

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR SENATE BILL NO. 96**

As Agreed to April 3, 2024

Brief*

House Sub. for House Sub. for SB 96 would establish and update law regulating child care centers and child care homes and would establish the Kansas Office of Early Childhood.

The bill would provide certain definitions, modify license capacity and staff-to-child ratios, and establish staffing requirements, including professional development training.

References to the Secretary for Children and Families would be replaced with references to the Executive Director of the Kansas Office of Early Childhood.

The provisions establishing and updating law regulating child care centers and child care homes would expire on June 30, 2026, as applied to the Secretary for Children and Families and would transition to the Kansas Office of Early Childhood beginning on July 1, 2026.

Updates to and Establishment of Law Regulating Child Care Centers

The bill would make various changes to law related to the regulation of child care centers. These revisions would generally expire on June 30, 2026, and would be replaced by provisions under the Kansas Office of Early Childhood.

Definitions

The bill would define the following terms:

- “Assistant teacher” would mean an individual who is 18 years of age or older and completes staff orientation at the time of employment;
- “Child care center” would mean a facility that meets child care center regulations and provides care and educational activities for children;
- “Child care home” would mean premises where care is provided for children at a residence;

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- "Day care facility" would mean a day care home, preschool, child care center, school-age program, youth out-of-school time program, or other facility of a type determined by the Executive Director to require regulation. "Day care facility" would not include an individual who provides care for less than 35 hours per week for 4 or fewer children, 2 of which may be infants, and not related to the individual by blood, marriage, or legal adoption;
- "Drop-in program" would mean the same as defined in KSA 65-527: a child care facility that is not located in an individual's residence, that serves exclusively school-age children and youth where the operator permits children and youth to arrive at and depart from the program at the child or youth's own volition at unscheduled times;
- "Infant" would mean a child who is between 2 weeks and 12 months of age or a child older than 12 months of age who has not learned how to walk;
- "Lead teacher" would mean an individual who is 18 years of age or older, has a high school diploma or equivalent education, and meets the training requirements in the bill;
- "Licensure year" would mean the period of time beginning on the effective date and ending on the expiration date of a license;
- "Program director" would mean the staff member of a child care center who is at least 18 years of age; meets the training requirements for the license capacity of the child care center; and is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection, and development of children who attend a child care center;
- "School-age" would mean a child who will be at least 6 years of age on or before the first day of September of any school year, but is under the age of 16;
- "Toddler" would mean a child a who has learned to walk and is at least 12 months, but less than 30 months, of age; and
- "Unit" would mean the number of children that may be present in one group in a child care center.

Staff Training and Education Requirements

The bill would require that all staff members demonstrate an understanding of children and act with sound judgment.

Program Director for Child Care Centers. The bill would require a child care center to have a program director on the premises. The Secretary of Health and Environment could not require a program director to have training requirements that are more restrictive than those outlined below. Related training would be defined to include, but not be limited to, early childhood education, elementary education, special education, speech pathology, occupational therapy, social work, or family science and human development.

Program directors would be required to be at least 18 years of age and hold a high school diploma or equivalent.

- If a child care center is licensed for fewer than 24 children, the program director would need:
 - An associate degree or higher degree in early childhood or a related discipline from a regionally accredited college or university;
 - Technical certificate or diploma in early childhood;
 - Child development associate credential;
 - Three semester hours of academic study or equivalent training in early childhood or a related discipline from a regionally accredited college or university and three months experience in early childhood education providing direct care and supervision to children; or
 - Six months experience in early childhood education providing direct care and supervision to children.

- If a child care center is licensed for 24 or more children, the program director would need:
 - A bachelor's degree or higher degree in early childhood, child development, or a related academic discipline from a regionally accredited college or university and three months of experience in early childhood education providing direct care and supervision to children;
 - A bachelor's degree in a non-related academic discipline from a regionally accredited college or university and a child development associate credential, technical certificate, or diploma in early childhood; 6 months experience in early childhood education providing direct care and supervision to children; or 12 semester hours of academic study or equivalent training in early childhood education, child development, or related disciplines;
 - A bachelor of arts or science degree in child development or early childhood education, including a supervised practicum and three months experience teaching in a licensed child care facility or preschool or working with children in a related field; or
 - A bachelor of arts or a bachelor of science degree in a related academic discipline and 12 hours of academic study or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised practicum, or administration of early childhood programs, and 6 months of experience teaching in a licensed child care facility, preschool, or working with children in a related field.

The bill would require a child care center that is licensed for more than 75 children to have an administrator, who may also be the program director.

Lead Teacher. The bill would require a lead teacher to be present with each unit of children in a facility. Lead teachers would be required to be 18 years of age or older, possess a high school diploma or equivalent education, and have:

- An associate degree or higher degree in early childhood or a related discipline from a regionally accredited college or university;
- Technical certificate or diploma in early childhood;

- An associate degree or higher degree in early childhood or a related discipline from a regionally accredited college or university and six months of experience in early childhood education providing direct care and supervision to children;
- 12 semester hours of academic study or equivalent training in early childhood, child development, or a related academic discipline from a regionally accredited college or university and either 6 months of experience in early childhood providing direct care and supervision to children, a child development associate credential, or a technical certificate or diploma in early childhood;
- A child development associate credential and one year of experience in early childhood education providing direct care and supervision to children the same age they will be serving; or
- Six years experience in early childhood education providing direct care and supervision to children the same age they will be serving.

The bill would allow the program director to perform the duties of a lead teacher in a facility licensed for less than 24 children.

Assistant Teacher. The bill would require an assistant teacher to be 16 years of age or older.

Child Care Units. The bill would require a unit with at least one infant to have at least one lead teacher. A unit where all children are at least 12 months old would be required to have at least 1 lead teacher or assistant teacher present. All staff members would be required to be at least three years older than the oldest child in the unit.

Professional Development. The bill would require any staff member who provides care to children in a child care center or a child care home to complete up to ten hours of professional development training per year. The bill would allow the Executive Director to specify the training for at least eight of the ten hours. The bill would also require an individual who provides care to children in a child care center or a child care home to provide proof of completion for up to four hours of training to the Executive Director and require the Executive Director to retain records of an individual's professional development.

The bill would require a person who maintains a child care home with one provider, if caring for four infants at once, at any time during the licensure year, to submit proof of completion of at least three hours of professional development training in an infant-specific subject to the Executive Director and require the Executive Director to retain records of such compliance.

License Capacity

The bill would require the Secretary of Health and Environment (Secretary) to update rules and regulations regarding child ratios on or before October 1, 2024.

Local Ordinances

The bill would prohibit local governments from adopting any ordinance, resolution, or regulation that is more restrictive than defined in law for license capacity of child care homes or staff-to-child ratios for child care centers.

The bill would require child care centers to meet fire protection, water supply, and sewage disposal requirements of the local jurisdiction. The bill also would require a designated area for children's activities to contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas, and bathrooms, and a minimum of 60 square feet of outdoor play space for each child using the space at a given time.

