for a period not to exceed 90 days upon receipt of an initial
5 application for license. The secretary of health and environment may
6 extend, without the approval of the secretary for children and families, the
7 temporary permit to operate for an additional period not to exceed 90 days
8 if an applicant is not in full compliance with the requirements of this act
9 but has made efforts towards full compliance.

10 (b) (1) In all cases where the secretary for children and families
11 deems it necessary, an investigation of the maternity center or child care
12 facility shall be made under the supervision of the secretary for children
13 and families or other designated qualified agents. For that purpose and for
14 any subsequent investigations they shall have the right of entry and access
15 to the premises of the center or facility and to any information deemed
16 necessary to the completion of the investigation. In all cases where an
17 investigation is made, a report of the investigation of such center or facility
18 shall be filed with the secretary of health and environment.

19 (2) In cases where neither approval or disapproval can be given
20 within a period of 30 days following formal request for such a study, the
21 secretary of health and environment may issue a temporary license without
22 fee pending final approval or disapproval of the center or facility.

23 (c) Whenever the secretary of health and environment refuses to grant
24 a license to an applicant, the secretary shall issue an order to that effect
25 stating the reasons for such denial and within five days after the issuance
26 of such order shall notify the applicant of the refusal. Upon application not
27 more than 15 days after the date of its issuance a hearing on the order shall
28 be held in accordance with ~~the provisions of~~ the Kansas administrative
29 procedure act.

30 (d) When the secretary of health and environment finds upon
31 investigation or is advised by the secretary for children and families that
32 ~~any of the provisions of this act or the provisions of K.S.A. 59-2123, and~~
33 ~~amendments thereto, are being violated, or that the maternity center or~~
34 ~~child care facility is maintained without due regard to the health, safety or~~
35 ~~welfare of any woman or child, the secretary of health and environment~~
36 ~~may issue an order revoking such license after giving notice and~~
37 ~~conducting a hearing in accordance with the provisions of the Kansas~~
38 ~~administrative procedure act. The order shall clearly state the reason for~~
39 ~~the revocation.~~

40 (e) If the secretary revokes or refuses to renew a license, the licensee
41 who had a license revoked or not renewed shall not be eligible to apply for
42 a license for a period of one year subsequent to the date such revocation or
43 refusal to renew becomes final. If the secretary revokes or refuses to renew

1 a license of a licensee who is a repeat, three or more times, violator of
2 statutory requirements or rules and regulations or is found to have
3 contributed to the death or serious bodily harm of a child under such
4 licensee's care, such licensee shall be permanently prohibited from
5 applying for a new license to provide child care or from seeking
6 employment under another licensee.

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

11 Sec. 43. K.S.A. 65-505 is hereby amended to read as follows: 65-505.

12 (a) (1) The annual fee for a license to conduct a maternity center or child
13 care facility shall be fixed by the secretary of health and environment by
14 rules and regulations in an amount not exceeding the following:

15 ~~(A)~~ For a maternity center, \$150;

16 ~~(B)~~ for a child placement agency, \$150; and

17 ~~(C)~~ for a child care resource and referral agency, \$150; and

18 ~~(2)~~ for any other *Except for child care facilities listed in paragraph*
19 *(1), there shall be no annual fee for a license to conduct a child care*
20 *facility, \$75 plus \$1 times the maximum number of children authorized*
21 *under the license to be on the premises at any one time.*

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

31 (b) Any licensee who fails to renew such license within 30 days after
32 the expiration of the license shall pay to the secretary the renewal fee plus
33 a late fee in an amount of \$75 or equal to the fee for the renewal of a
34 license, whichever is greater.

35 (c) Any licensee applying for an amended license shall pay to the
36 secretary of health and environment a fee established by rules and
37 regulations of the secretary in an amount not exceeding \$35.