Licensing

The bill would clarify conditions on expedited occupational credentialing to include any licensing of individuals by the Secretary. The bill would also remove the annual fee for child care centers, day care homes, and group day care homes; however, the bill would require these facilities to pay a \$75 fee if they fail to renew their license in the appropriate time frame.

The bill would prohibit the Secretary from requiring the licensee to live in the child care home.

The bill would allow a licensee to request a waiver and would allow the Secretary to waive any requirements for a day care facility for a set period of time.

Pilot Programs

The bill would allow the Secretary to develop and operate a pilot program designed to increase the availability or capacity of child care facilities or drop-in programs. The Secretary would be authorized to waive the requirements related to licensure and operation of the child care facility, including staff requirements. The Secretary would be prohibited from granting a license for a pilot program if the Secretary determines that a day care facility or drop-in program or staff of such facility or program would endanger the health, safety, and welfare of any child.

The bill would allow a pilot program to be in operation for up to five years and would allow the Secretary to extend the pilot program for an additional two years.

If the Secretary determines a pilot program has been successful and would increase the availability or capacity of child care facilities in the state, the Secretary would be required to make suggestions and recommendations for statutory changes related to day care facilities and drop-in programs and adopt any rules and regulations consistent with the findings of such pilot program, including additional licensure categories and requirements for such categories.

The Secretary would be required to prepare and submit a report on or before the first day of each regular session of the Legislature regarding any pilot program. The content of the report would be as outlined in the bill.

Use of Hygiene Products

The bill would provide child care facilities with the option to use toothbrushes after meals or as appropriate.

The bill would also clarify that maternity centers and child care facilities would be required to provide each resident and employee with an individual towel, washcloth, or disposable products.

Restrictions on Use of 15-passenger Vans

The bill would prohibit the Secretary from imposing restrictions on the use of 15-passenger vans purchased on or before July 1, 2024.

Establishment of the Kansas Office of Early Childhood

The bill would establish the Kansas Office of Early Childhood (Office). The Office would be under the supervision of the Executive Director, who would be appointed by the Governor, subject to confirmation by the Senate.

Executive Director of Early Childhood

The Executive Director would be in the unclassified service under the Kansas Civil Service Act and would receive an annual salary to be fixed by the Governor. All budgeting, purchasing, and related management functions of the Office would be under the supervision of the Executive Director. All expenditures would be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Executive Director or the Executive Director's designee.

The Executive Director would submit an annual appropriations request to the Legislature. The Office's request would be prepared and submitted as continuing law requires.

The provisions of the Kansas Governmental Operations Accountability Law would apply to the Office, and the Office would be subject to audit, review, and evaluation.

The Executive Director would be required to maintain an office in Topeka, Kansas, and would be allowed to maintain offices and facilities to carry out the functions of the Office in other locations of the state.

Responsibilities of the Executive Director

The Executive Director would be required to:

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

- Prepare and implement plans for a comprehensive service delivery system for children and families;
- Facilitate and coordinate interagency cooperation towards the goal of serving children and families with a variety of other state agencies, such as the:
 - Department for Children and Families (DCF);
 - Kansas Department of Health and Environment (KDHE);
 - Kansas Department of Corrections;
 - State Board of Education;
 - State Board of Regents; and
 - Any other state office or department providing services to Kansas children and families;
- Provide a central contact for federal and state agencies concerning early childhood care and related services;
- Provide a central contact for information and assistance for children, families, communities, and businesses in need of early childhood care and related services;
- Serve as the primary contact for the Legislature on policy, administrative support, and constituent services relating to early childhood care and related services;
- Enter into contracts and agreements as necessary or incidental to the performance of the powers and duties of the Executive Director;
- Charge and collect, by order, a fee necessary for the administration and processing of paper documents, including, but not limited to, applications, registrations, permits, licenses, certifications, renewals, reports, and remittances of fees that are necessary or incidental to the execution of the laws relating to the Office;
- Appoint and oversee directors of divisions within the Office;
- Transition the administration of the following programs to the office:
 - Child care assistance;
 - Children’s Initiative Fund grants and Early Childhood Block Grants;
 - Day care facility licensing, youth out-of-school time programs, school-age programs, and early youth care programs;
 - Children’s Cabinet Accountability Fund;
 - Child care quality;
 - Community-based child abuse prevention;
 - Child Care Capacity Accelerator Grants;
 - Children’s Cabinet administration;
 - Early childhood infrastructure;
 - Early childhood integrated data systems;
 - Head Start collaboration office;

- Healthy Families America;
- Kansas Early Head Start child care partnerships;
- Kansas Early Head Start home visitation;
- Kansas Imagination Library;
- Maternal and child health home visitation;
- Maternal, infant, and early childhood home visitation;
- Parents as Teachers;
- Preschool Development Implementation Grant for children from birth to five years of age; and
- Preschool Development Planning Grant for children from birth to five years of age;
- Enter into agreements with the Secretary of Administration for the provision of shared services, including, but not limited to, personnel and other administrative services for the Office;
- Adopt, amend, and revoke any rules and regulations necessary to carry out the programs and duties of the Office; and
- Prepare and submit an annual written report to relevant legislative committees and to the Governor that contains:
 - The status of programs under the jurisdiction of the Office;
 - An overview of the fiscal and administrative structures required to oversee the programs under the jurisdiction of the Office;
 - Data and metrics on the service rates for children and families, early childhood system efficiency, early childhood workforce, and public-private partnerships; and
 - Recommendations and considerations to improve delivery of early childhood care and related services and support the healthy development of Kansas children and families.

The Executive Director would not be authorized to administer the preschool program of school districts, special education programs, or the preschool-aged at-risk programs found in statute. The Executive Director would be prohibited from adopting rules and regulations or policies requiring educational outcomes or curriculum for licensed persons or entities.

The Executive Director would be required to organize the Office in the way the Executive Director deems most efficient. The Executive Director would be allowed to establish policies governing the transaction of business of the Office and the administration of each division within the Office. The director of each division would perform duties and exercise such powers as the Executive Director, to the extent the Executive Director delegates those powers.

The Executive Director would appoint subordinate officers and employees as necessary to exercise or perform the functions, powers, and duties required under the Act. Specifically, the Executive Director would be required to appoint directors of the divisions of child care, home visitation, Head Start collaboration, and the Kansas Children's Cabinet.

The bill would require all subordinate officers and employees to perform such duties and exercise such powers as the Executive Director may prescribe and as prescribed by law.

The bill would not affect the status, rights, or benefits of civil service accrued or vested in any employee of the Kansas Children's Cabinet, DCF, KDHE, or State Department of Education.

The Executive Director would be subject to provisions regarding electronic credential licensing.

Interagency Transition Team

Under the bill, the Governor would appoint an interagency transition team to begin office operations after July 1, 2024. The Secretary would be required to appoint the Executive Director by July 1, 2025, and the Office would be required to begin transitioning programs from state agencies to the Office. All identified programs would be under the direction and supervision of the Executive Director, including staff and other operational functions, by July 1, 2026.

General Policies of the Governor and the Executive Director of Early Childhood

The Office would be responsible for carrying out the general policies of the Governor and Executive Director by:

- Supporting the healthy development of children through the coordination of early childhood programs and services in the fields of early childhood care, child care, home visitation, and other related issues;
- Managing and administering various programs serving young children and families;
- Maximizing administrative efficiencies to reduce burdens on families and improve access to early childhood services;
- Assisting the Governor in developing and implementing a comprehensive service delivery system for Kansas children and families;
- Facilitating joint planning and coordination between the public and private sector to better serve the needs of children and families and increase access to care;
- Ensuring consistent communication with service providers, parents, and other individuals and organizations interested in early childhood services to effectively respond to parental and community needs, provide assistance navigating the state's early childhood system, and elevate parental options for care in the state's mixed-delivery system;
- Supporting child care providers, including, but not limited to, center-based providers, family child care home providers, and employer-based providers, through the licensure process, participating in the state child care programs, and accessing funding or grant opportunities;

- Developing metrics to evaluate efficiency and effectiveness of the state's early childhood system and collecting the necessary data to measure those metrics;
- Supporting the early childhood service providers through the delivery of services that enhance the profession, uplift the profession, and support the creation of a sustainable workforce; and
- Developing a comprehensive strategy to expand access to a greater quantity of high-quality affordable care and services across every region of Kansas.

Division of Child Care

The bill would establish the Division of Child Care within the Office. The Division of Child Care would oversee day care facility and child care resource and referral agency licensing and child care finance quality.

The Division would be administered by the Director of the Division of Child Care, who would be in the unclassified service under the Kansas Civil Service Act and would be appointed by the Executive Director.

The bill would transfer all of the powers, duties, and functions of the existing day care and child care resources and the referral agency licensing program from the Division of Public Health within the KDHE to the Division of Child Care. The bill would require any statute, rule and regulation, contract, or any other document pertaining to day care and child care resource and referral agency licensing to apply to the Division of Child Care.

The bill would authorize the Division of Child Care to enter into agreements with DCF for the administration of child care subsidy payments. If the Division of Child Care enters into an agreement for this purpose, the Secretary for Children and Families would be required to determine an applicant's eligibility for the child care subsidy and provide information pertaining to such eligible applicants to the Division of Child Care for administration of such benefits.

Division of Home Visitation

The bill would establish the Division of Home Visitation within the Office. The Division of Home Visitation would oversee home visitation programs.

The Division would be administered by the Director of the Division of Home Visitation, who would be in the unclassified service under the Kansas Civil Service Act and would be appointed by the Executive Director.

The bill would transfer all of the powers, duties, and functions of the existing home visitation programs to the Division of Home Visitation. The bill would require any statute, rule and regulation, contract, or any other document pertaining to home visitation to apply to the Division of Home Visitation.

Division of Head Start Collaboration

The bill would establish the Division of Head Start Collaboration within the Office. The Division of Head Start Collaboration would oversee the early Head Start home visitation program and Early Head Start child care partnerships.

The Division would be administered by the Director of the Division of Head Start Collaboration, who would be in the unclassified service under the Kansas Civil Service Act and would be appointed by the Executive Director.

The bill would transfer all of the powers, duties, and functions of the existing Head Start programs to the Division of Head Start Collaboration. The bill would require any statute, rule and regulation, contract, or any other document pertaining to Head Start programs to apply to the Division of Head Start Collaboration.

Kansas Children's Cabinet (Office of Early Childhood)

The Kansas Children's Cabinet (Cabinet) would be reorganized as a division of the Office.

The division would be administered by the Director of the Cabinet, who would be in the unclassified service under the Kansas Civil Service Act and would be appointed by the Executive Director.

The bill would transfer all of the powers, duties, and functions of the existing Cabinet Executive Director to the Cabinet under the Office.

The Cabinet would consist of 17 members as follows:

- The Executive Director of the Office;
- The Secretary of Health and Environment or the Secretary's designee;
- The Secretary for Children and Families or the Secretary's designee;
- A member of the State Board of Regents selected by the State Board of Regents or such member's designee;
- The Commissioner of Education or the Commissioner's designee;
- The Secretary of Corrections or the Secretary's designee;
- A member of the Kansas Supreme Court selected by the Kansas Supreme Court or such member's designee;
- Three members of the public who are interested in and knowledgeable about the needs of children and families;
 - These members would be appointed by the Governor and could be persons who are children's advocates, members of organizations with experience in programs that benefit children, or other individuals who have experience with children's programs and services;and

- No more than two members of the public appointed to the Cabinet by the Governor could be members of the same political party;
- One legislative member appointed by the Speaker of the House of Representatives;
- One legislative member appointed by the Majority Leader of the House of Representatives;
- One legislative member appointed by the Minority Leader of the House of Representatives;
- One legislative member appointed by the President of the Senate;
- One legislative member appointed by the Majority Leader of the Senate; and
- One legislative member appointed by the Minority Leader of the Senate.

The bill would specify that the three members of the public and the legislative members would be the only voting members of the Cabinet. The bill would also specify that legislative members of the Cabinet would serve at the pleasure of such voting member's appointing authority. The voting members of the Cabinet would appoint a Chairperson of the Cabinet. The bill would also specify that each voting member would serve at the pleasure of such voting member's appointing authority.

The bill would require the Cabinet to review each individual application submitted to the Cabinet for any grant funding opportunities and allocate such grants administered by the Office. The bill would authorize the Cabinet to adopt rules and regulations as necessary.

The bill would require payments for subsistence allowances, mileage, and other expenses to be paid from available appropriations to the Office. [*Note:* Current law requires such costs to be paid from available appropriation for the Department for Children and Families.]

Current law requires the Cabinet to advise the Governor and Legislature regarding the uses of the moneys credited to the Children's Initiatives Fund. The bill would subject such money to appropriations made by the Legislature and add the Executive Director to the list of those advised by the Cabinet.

Day Care Facilities (Office of Early Childhood)

The bill would prohibit any person, firm, corporation, or association to conduct or maintain a day care facility that is under 16 years of age without having a license or temporary permit from the Executive Director. This would not apply to:

- Residential facilities or hospitals that are operated and maintained by a state agency;
- Child care facilities, as defined in statute:
 - Maintained by a person who has control or custody of 1 or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, except children in the custody of the

- Secretary for Children and Families who are placed with a prospective adoptive family;
- A children’s home, orphanage, maternity home, day care facility, or other facility of a type determined by the Secretary for Children and Families to regulate;
- A child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or
- Any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city, county, or the State; and
- Summer instruction camps that are:
 - Operated by a Kansas educational institution or a postsecondary educational institution as defined in statute;
 - In operation for no more than five weeks;
 - Providing instruction to children who are 10 years of age or older; and
 - Accredited by an agency or organization acceptable to the Executive Director.

Child Care and Development Fund

The bill would designate the Office as the state lead agency for Child Care and Development Fund administration.