38 (d) The secretary of health and environment shall remit all moneys
39 received by the secretary from fees under the provisions of this section to
40 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
41 and amendments thereto. Upon receipt of each such remittance, the state
42 treasurer, notwithstanding any other law to the contrary, shall deposit the
43 entire amount in the state treasury to the credit of the maternity centers and

1 child care licensing fee fund. All expenditures from the maternity centers
2 and child care licensing fee fund shall be made only for the purposes of
3 article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments*
4 *thereto*, in accordance with appropriation acts upon warrants of the
5 director of accounts and reports issued pursuant to vouchers approved by
6 the secretary of health and environment or by a person or persons
7 designated by the secretary. Notwithstanding any other law to the contrary,
8 no moneys shall be transferred or otherwise revert from this fund to the
9 state general fund by appropriation act or other act of the legislature.
10 Moneys available under this section by the creation of the maternity
11 centers and child care licensing fee fund shall not be substituted for or
12 used to reduce or eliminate moneys available to the department of health
13 and environment to administer the provisions of article 5 of chapter 65 of
14 the Kansas Statutes Annotated, *and amendments thereto*. Nothing in this
15 act shall be construed to authorize a reduction or elimination of moneys
16 made available by the state to local units of government for the purposes
17 of article 5 of chapter 65 of the Kansas Statutes Annotated, *and*
18 *amendments thereto*.

19 Sec. 44. K.S.A. 65-508 is hereby amended to read as follows: 65-508.

20 (a) Any maternity center or child care facility subject to ~~the provisions of~~
21 this act shall:

- 22 (1) Be properly heated, plumbed, lighted and ventilated;
- 23 (2) have plumbing, water and sewerage systems ~~which~~ *that* conform
24 to all applicable state and local laws; and
- 25 (3) be operated with strict regard to the health, safety and welfare of
26 any woman or child.

27 (b) (1) Every maternity center or child care facility shall furnish or
28 cause to be furnished for the use of each resident and employee *an*
29 individual towel, ~~wash cloth~~ *washcloth or disposable products*, comb and
30 individual drinking cup or sanitary bubbling fountain, and toothbrushes for
31 all *children* other than infants, and shall keep or require such articles to be
32 kept at all times in a clean and sanitary condition.

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

35 (3) Every maternity center or child care facility shall comply with all
36 applicable fire codes and rules and regulations of the state fire marshal.

37 (c) (1) The secretary of health and environment with the cooperation
38 of the secretary for children and families shall develop and adopt rules and
39 regulations for the operation and maintenance of maternity centers and
40 child care facilities. The rules and regulations for operating and
41 maintaining maternity centers and child care facilities shall be designed to
42 promote the health, safety and welfare of any woman or child served in
43 such facilities by ensuring safe and adequate physical surroundings,

1 healthful food, adequate handwashing, safe storage of toxic substances and
2 hazardous chemicals, sanitary diapering and toileting, home sanitation,
3 supervision and care of the residents by capable, qualified persons of
4 sufficient number, after-hour care, an adequate program of activities and
5 services, sudden infant death syndrome and safe sleep practices training,
6 prohibition on corporal punishment, crib safety, protection from electrical
7 hazards, protection from swimming pools and other water sources, fire
8 drills, emergency plans, safety of outdoor playground surfaces, door locks,
9 safety gates and transportation and such appropriate parental participation
10 as may be feasible under the circumstances. Boarding schools are excluded
11 from requirements regarding the number of qualified persons who must
12 supervise and provide care to residents.

13 (2) Rules and regulations developed under this subsection shall
14 include provisions for the competent supervision and care of children in
15 day care facilities. For purposes of such rules and regulations, competent
16 supervision as this term relates to children less than five years of age
17 includes, but is not limited to, direction of activities, adequate oversight
18 including sight or sound monitoring, or both, physical proximity to
19 children, diapering and toileting practices; and for all children, competent
20 supervision includes, but is not limited to, planning and supervision of
21 daily activities, safe sleep practices, including, but not limited to, visual or
22 sound monitoring, periodic checking, emergency response procedures and
23 drills, illness and injury response procedures, food service preparation and
24 sanitation, playground supervision, pool and water safety practices.

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

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

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

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

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

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

41 (g) Each child cared for in a child care facility, including children of
42 the person maintaining the facility, shall be required to have current such
43 immunizations as the secretary of health and environment considers

1 necessary. The person maintaining a child care facility shall maintain a
2 record of each child's immunizations and shall provide to the secretary of
3 health and environment such information relating thereto, in accordance
4 with rules and regulations of the secretary, but the person maintaining a
5 child care facility shall not have such person's license revoked solely for
6 the failure to have or to maintain the immunization records required by
7 this subsection.