Day Care Facilities and Child Care Resources and Referral Licensing Fee Fund

The bill would create the Day Care Facilities and Child Care Resources and Referral Licensing Fee Fund (Fee Fund). The bill would require the Executive Director to remit all moneys received from fees to the State Treasurer to deposit the entire amount in the State Treasury to the credit of the Fee Fund. All funds would be required to be used only for the purposes of day care facilities and child care resources and referral licensing. The bill would prohibit the transfer of moneys from the Fee Fund to the State General Fund. The bill would prohibit moneys available in the Fee Fund to be used to substitute, reduce, or eliminate moneys available to the Office. The bill would also prohibit a reduction or elimination of moneys made available by the State to local units of government.

Definitions Pertaining to the Office of Early Childhood

The bill would define the following terms:

- “Child” would mean an individual who is enrolled or attending kindergarten, or is less than 18 years of age, or is 18 years of age and has an individualized program plan, is not a volunteer or employee, and is attending a youth out-of-school time program;
- “Child care resource and referral agency” would mean a business or service conducted, maintained, or operated by a person engaged in providing resource and referral services, including information on specific services provided by child care facilities, to assist parents to find child care;

- “Day care home” would mean a day care home or a group day care home;
- “Day care facility” would mean a day care home, preschool, child care center, school-age program, youth out-of-school time program, or other facility of a type determined by the Executive Director to require regulation. “Day care facility” would not include an individual who provides care for less than 35 hours per week for 4 or fewer children, 2 of which may be infants, and not related to the individual by blood, marriage, or legal adoption;
- “Individualized program plan” would mean a written goal-oriented plan of specialized services for each child with special needs or for each juvenile offender attending a day reporting program;
- “Person” would mean any individual, association, partnership, corporation, government, governmental subdivision, or other entity;
- “Premises” would mean the location, including the building and adjoining grounds, for which the applicant has a temporary permit or license to conduct a youth out-of-school time program;
- “Public recreation center” would mean any building used by a political or taxing subdivision of this state, or by an agency of such subdivision, for recreation programs that serve children who are less than 18 years of age;
- “School” would mean any building used for instruction of students enrolled in kindergarten or any of the grades 1 through 12 by a school district or an accredited nonpublic school;
- “School-age program” would mean a facility that serves exclusively school-age children and youth;
- “Smoking” would mean possession of a lighted cigarette, cigar, pipe, or burning tobacco in any form or device designed for the use of tobacco; and
- “Youth out-of-school time program” means a program that serves exclusively school-aged children and is operated on a premises licensed by the Executive Director.

These definitions would take effect for the Office on and after July 1, 2026.

Licensing (Office of Early Childhood)

The Executive Director would have the power to grant a license to a person to maintain a day care facility for children under 16 years of age. A license granted to maintain a day care facility would:

- State the name of the licensee;
- Describe the particular premises in or at which the business shall be carried on;
- State whether it shall receive and care for children; and

- State the number of children that could be cared for at any one time.

The bill would prohibit a greater number of children than is authorized in the license to be kept on such premises and would prohibit business from being carried on in a building or place not designated in the license.

The bill would require the license to be kept in a visible location when business is conducted. The bill would also require an expiration sticker stating the date of expiration of the licensee to be maintained on day care facility licenses.

The bill would prohibit a license to be granted until careful inspection of the day care facility is conducted. The bill would allow the Executive Director to issue a temporary permit to operate for no more than 90 days. The Executive Director would be allowed to extend the temporary permit to operate for an additional 90 days if an applicant is not in full compliance but has made efforts toward full compliance.

The bill would require an investigation of a day care facility under the supervision of the Secretary for Children and Families or other designated, qualified agents, if the Secretary for Children and Families deems it necessary to do so. The bill would also require such agents to have the right of entry and access to the premises of the center or facility and to any information necessary to the completion of the investigation. In cases where neither approval nor disapproval is given within a period of 30 days, the Executive Director would be allowed to issue a temporary license, without a fee, pending final approval or disapproval of the center or facility.

If the Executive Director refuses to grant a license to an applicant, the bill would require the Executive Director to issue an order stating the reasons for such denial and, within five days after the issuance of such order, notify the applicant of the refusal. A hearing on the order would be required within 15 days after the date of issuance, in accordance with the provisions of the Kansas Administrative Procedure Act.

The bill would allow the Executive Director to revoke a license after giving notice and conducting a hearing if the Office, upon investigation, or as advised by the Secretary for Children and Families, finds a day care facility to be in violation of statute, the provisions of this bill, or if the day care facility is maintained without due regard to the health, safety, or welfare of any child.

If the Executive Director revokes or refuses to renew a license, the bill would prohibit a licensee from being eligible to apply for a license for a period of one year from the date such revocation or refusal to renew becomes final.

If the Executive Director revokes or refuses to renew a license of a licensee who is a repeat violator for three or more violations of statutory requirements, rules and regulations, or is found to have contributed to the death or serious bodily harm of a child under the licensee's care, such licensee would be permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.

The bill would permit any applicant or licensee aggrieved by a final order of the Executive Director denying or revoking a license to appeal the order in accordance with the Kansas Judicial Review Act.

The bill would prohibit any day care facility to receive or care for any adult except as authorized by rules and regulations adopted by the Secretary of Health and Environment and the Executive Director.

Any license, certification, registration, or temporary permit which was issued prior to the effective date of the bill would be in effect until the expiration date, unless suspended or revoked prior to such time.

Notification of License Status (Office of Early Childhood)

The bill would require the Executive Director to serve notice of issuance, limitation, modification, suspension, or revocation of a license to conduct a day care facility to the:

- Secretary for Children and Families;
- Juvenile Justice Authority;
- State Department of Education;
- Office of the State Fire Marshal;
- County, city-county, or multi-county department of health; and
- Any licensed child placement agency or licensed child care resource and referral agency serving the area where the center or facility is located.

The bill would require a day care facility or child care resource and referral agency that has had a license limited, modified, suspended, revoked, or denied by the Executive Director to notify parents or guardians of the enrollees in writing.

The bill would prohibit the Secretary for Children and Families from placing a child under 16 years of age in any day care facility or child care resource and referral agency not licensed by the Executive Director.

Fees

The bill would not require an annual fee for a license to conduct a child care facility.

The bill would require any licensee who fails to renew such license within 30 days after the expiration of the license to pay the renewal fee plus a late fee in the amount equal to the fee for the renewal of a license. Any licensee applying for an amended license would be required to pay a fee not to exceed \$35, an amount established by rules and regulations adopted by the Executive Director.

Record-keeping (Office of Early Childhood)

The bill would require each day care facility to keep a record upon forms provided by the Executive Director. The record would include the name and age of each child received and

cared for in the facility together with the names and addresses of the parents or guardians of such children, as well as any additional information that the Executive Director would require.

The bill would also allow day care facility licensees to apply to receive, without charge, a temporary permit or license from the Executive Director.

The bill would require such records to be confidential and to not be made public in a manner that would identify an individual.

Records in possession of the Executive Director or the Executive Director's agents regarding day care facilities would be prohibited from being released publicly in a manner that would identify individuals, except individual names of licensees, applicants, facilities, and day care facilities could be released. This bill would not prohibit the release of any information as required by law. Records in the possession of the Executive Director or the Executive Director's agents regarding day care facilities would be authorized to be released to:

- The Secretary for Children and Families;
- The Juvenile Justice Authority;
- The State Department of Education;
- The Office of the State Fire Marshal;
- A County, city-county, or multi-county department of health;
- Any licensed child placement agency or licensed child care resource and referral agency serving the area where the center or facility is located;
- Any local, state, or federal government entity or subdivision;
- Any child and adult care food program sponsoring agency; or
- Any disaster or emergency entity.

The Executive Director would be required to prohibit the release of the name, address, and telephone number of a day care facility if the Executive Director determines that prohibition of the release of information is necessary to protect the health, safety, or welfare of the public or the children enrolled in the day care facility.

The bill would require any records to be made available to members of the House Committee on Appropriations or the Senate Committee on Ways and Means that are carrying out such member's or committee's official functions in a closed or executive meeting. Records would not be further disclosed except in limited conditions established by two-thirds of the members of such committee. Unauthorized disclosure could subject such member to discipline or censure from the House of Representatives or the Senate. Such records would not identify individuals but would include data and contact information concerning specific facilities.

The bill would allow a presiding officer of hearings conducted under the licensing and regulation provisions of the bill to close the hearing to the public to prevent public disclosure of

matters relating to persons restricted by other laws. Such records would be confidential and would not be subject to the Kansas Open Records Act.

Immunization Records (Office of Early Childhood)

Information and records pertaining to the immunization status of persons against childhood diseases could be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure to the following individuals and groups who need to know such information in order to assure compliance with state statutes or to achieve age-appropriate immunization status for children:

- Employees of public agencies or departments;
- Health records staff of day care facilities, including, but not limited to, facilities licensed by the Executive Director;
- Persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency including, but not limited to, operators of day care facilities, group homes, residential care facilities, and adoptive or foster homes; and
- Health care professionals.

Information and records that pertain to the immunization status against childhood disease of persons whose parent or guardian has submitted a written statement of religious objection to immunization would be prohibited from being disclosed or exchanged without a parent or guardian's written release authorizing such disclosure.

Online Information Dissemination System (Office of Early Childhood)

The Executive Director would be required to establish an online information dissemination system that is accessible to the public, including names of licensees, applicants, and history of citations and substantiated findings. The Executive Director would also be required to adopt rules and regulations that are consistent with the requirements for the receipt of child care American Recovery and Reinvestment Act funds and that provide for the establishment of an online information dissemination system.

Sanitary and Safety Conditions (Office of Early Childhood)

The bill would require each day care facility to:

- Be properly heated, plumbed, lit, and ventilated;
- Have plumbing, water, and sewage systems that conform to all applicable state and local laws; and
- Be operated with strict regard to the health, safety, and welfare of each child.

The bill would require each day care facility to furnish each employee with an individual towel, washcloth, or disposable products, comb, and individual drinking cup or sanitary bubbling foundation, and toothbrushes for all children other than infants, and keep or require such articles to be kept at all times in a clean and sanitary condition. Each day care facility or child care resource referral agency would be required to comply with all applicable fire codes and rules and regulations of the State Fire Marshal, except in licensed youth out-of-school time programs and school-age programs that operate on or within the premises of a public or private school licensed by the State of Kansas.

The bill would require each child cared for in a day care facility, including children of the person maintaining the facility, to have current immunizations as the Secretary of Health and Environment considers necessary. The person maintaining a day care facility would be required to maintain a record of each child's immunizations and provide them to the Secretary of Health and Environment and Executive Director; however, failure to do so would not cause a person's license to be revoked.

The immunization requirement would not apply if certification from a licensed physician is provided stating that the physical condition of the child is such that immunization would endanger the child's life or health or a written statement signed by a parent or guardian is provided stating that the person or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Smoking and Fire Safety (Office of Early Childhood)

The bill would prohibit smoking within any room, enclosed area, or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage, or legal adoption to the person who maintains the home are being cared for as part of the operation of the day care home within the facility or facilities. This bill does not prohibit smoking on the premises of the day care home outside the facility or facilities of a day care home, including, but not limited to, porches, yards, or garages.

The bill would require each day care license to contain a statement in bold print that smoking is prohibited within a room, enclosed area, or enclosed space of the facility or facilities of the day care home. The license would be required to be posted in a conspicuous place in the facility or facilities.

The bill would require each day care home to be equipped with a fire extinguisher that would be maintained in an operable condition in a readily accessible location.

The bill would also allow the Executive Director to levy a civil fine against any day care home for a first or second violation of smoking and fire safety provisions. The bill would require a third or subsequent violation to be subject to limits, modifications, or suspensions of any license or temporary permit.

Safe Sleep Practices (Office of Early Childhood)

A day care facility would be required to ensure that all of the following requirements are met:

- For children under 12 months of age:
 - A child would be required to be placed to sleep on a surface and in an area that has been approved for use by the Executive Director;
 - The sleep surface would be required to be free from soft or loose bedding, including, but not limited to, blankets, bumpers, and pillows; and
 - The sleep surface would be required to be free from toys, including mobiles and other types of play equipment or devices; and
- For children over 12 months of age, a day care facility would be required to place children on a surface and in an area that has been approved for use by the Executive Director.

The bill would also provide the Executive Director with discretion to make exceptions to safe sleep practices where special health needs exist.

Rules and Regulations (Office of Early Childhood)

The Executive Director would be required to develop and adopt rules and regulations for the operation and maintenance of day care facilities. The rules and regulations for operating and maintaining day care facilities would be required to be designed to promote the health, safety, and welfare of any child served in such facilities by ensuring:

- Safe and adequate physical surroundings;
- Healthful food;
- Adequate handwashing;
- Safe storage of toxic substances and hazardous chemicals;
- Sanitary diapering and toileting;
- Home sanitation;
- Supervision and care of the residents by capable, qualified persons of sufficient number;
- After-hour care;
- An adequate program of activities and services;
- Sudden infant death syndrome and safe sleep training practices;
- Prohibition on corporal punishment;
- Crib safety;
- Protection from electrical hazards;

- Protection from swimming pools and other water sources;
- Fire drills;
- Emergency plans;
- Safety of outdoor playground surfaces;
- Door locks;
- Safety gates;
- Transportation; and
- Appropriate parental participation.

The bill would remove the requirement that rules and regulations include provisions for the competent supervision and care of children in day care facilities and defining “competent supervision.”

The bill would also preclude the Executive Director from adopting rules and regulations requiring educational outcomes or curriculum for licensed persons or entities.

The bill would replace the State Board of Education with the Office in laws regarding the adoption of rules and regulations for the administration of the Act.

Inspections (Office of Early Childhood)

The duty of inspecting day care facilities on and after July 1, 2026, and once every 12 months thereafter, would be under the purview of the Executive Director. The bill would authorize the Executive Director or the Executive Director’s agent entry and access in every department and to every place in the premises, to call for and examine the records that are required to be kept, and to make and preserve a record for every inspection. The licensee would be required to give all reasonable information to the authorized agent of the Executive Director and afford every reasonable facility for viewing the premises and seeing children. The bill would prohibit children from being interviewed without consent of the child unless the agent is an authorized person.