8 (h) The immunization requirement of subsection (g) shall not apply if
9 one of the following is obtained:

10 (1) Certification from a licensed physician stating that the physical
11 condition of the child is such that immunization would endanger the child's
12 life or health; or

13 (2) a written statement signed by ~~a~~ *the child's* parent or guardian that
14 ~~the parent or guardian is an adherent of a such immunization violates~~
15 ~~sincerely held religious denomination whose teachings are opposed to~~
16 ~~immunizations~~ *beliefs of the parent or guardian.*

17 (i) *On and after July 1, 2026, any references to day care facilities*
18 *shall be under the administration of the director of early childhood.*

19 Sec. 45. K.S.A. 65-512 is hereby amended to read as follows: 65-512.

20 (a) It is hereby made the duty of the secretary of health and environment to
21 inspect or cause to be inspected at least once every 15 months prior to July
22 1, 2012, and once every 12 months thereafter, every maternity center or
23 child care facility, unless otherwise provided in subsections (b) and (c).
24 For the purpose of inspection, the secretary or the secretary's authorized
25 agent, *as an employee of the secretary or who has a contract with the*
26 *secretary to provide inspections pursuant to K.S.A. 65-501 et seq. and who*
27 *holds a certificate issued pursuant to subsection (c), shall have the right of*
28 *entry and access thereto in to every department and to every place in the*
29 *premises, shall to call for and examine the records which that are required*
30 *to be kept by the provisions of this act and shall to make and preserve a*
31 *record of every inspection. The licensee shall give all reasonable*
32 *information to the authorized agent of the secretary of health and*
33 *environment and shall afford every reasonable facility for viewing the*
34 *premises and seeing the patients or children therein. No such patient or*
35 *child, without the consent of the patient or child, shall be required to be*
36 *interviewed by any agent unless the agent is an authorized person or a*
37 *licensed physician.*

38 (b) ~~(1) On or after the effective date of this act, the secretary of health~~
39 ~~and environment shall commence the inspection of registered family day~~
40 ~~care homes pursuant to K.S.A. 65-533, and amendments thereto.~~

41 ~~(2)~~ The secretary of health and environment shall conduct an
42 inspection of any child care facility upon receiving a complaint. Any new
43 child care facility shall be inspected prior to issuance of a license. The

1 secretary may conduct an inspection of any child care facility that has a
2 record of repeated complaints or serious violations at any time. *Every 12*
3 *months*, the secretary shall inspect any child care facility that provides
4 services to military families receiving military assistance for child care
5 ~~every 12 months.~~

6 ~~(c) (1) Except as provided in subsection (b)(2), the following~~
7 ~~categories of child care facilities which were in compliance on the~~
8 ~~effective date of this act are not required to be inspected until July 1, 2011:~~
9 ~~Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as~~
10 ~~defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-~~
11 ~~420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as~~
12 ~~defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R.~~
13 ~~28-4-700. The secretary shall create a surveyor certification and provide a~~
14 ~~minimum of yearly continuing education to qualify for such certification.~~

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

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

20 ~~(d) Persons conducting inspections and surveys pursuant to K.S.A.~~
21 ~~65-501 et seq., and amendments thereto, shall hold a certification issued~~
22 ~~by the secretary.~~

23 Sec. 46. K.S.A. 2024 Supp. 65-516 is hereby amended to read as
24 follows: 65-516. (a) No person shall knowingly maintain a child care
25 facility if an employee who, in this state or in other states or the federal
26 government:

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

29 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
30 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
31 of the Kansas Statutes Annotated, and amendments thereto, or any felony
32 violation of any provision of the uniform controlled substances act prior to
33 July 1, 2009;

34 (C) has been convicted of any act that is described in articles 34, 35
35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal,
36 or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, *and*
37 *amendments thereto*, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418
38 through 21-6422 or 21-6424, and amendments thereto, or been convicted
39 of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301,
40 and amendments thereto, to commit any such act or been convicted of
41 conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302,
42 and amendments thereto, to commit such act, or similar statutes of any
43 other state or the federal government;

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

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

7 (2) except as provided in subsection (b), has been adjudicated a
8 juvenile offender because of having committed an act that if done by an
9 adult would constitute the commission of a felony and that is a crime
10 against persons, is any act described in articles 34, 35 or 36 of chapter 21
11 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or
12 56 of chapter 21 of the Kansas Statutes Annotated, *and amendments*
13 *thereto*, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422
14 or 21-6424, and amendments thereto, or similar statutes of any other state
15 or the federal government, or is any act described in K.S.A. 21-4301 or 21-
16 4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto,
17 or similar statutes of any other state or the federal government;