The bill would require the Executive Director to conduct an inspection of any day care facility upon receiving a complaint. Any new day care would be inspected prior to issuance of a license. The Executive Director would be allowed to conduct an inspection of any day care facility that has a record of repeated complaints or serious violations at any time. The Executive Director would be required to inspect any day care facility that provides services to military families receiving military assistance for child care every 12 months.

The bill would also require an authorized agent of the Executive Director to notify the licensee in writing of such changes or alterations as the agent determines necessary to comply with the requirements of the law if the agent finds a day care facility that is not being conducted according to the law. The agent would also be required to file a copy of such notice with the Executive Director. The bill would require the licensee to make such changes or alterations

within five days. Notice would be required in accordance with the provisions of the Kansas Administrative Procedure Act.

Infractions for Violation of Provisions

The bill would find any person, firm, corporation, or association who violates the provisions of the bill to be guilty of a misdemeanor. Upon conviction, the bill would authorize fines no less than \$5 but no more than \$50. Each and every day the person fails or refuses to comply would be considered a separate offense. If, for 30 days after any final conviction for such violation or revocation of license, the person still fails or refuses to comply with the orders in the notice provided, a building or premises where such home is conducted could be closed until such person has complied with all provisions.

The bill would authorize and require the county attorney of each county in the state to file a complaint and prosecute to the final determination all actions or proceedings against any person upon complaint of any authorized agent of the Executive Director.

The bill would allow the Executive Director to limit, modify, or suspend any license or temporary permit issued under the provisions of this bill upon the following grounds:

- Violation by the licensee or holder of a temporary permit of provisions of this bill;
- Aiding, abetting, or permitting the violation of a provision of this bill;
- Conduct in the operation or maintenance, or both, of a day care facility that is hostile to the health, safety, or welfare of any child receiving services from such day care facility or to the public;
- The conviction of a licensee or holder of a temporary permit, at any time during licensure or during the time the temporary permit is in effect; and
- A third or subsequent violation by licensee or holder.

The bill would authorize the Executive Director to limit, modify, or suspend any license or temporary permit issued prior to any hearing when, in the opinion of the Director, the action is necessary to protect any child in the day care facility from physical or mental abuse, abandonment or any other substantial threat to health, safety, or welfare. Administrative proceedings would be conducted in accordance with the emergency adjudicative proceedings and other relevant provisions of the Kansas Administrative Procedures Act.

The bill would allow the Executive Director to assess a civil fine, after proper notice and an opportunity to be heard in accordance with the Kansas Administrative Procedures Act, against a licensee for each violation of such provisions or rules and regulations adopted under the bill that significantly and adversely affect the health, safety, or sanitation of children in a day care facility. Each civil fine would be assessed in an amount not to exceed \$500. Every day such violation continues would be deemed a separate violation. All fines assessed and collected would be deposited into the State General Fund.

Persons Prohibited From Day Care Facilities (Office of Early Childhood)

The bill would prohibit the maintenance of a day care facility at a location where an individual resides, works, or regularly volunteers if such individual has:

- Been convicted of a person felony;
- Been convicted of a felony related to controlled substances;
- Been convicted of any act, attempt, or conspiracy related to crimes against persons, sex offense, or crimes against family relationships and children;
- Been convicted of promoting obscenity;
- Been convicted of arson;
- Been adjudicated a juvenile offender for any of the above listed crimes;
- Been convicted or adjudicated of a crime that requires registration as a sex offender;
- Committed an act of abuse or neglect and is listed in the child abuse and neglect registry maintained by Department for Children and Families and has failed to successfully complete a corrective action plan or has not had their record expunged;
- Had a child removed from home based on a finding that finds the child to be a child in need of care and the child has not been returned to the home or the person has failed to complete a corrective action plan;
- Had parental rights terminated pursuant to the Kansas Juvenile Code;
- Has signed a diversion agreement involving a charge of child abuse or sexual abuse;
or
- Has an infectious or contagious disease.

Additionally, for such requirements related to convictions or adjudications, the same restrictions would apply for convictions or adjudications from other states or the federal government.

Persons residing in a day care facility who have been found to be in need of a guardian or conservator would count toward the total number of children allowed in care.

The Executive Director would be granted access to court records and authorized to conduct criminal background checks necessary to enforce these provisions, including fixing fees for fingerprinting such persons and depositing money in the Day Care Criminal Background and Fingerprinting Fund.

Day care facilities and employees who act in good faith to comply with these requirements would not be liable for civil damages to any person refused employment or discharged pursuant to these provisions.

Youth Out-of-school Time Programs

Licensed youth out-of-school time programs and school-age programs that operate on or within the premises of a public or private school licensed by the State would be exempted from sanitation safety condition requirements. Such premises would be governed by the provisions of a memorandum of understanding between the State Fire Marshal and local, political, or taxing subdivisions to provide school inspections.

The bill would prohibit licenses for a youth out-of-school time program or school-age program from being denied, suspended, or revoked on the basis that the building does not meet requirements for licensure if the building:

- Is a public recreation center or school and is used by school-age children and youth the same age as children and youth cared for in the youth out-of-school time program or school-age program;
- Complies, during all hours of operation of the youth out-of-school time program or school-age program, with the Kansas Fire Prevention Code or a building code that is by law deemed to comply with the Kansas Fire Prevention Code; and
- Complies, during all hours of operation of the youth out-of-school time program or school-age program, with all local building code provisions that apply to recreation centers, if the building is a public recreation center, or schools, if the building is a school.

The bill prohibits a license from being denied, suspended, or revoked based on an environmental deficiency if:

- The environmental deficiency does not pose an imminent risk to children and youth;
- The environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and
- The applicant or licensee has notified the public recreation center or school of the environmental deficiency.

The Executive Director would be prohibited from imposing restrictions on the use or purchase of 15-passenger vans purchased by the program prior to July 1, 2024.

Child Care Slots

The bill would prohibit expenditures by any agency to be used for the purpose of providing reimbursements for unfilled child care slots.

Child Care Facilities

The bill would clarify that a child care facility does not include a:

- Day care facility;

- Day care home;
- Child care center;
- Preschool;
- School-age program;
- Youth out-of-school time program;
- Child care resources and referral agency; or
- An individual who provides care for less than 35 hours per week to 4 or fewer children, 2 of which may be infants, and not related to the individual by blood, marriage, or legal adoption.

The bill would modify the “day care facility” definition to include other facility types as determined by the Executive Director and exclude an individual who provides care for less than 35 hours per week to 4 or fewer children, 2 of which may be infants, and not related to the individual by blood, marriage, or legal adoption.

The bill would remove the requirement that a day care facility’s license have an expiration sticker stating the license’s expiration date on the face of the license.

Surveyors and Certification

The bill would require inspectors to be an employee of the Secretary of Health and Environment or have a contract with the Secretary to provide inspection services.

The bill would require the Secretary to create a surveyor certification and provide a minimum of yearly continuing education to qualify for such certification. If a surveyor fails to comply with certification requirements, the bill would require such surveyor to complete an improvement plan. The Secretary would be authorized to terminate a surveyor’s certification if the surveyor does not satisfactorily complete the improvement plan.

Staffing, Training, and Education Requirements

The bill would remove the requirement that a person maintaining a day care facility have a high school diploma, or equivalent, except where extraordinary circumstances exist.

Parent Education Programs

The bill would replace the State Board of Education with the Office in laws regarding the administration of grants of state money for the development and operation of a parent education program. The bill also provides definitions for Parent Education Program as used in the Act, including:

- “Board” would mean the board of education of any school district;

- “School district” would mean any public school district organized and operating under state laws;
- “Parent education program” would mean a program developed and operated by a board for the purpose of providing expectant parents and parents of infants or toddlers both with information, advice, assistance, resource materials, guidance, and learning experiences regarding parenting styles, techniques, and strategies to structure a home environment to encourage successful and productive learners;
- “Infant” and “toddler” would mean any child under the age of eligibility for school attendance; and
- “Executive Director” would mean the Executive Director of the Kansas Office of Early Childhood.

Tax Credit for Household and Dependent Care Expenses

The bill would increase the tax credit for household and dependent care expenses from 25 percent to 100 percent of the federally allowed amount, effective tax year 2024.

Technical Changes

The bill would make technical amendments to remove outdated language, make language consistent with other statutes, and update effective dates.

Conference Committee Action

The Conference committee agreed to modify the provisions of House Sub. for House Sub. for SB 96 in the following ways:

- Added one legislative member, appointed by the majority leader of the Senate to the Kansas Children's Cabinet;
- Expanded Governor appointees from three members to five members of the Kansas Children's Cabinet;
- Exempted residents from the definitions of child care facility and day care facility if the resident provides care for less than 35 hours per week to 4 or fewer children, not more than 2 of whom may be infants, who are not related to the individual by blood, marriage, or legal adoption; and
- Made additional technical amendments to remove outdated language, make language consistent with other statutes, and update effective dates.

Background

SB 96 was introduced by the Senate Committee on Assessment and Taxation at the request of Senator Tyson. The bill would have created the Pregnancy Resource Act, which

would have provided for a tax credit for contributors to non-profit pregnancy centers or residential maternity centers exempt from federal income tax pursuant to section 501(c)(3) of the federal Internal Revenue Code, provided that such centers comply with the provisions of the bill.

The House Committee on Health and Human Services removed the contents of SB 96, inserted the contents of SB 282, as amended by the Senate Committee on Commerce, and recommended a substitute bill. The background for SB 282 follows below.

SB 282 (Child Care)

SB 282 was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Blasi. The bill was amended by the Senate Committee on Commerce.

Senate Committee on Commerce

In the Senate Committee hearing on February 8, 2023, **proponent** testimony was provided by Senator Blasi and representatives of the Kansas Alliance of Boys and Girls Clubs, Americans for Prosperity Kansas, Bright Minds Academy, Kansas Chamber, Miss Marty's Nursery School—Day Care Home, Opportunity Solutions Project, Stormont Vail Health, and the Wichita Regional Chamber of Commerce. The proponents generally stated the bill would expand child care availability, modify staff to child ratios, and reduce the financial investment necessary to operate a center.

Written-only proponent testimony was provided by representatives of the Dodge City/Ford County Development Corporation, Grandma B's Daycare, Kansas Bankers Association, Kansas Hospital Association, Kimbers Kinders, and Little Steps Child Care Center.

Opponent testimony was provided by representatives of the At Home Play School, Kansas Action for Children, Child Care Aware of Kansas, Child Care Providers Coalition of Kansas, KDHE, and Thrive Allen County and Zero to Thrive. The opponents generally stated the bill proposed changes that would negatively impact the safety and quality of Kansas children and child care programs, decrease the level of competency by lowering education requirements, and did not meet best practice standards.

Written-only opponent testimony was provided by representatives of the Butler County Health Department, ERC Resource and Referral (d/b/a ChildCare Aware of Eastern Kansas), The Family Conservancy, Family Resource Center, Harmon and Harmon Family Child Care, Johnson County Department of Health and Environment, Kansas Association for the Education of Young Children, Kansas Child Care Training Opportunities, Kansas Head Start Association, the Salina County Health Department, and United Methodist Health Ministry Fund, and by four private citizens.

A representative of the Kansas Children's Cabinet and Trust Fund provided neutral testimony. The representative stated a review of the child care licensing rules and regulations is underway and allowing time for a working group to study the issue would lead to recommendations and prevent unintended consequences. Written-only neutral testimony was provided by representatives of Christ Lutheran Early Education Center, Goodwill Industries of

Kansas, Kansas Association of Local Health Departments, Olathe Chamber of Commerce, and the Unified Government of Wyandotte County Public Health Department.

The Senate Committee amended the bill to:

- Change titles for the following [*Note*: This amendment was retained by the Conference Committee.]:
 - “Group leader” to “lead teacher”;
 - “Assistant group leader” to “assistant teacher”; and
 - “Day care home” combined with “group day care home” and changed to “child care home”;
- Add professional development training requirements for child care homes, in alignment with child care center training requirements [*Note*: This amendment was retained by the Conference Committee.];
- Define “drop-in program” [*Note*: This amendment was retained by the Conference Committee.];
- Clarify the child care center staff requirements [*Note*: This amendment was not retained by the Conference Committee.];
- Adjust the age for categorizing children from under 16 years of age to under 10 years of age and some of the maximum numbers of children allowed, and the total license capacity with 1 or 2 providers [*Note*: This amendment was not retained by the Conference Committee.];
- Adjust staff-to-child ratios for toddlers [*Note*: This amendment was not retained by the Conference Committee.];
- Add language restricting the Secretary from adopting more restrictive ratios or children per unit, and remove language regarding volunteers [*Note*: This amendment was not retained by the Conference Committee.];
- Add requirements for program directors for child care centers licensed for more than 75 children [*Note*: This amendment was not retained by the Conference Committee.]; and
- Delete a section on the inspection of child care facilities.

The Senate Committee on Commerce removed the contents of HB 2344 (regarding the Council on Travel and Tourism and related grants), inserted the amended contents of SB 282, and recommended a substitute bill.

House Committee on Health and Human Services

In the House Committee, an informational briefing was held on SB 282. Comment on the bill was provided by Senator O’Shea; representatives of Americans for Prosperity Kansas, Kansas Chamber, Opportunity Solutions Project, and Stormont Vail Health; and two private citizens. The speakers generally spoke to an ongoing shortage of child care in the state and its

effect on the workforce. The representative of Kansas Action for Children provided comment expressing concern that the bill does not address compensation for child care workers, reduces required training hours, and increases the number of children allowed to be cared for per staff member.

Written-only neutral comment was provided by a representative of Kansas Hospital Association.

The House Committee removed the contents of SB 96, inserted the contents of SB 282, as amended by the Senate Committee on Commerce, and recommended a substitute bill.

On February 15, 2024, SB 96 was withdrawn from the House Calendar and referred to the House Committee on Commerce, Labor and Economic Development.