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

22 (4) has committed an act of physical, mental or emotional abuse or
23 neglect or sexual abuse and who is listed in the child abuse and neglect
24 registry maintained by the Kansas department for children and families
25 pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child
26 abuse and neglect registries maintained by any other state or the federal
27 government and:

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

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

35 (5) has had a child removed from home based on a court order
36 pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a
37 court order in any other state based upon a similar statute that finds the
38 child to be deprived or a child in need of care based on a finding of
39 physical, mental or emotional abuse or neglect or sexual abuse and the
40 child has not been returned to the home or the child reaches majority
41 before being returned to the home and the person has failed to
42 satisfactorily complete a corrective action plan approved by the
43 department of health and environment;

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

4 (7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et
5 seq., and amendments thereto, or an immediate intervention agreement
6 pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge
7 of child abuse or a sexual offense; or

8 (8) has an infectious or contagious disease.

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

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

15 (2) is 18 years of age or older;

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

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

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

20 (c) No person shall maintain a child care facility if such person has
21 been found to be a person in need of a guardian or a conservator, or both,
22 as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

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

26 (e) In accordance with the provisions of this subsection, the secretary
27 of health and environment shall have access to any court orders or
28 adjudications of any court of record, any records of such orders or
29 adjudications, criminal history record information including, but not
30 limited to, diversion agreements, in the possession of the Kansas bureau of
31 investigation and any report of investigations as authorized by K.S.A. 38-
32 2226, and amendments thereto, in the possession of the Kansas department
33 for children and families or court of this state concerning employees in a
34 child care facility. The secretary shall have access to these records for the
35 purpose of determining whether or not the home meets the requirements of
36 K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

37 (f) In accordance with the provisions of this subsection, the secretary
38 is authorized to conduct national criminal history record checks to
39 determine criminal history on employees in a child care facility. In order to
40 conduct a national criminal history check the secretary shall require
41 fingerprinting for identification and determination of criminal history in
42 accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

43 (g) (1) The secretary shall adopt rules and regulations ~~on or before~~

1 ~~January 1, 2019~~, to fix a fee for fingerprinting persons residing, working or
2 ~~regularly volunteering~~ employees in a child care facility, as may be
3 required by the department to reimburse the department for the cost of the
4 fingerprinting.

5 (2) The secretary shall remit all moneys received from the fees
6 established under this section to the state treasurer in accordance with ~~the~~
7 ~~provisions of~~ K.S.A. 75-4215, and amendments thereto. Upon receipt of
8 each such remittance, the state treasurer shall deposit the entire amount in
9 the state treasury to the credit of the child care criminal background and
10 fingerprinting fund.

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

21 ~~(i)~~(i) The secretary shall notify the child care applicant or licensee,
22 within seven days by certified mail with return receipt requested, when the
23 result of the national criminal history record check or other appropriate
24 review reveals unfitness specified in subsections (a)(1) through (8) with
25 regard to the person who is the subject of the review.

26 ~~(j)~~(j) No child care facility or the employees thereof, shall be liable
27 for civil damages to any person refused employment or discharged from
28 employment by reason of such facility's or home's compliance with the
29 provisions of this section if such home acts in good faith to comply with
30 this section.

31 ~~(k)~~(k) For the purpose of subsection (a)(3), a person listed in the child
32 abuse and neglect central registry shall not be prohibited from residing,
33 working or volunteering in a child care facility unless such person has:

34 (1) Had an opportunity to be interviewed and present information
35 during the investigation of the alleged act of abuse or neglect; and

36 (2) been given notice of the agency decision and an opportunity to
37 appeal such decision to the secretary and to the courts pursuant to the
38 Kansas judicial review act.

39 ~~(l)~~(l) In regard to Kansas issued criminal history records:

40 (1) The secretary of health and environment shall provide in writing
41 information available to the secretary to each child placement agency
42 requesting information under this section, including the information
43 provided by the Kansas bureau of investigation pursuant to this section, for

1 the purpose of assessing the fitness of persons living, working or regularly
2 volunteering in a family foster home under the child placement agency's
3 sponsorship.