House Committee on Commerce, Labor and Economic Development

The House Committee on Commerce, Labor and Economic Development inserted the contents of HB 2785 into House Sub. for SB 96 while retaining the contents of HB 2785. Background information for each bill is provided below.

House Sub. for SB 96 (Updating Law Regulating Child Care Centers and Child Care Homes)

In the House Committee hearing on March 14, 2024, **proponent** testimony was provided by Representative Titus and representatives of the Kansas Chamber, Modern Government, Opportunity Solutions Project, and the Wizard of Coz Daycare. The proponents generally said the bill would help open needed child care slots in the state by reducing the time and costs associated with regulatory compliance.

Opponent testimony was provided by representatives of the KDHE and Child Care Aware Kansas. The opponents generally stated the bill would provide rigid state statutes that do not allow for flexibility, while adding ambiguity of who has ultimate authority in enforcing the law.

Neutral testimony was provided by a representative of the Kansas Alliance of the Boys and Girls Club, who generally stated the bill would be better if drop in programs were renamed youth out-of-school time program and if language providing clarity regarding youth out-of-school time were included in the bill.

The House Committee amended House Sub. for SB 96 to move the effective date to July 1, 2026 [*Note: This amendment was retained by the Conference Committee.*].

HB 2785 (Transferring Certain Child Care Programs)

The bill was introduced by the House Committee on Child Welfare and Foster Care at the request of Representative Concannon on behalf of the Office of the Governor.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Association of Local Health Departments, Kansas Children's Cabinet and Trust Fund, DCF, Kansas State Alliance of YMCAs, Childcare Aware of Kansas, Kansas Action for Children, KDHE, Kansas Children's Service League, and Thrive Kansas, and a private citizen. The proponents generally stated the bill would streamline funding and operations.

Neutral testimony was provided by a representative of the Kansas Alliance of the Boys and Girls Club, who generally stated the bill doesn't address child care for school-aged children who need out-of-school care.

No other testimony was provided.

The House Committee amended the bill to:

- Require the Executive Director to submit to the Legislature the annual request for the Office for appropriations [*Note*: This amendment was retained by the Conference Committee.];
- Modify inspection requirements for licensed youth out-of-school time programs and school-age programs that operate on or within the premises of a public or private school [*Note*: This amendment was retained by the Conference Committee.];
- Disallow reimbursement funds for unfilled child slots [*Note*: This amendment was retained by the Conference Committee.];
- Require a surveyor certificate and continuing education program established by the Secretary of Commerce [*Note*: This amendment was retained by the Conference Committee.];
- Provide a dependent care tax credit for tax years 2023 and tax years thereafter [*Note*: This amendment was retained by the Conference Committee.];
- Increase the Cabinet's membership and modify membership allocations [*Note*: This amendment was modified by the Conference Committee.];
- Move the Early Childhood Center and Children's Cabinet under the Secretary of Commerce [*Note*: This amendment was not retained by the Conference Committee.];
- Authorize the Executive Director to implement and administer rules and regulations adopted by the Cabinet [*Note*: This amendment was not retained by the Conference Committee.]; and
- Replace drop-in programs with youth out-of-school time programs [*Note*: This amendment was not retained by the Conference Committee.].
- House Committee of the Whole

The House Committee of the Whole amended the bill to [*Note*: Except as noted, these amendments were retained by the Conference Committee.]:

- Establish the Office as a standalone agency as opposed to an office under the Department of Commerce;
- Increase Cabinet membership from 16 to 17 members, with the additional members to be appointed by the Majority Leader of the House of Representatives;
- Require Cabinet appointees of the Legislature to be legislative members;
- Specify the Chairperson of the Cabinet to be appointed by the Cabinet;
- Provide the Executive Director with the authority to adopt, amend, and revoke any rules and regulations necessary to carry out the programs and duties of the Office;
- Remove language requiring child care facilities to comply with fire codes and rules and regulations of the State Fire Marshal that govern schools;
- Remove staff-to-child ratios requirements;
- Require the Secretary of Health and Environment to update rules and regulations regarding child ratios on or before July 1, 2024 [*Note: The Conference Committee moved the date to October 1, 2024.*];
- Clarify the amount of professional development training for child care providers to be up to 10 hours per year; and
- Make technical amendments.

Fiscal Information

SB 282

According to the revised fiscal note prepared by the Division of the Budget on SB 282, as introduced, KDHE would require \$1.1 million from the State General Fund (SGF) in FY 2024 and up to \$9.2 million SGF and up to 93.0 FTE positions beginning in FY 2027. KDHE indicates elimination of annual fees would require the agency to replace this funding stream, which is currently used for local health departments, salaries and wages, the purchase of vehicles, and vehicle repairs. KDHE is also contracted with DCF for an obligation to match approximately \$1.0 million from the Child Care and Development Fund, currently used to match funds local health departments put toward the program.

Currently, KDHE uses a hybrid model for surveyors, with 43 of the 105 counties covered by a KDHE surveyor, while the other 62 are covered by a contracted local agency surveyor. Based on the recommended ratio for surveyors of 1:50 surveyors to facilities, an additional 93.0 FTE positions would be recommended at a cost of \$6.2 million. Additionally, \$1.9 million for the purchase of vehicles for added surveyors would be requested. If 78.0 FTE positions would be recommended, at a ratio of 1:60, the estimated cost for salaries and wages would be \$5.2 million and \$1.6 million for vehicles.

Any fiscal effect associated with enactment of SB 282 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicated that enactment of the bill could have a fiscal effect for counties, but notes that counties are restricted in their ability to regulate child care centers. The League of Kansas Municipalities noted that the bill would result in increased costs to local governments to develop and implement new procedures regarding child care facilities and licensure. The added duties would also require additional time and training for city appointed officials. A total fiscal effect could not be estimated.

House Sub. for House Sub. for SB 96

An updated fiscal note for House Sub. for House Sub. for SB 96 was unavailable at the time the House Committee took action on the bill.

HB 2785

According to the fiscal note prepared by the Division of the Budget on HB 2785, as introduced, DCF indicates enactment of the bill would result in a reduction of agency expenditures totaling \$127.6 million, including \$14.6 million SGF, beginning in FY 2026. The corresponding revenue sources for these expenditures would also be reduced from the agency budget. A total of 15.0 FTE positions are currently associated with these programs.

KDHE estimates that enactment of the bill would reduce total expenditures by \$16.2 million for FY 2026. The agency estimates a reduction of revenue totaling \$16.7 million for FY 2026 associated with the transfer of programs pursuant to HB 2785 and the related funding streams.

The State Department of Education indicates that enactment of the bill would have no fiscal effect on the agency.

The Division of the Budget assumes the reported agency savings related to the enactment of HB 2785 would not result in statewide savings as most program duties and responsibilities would be transferred to the Office of Early Childhood, in addition to the salary and benefits for a new Executive Director.

Any fiscal effect associated with enactment of HB 2785 is not reflected in *The FY 2025 Governor's Budget Report*.

Child care center; child care facility; child placement agency; child care home; licensure; office of early childhood

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