4 (2) The child placement agency is considered to be a governmental
5 entity and the designee of the secretary of health and environment for the
6 purposes of obtaining, using and disseminating information obtained under
7 this section.

8 (3) The information shall be provided to the child placement agency
9 regardless of whether the information discloses that the subject of the
10 request has been convicted of any offense.

11 (4) Whenever the information available to the secretary reveals that
12 the subject of the request has no criminal history on record, the secretary
13 shall provide notice thereof in writing to each child placement agency
14 requesting information under this section.

15 (5) Any staff person of a child placement agency who receives
16 information under this subsection shall keep such information confidential,
17 except that the staff person may disclose such information on a need-to-
18 know basis to:

19 (A) The person who is the subject of the request for information;

20 (B) the applicant or operator of the family foster home in which the
21 person lives, works or regularly volunteers;

22 (C) the department of health and environment;

23 (D) the Kansas department for children and families;

24 (E) the department of corrections; and

25 (F) the courts.

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

28 ~~(n)~~(m) (1) No person shall maintain a day care facility unless such
29 person is a high school graduate or the equivalent thereof, except where
30 extraordinary circumstances exist, the secretary of health and environment
31 may exercise discretion to make exceptions to this requirement. The
32 provisions of this subsection shall not apply to any person who was
33 maintaining a day care facility on the day immediately prior to July 1,
34 2010, or who had an application for an initial license or the renewal of an
35 existing license pending on July 1, 2010.

36 (2) *This subsection shall expire on June 30, 2026.*

37 Sec. 47. K.S.A. 65-527 is hereby amended to read as follows: 65-527.

38 (a) As used in this section:

39 (1) ~~"Drop-in program" means a child care facility that is not located~~
40 ~~in an individual's residence, that serves exclusively school-age children~~
41 ~~and youth and where the operator permits children and youth to arrive at~~
42 ~~and depart from the program at the child or youth's own volition at~~
43 ~~unscheduled times."Child" means an individual who is enrolled or~~

1 attending kindergarten, is less than 18 years of age, is not a volunteer or
2 employee and is attending a youth development program.

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

6 (2)(3) "Public recreation center" means any building used by a
7 political or taxing subdivision of this state, or by an agency of such
8 subdivision, for recreation programs that serve children who are less than
9 18 years of age.

10 (3)(4) "School" means any building used for instruction of students
11 enrolled in kindergarten or any of the grades one through 12 by a school
12 district or an accredited nonpublic school.

13 (4)(5) "School-age program" means a child care facility that serves
14 exclusively school-age children and youth but does not include a ~~drop-in~~
15 youth development program.

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

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

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

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

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

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

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

43 (1) The environmental deficiency does not pose an imminent risk to

1 children and youth;

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

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

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

10 (f) *If a licensed youth development program or school age program
11 operates on or within the premises of a public or private school that is
12 required to pass a fire safety inspection each school year pursuant to
13 K.S.A. 31-144(b), and amendments thereto, no additional fire safety
14 inspection of the licensed youth development program or school age
15 program shall be required by the director, the state fire marshal, the fire
16 chief or any local political or taxing subdivision.*

17 (g) *This section shall expire on June 30, 2026.*

18 Sec. 48. K.S.A. 65-531 is hereby amended to read as follows: 65-531.
19 ~~On and after July 1, 1996:~~ (a) Except as provided further, information and
20 records ~~which~~ that pertain to the immunization status of persons against
21 childhood diseases as required by K.S.A. 65-508, and amendments thereto,
22 may be disclosed and exchanged without a parent or guardian's written
23 release authorizing such disclosure, to the following, who need to know
24 such information to assure compliance with state statutes or to achieve ~~age~~
25 ~~appropriate~~ *age-appropriate* immunization status for children:

26 (1) Employees of public agencies or departments;

27 (2) health records staff of child care facilities, including, but not
28 limited to, facilities licensed by the secretary of health and environment;

29 (3) persons other than public employees who are entrusted with the
30 regular care of those under the care and custody of a state agency,
31 including, but not limited to, ~~operators of day care facilities~~, group homes,
32 residential care facilities and adoptive or foster homes; and

33 (4) ~~health care~~ *healthcare* professionals.

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

39 (c) Information and records ~~which~~ that pertain to the immunization
40 status of persons against childhood diseases as required by K.S.A. 65-508,
41 and amendments thereto, whose parent or guardian has submitted a written
42 statement of *sincerely held* religious ~~objection to~~ *beliefs regarding*
43 immunization as provided in K.S.A. 65-508, and amendments thereto, may

1 not be disclosed or exchanged without a parent or guardian's written
2 release authorizing such disclosure.

3 Sec. 49. On and after July 1, 2026, K.S.A. 72-4161 is hereby
4 amended to read as follows: 72-4161. As used in this act:

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

6 (b) *"Director" means the director of the Kansas office of early
7 childhood.*

8 (c) *"Infant" or "toddler" means any child under the age of eligibility
9 for school attendance.*

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

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

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

38 ~~(d) "Infant" and "toddler" means any child under the age of eligibility
39 for school attendance.~~

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

41 Sec. 50. On and after July 1, 2026, K.S.A. 72-4162 is hereby
42 amended to read as follows: 72-4162. (a) The board of every school
43 district may:

1 (1) Develop and operate a parent education program;

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

5 (3) contract with private, nonprofit corporations or associations or
6 with any public or private agency or institution, whether located within or
7 outside the state, for the provision of services ~~which~~ *that* are appropriate to
8 a parent education program; and

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

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

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

23 Sec. 51. On and after July 1, 2026, K.S.A. 72-4163 is hereby
24 amended to read as follows: 72-4163. (a) The state board, *in consultation*
25 *with the secretary for children and families and the director of early*
26 *childhood*, shall adopt rules and regulations for the administration of this
27 act and shall:

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

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

33 (3) evaluate and approve parent education programs;

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

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

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

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

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

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

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

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

9 Sec. 52. On and after July 1, 2026, K.S.A. 72-4164 is hereby
10 amended to read as follows: 72-4164. (a)~~(1) In the 1990-91 school year, to~~
11 ~~the extent that appropriations are available therefor, and on the basis of~~
12 ~~established priorities, the state board shall select for the award of grants of~~
13 ~~state moneys those school districts, not to exceed 100 school districts,~~
14 ~~which the state board determines to be most capable of developing and~~
15 ~~operating successful parent education programs.~~

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

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

26 (b) The amount of a grant *awarded* to a school district shall be
27 determined by the ~~state board~~ *director* in accordance with established
28 priorities *and reported to the senate committee on education and the house*
29 *of representatives committee on K-12 budget, or any successor*
30 *committees*, but in no event shall such amount exceed the amount of actual
31 expenses incurred by the school district in the development and operation
32 of a program. If the amount of appropriations for parent education
33 programs is insufficient to pay in full the amount *that* each school district
34 is determined to be eligible to receive, the ~~state board~~ *director* shall prorate
35 the amount appropriated among all school districts in proportion to the
36 amount *that* each such school district is determined to be eligible to
37 receive.

38 (c) *Any grant awarded under this section shall be included in district*
39 *budgets with proper notation of such grant awarded.*

40 (d) *Review of equity for pre-K programs shall be reviewed by*
41 *committees on a bi-annual basis.*

42 Sec. 53. On and after July 1, 2026, K.S.A. 72-4166 is hereby
43 amended to read as follows: 72-4166. The ~~state board~~ *director*, in

1 cooperation with ~~the Kansas department for children and families, the state~~
2 ~~department of health and environment, and other~~ appropriate associations
3 and organizations, may provide any board, upon its request therefor, with
4 technical advice and assistance regarding the development and operation
5 of a parent education program or an application for a grant of state
6 moneys; and may make studies and gather and disseminate information
7 regarding materials, resources, procedures and personnel ~~which~~ *that* are or
8 may become available to assist school districts in the development and
9 operation of parent education programs.

10 Sec. 54. K.S.A. 38-1901, 38-2103, 65-501, 65-505, 65-508, 65-512,
11 65-527 and 65-531 and K.S.A. 2024 Supp. 48-3406, 65-503 and 65-516
12 are hereby repealed.

13 Sec. 55. On and after July 1, 2026, K.S.A. 65-504, 72-4161, 72-4162,
14 72-4163, 72-4164 and 72-4166 are hereby repealed.

15 Sec. 56. This act shall take effect and be in force from and after its
16 publication in the statute book.