

{As Amended by House Committee of the Whole}

Session of 2024

**House Substitute for House Substitute for
SENATE BILL No. 96**

By Committee on Commerce, Labor and Economic Development

3-25

1 AN ACT concerning child care; relating to licensure of child care
2 facilities, day care homes and child care centers; establishing license
3 capacity and staff-to-child ratios; reducing license fees and training
4 requirements; creating a process for day care facility licensees to apply
5 for a temporary waiver of certain statutory requirements; authorizing
6 the secretary of health and environment to develop and operate pilot
7 programs to increase child care facility availability and capacity;
8 ~~placing the children's cabinet in the department of commerce;~~
9 establishing the Kansas office of early childhood; transferring
10 administration of day care licensing, parent education program and
11 child care subsidy to the Kansas office of early childhood; defining
12 youth out-of-school time programs; applying certain fire codes for day
13 care facilities; increasing the tax credit amount for household and
14 dependent care expenses; amending {section 1, as enacted by this act,
15 section 3, as enacted by this act, section 5, as enacted by this act,
16 section 7, as enacted by this act, section 9 as enacted by this act,
17 section 11, as enacted by this act, section 13, as enacted by this act,
18 section 15, as enacted by this act, section 17, as enacted by this act,}
19 K.S.A. 38-1901, 38-2103, 65-503, 65-503, as amended by section 51 of
20 this act, 65-504, 65-505, 65-508, 65-508, as amended by section 55 of
21 this act, 65-512, 65-527, 65-531, 72-4162, 72-4163, 72-4164, 72-4166
22 and 79-32,111c and K.S.A. 2023 Supp. 48-3406 and 65-516 and
23 repealing the existing sections.

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

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

27 (b) Each applicant, each applicant with a temporary permit and each
28 licensee of a ~~facility~~ {child care center} for fewer than 24 children shall
29 hire a program director who:

- 30 (1) Is at least 18 years of age;
31 (2) has a high school diploma or equivalent; and
32 (3) has one of the following:
33 (A) An associate degree or a higher degree in early childhood, child
34 development or a related academic discipline from a regionally accredited
35 college or university;

- 1 (B) a child development associate credential;
- 2 (C) a technical certificate or diploma in early childhood;
- 3 (D) three months of experience in early childhood education
- 4 providing direct care and supervision to children and three semester hours
- 5 of academic study or equivalent training in early childhood, child
- 6 development or a related academic discipline from a regionally accredited
- 7 college or university; or
- 8 (E) six months of experience in early childhood providing direct care
- 9 and supervision to children.
- 10 (c) Each applicant, each applicant with a temporary permit and each
- 11 ~~license~~ {licensee} of a ~~facility~~ {child care center} for 24 or more children
- 12 shall hire a program director who:
- 13 (1) Is at least 18 years of age;
- 14 (2) {has }a high school diploma or equivalent; and
- 15 (3) has one of the following:
- 16 (A) A bachelor's degree or a higher degree in early childhood, child
- 17 development or a related academic discipline from a regionally accredited
- 18 college or university and three months of experience in early childhood
- 19 education providing direct care and supervision to children;
- 20 (B) {a }bachelor's degree in an unrelated academic discipline from a
- 21 regionally accredited college or university and any of the following
- 22 options:
- 23 (i) Six months of experience in early childhood education providing
- 24 direct care and supervision of children;
- 25 (ii) 12 semester hours of academic study or equivalent training in
- 26 early childhood, child development or a related academic discipline;
- 27 (iii) {a }child development associate credential; or
- 28 (iv) {a }technical certificate or diploma in early childhood;
- 29 (C) {an }associate degree in early childhood, child development or a
- 30 related academic discipline from a regionally accredited college or
- 31 university and six months of experience in early childhood education
- 32 providing direct care and supervision of children;
- 33 (D) 12 semester hours of academic study or equivalent training in
- 34 early childhood, child development or a related academic discipline from a
- 35 regionally accredited college or university and any of the following
- 36 options:
- 37 (i) Six months of experience in early childhood education providing
- 38 direct care and supervisions to children;
- 39 (ii) {a }child development associate credential; or
- 40 (iii) {a }technical certificate or diploma in early childhood;
- 41 (E) {a }child development associate credential and one year of
- 42 experience in early childhood education providing direct care and
- 43 supervision of children; or

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

(d) Each individual who has obtained approval of program director qualifications by the secretary or the secretary's designee before December 31, 2023, shall be exempt from the requirements in subsections (b)(3) and (c)(3).

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

(1) Be at least 18 years of age;

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

(3) have one of the following:

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

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

(C) **{a }**child development associate credential;

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

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

(f) Each program director in a ~~facility~~ **{child care center}** licensed for less than 24 children may also serve as a lead teacher in the facility.

(g) Assistant teachers shall be at least 16 years of age.

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

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

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

(1) Is at least 18 years of age;

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

(3) has one of the following:

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

- 1 (B) a child development associate credential;
- 2 (C) a technical certificate or diploma in early childhood;
- 3 (D) three months of experience in early childhood education
- 4 providing direct care and supervision to children and three semester hours
- 5 of academic study or equivalent training in early childhood, child
- 6 development or a related academic discipline from a regionally accredited
- 7 college or university; or
- 8 (E) six months of experience in early childhood providing direct care
- 9 and supervision to children.
- 10 (c) Each applicant, each applicant with a temporary permit and each
- 11 license of a ~~facility~~ {child care center} for 24 or more children shall hire a
- 12 program director who:
- 13 (1) Is at least 18 years of age;
- 14 (2) {has }a high school diploma or equivalent; and
- 15 (3) has one of the following:
- 16 (A) A bachelor's degree or a higher degree in early childhood, child
- 17 development or a related academic discipline from a regionally accredited
- 18 college or university and three months of experience in early childhood
- 19 education providing direct care and supervision to children;
- 20 (B) {a }bachelor's degree in an unrelated academic discipline from a
- 21 regionally accredited college or university and any of the following
- 22 options:
- 23 (i) Six months of experience in early childhood education providing
- 24 direct care and supervision of children;
- 25 (ii) 12 semester hours of academic study or equivalent training in
- 26 early childhood, child development or a related academic discipline;
- 27 (iii) {a }child development associate credential; or
- 28 (iv) {a }technical certificate or diploma in early childhood;
- 29 (C) {an }associate degree in early childhood, child development or a
- 30 related academic discipline from a regionally accredited college or
- 31 university and six months of experience in early childhood education
- 32 providing direct care and supervision of children;
- 33 (D) 12 semester hours of academic study or equivalent training in
- 34 early childhood, child development or a related academic discipline from a
- 35 regionally accredited college or university and any of the following
- 36 options:
- 37 (i) Six months of experience in early childhood education providing
- 38 direct care and supervisions to children;
- 39 (ii) {a }child development associate credential; or
- 40 (iii) {a }technical certificate or diploma in early childhood;
- 41 (E) {a }child development associate credential and one year of
- 42 experience in early childhood education providing direct care and
- 43 supervision of children; or

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

(d) Each individual who has obtained approval of program director qualifications by the secretary *of the department for health and environment* or the secretary's designee before December 31, 2023, shall be exempt from the requirements in subsections (b)(3) and (c)(3).

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

(1) Be at least 18 years of age;

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

(3) have one of the following:

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

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

(C) **{a }**child development associate credential;

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

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

(f) Each program director in a ~~facility~~ **{child care center}** licensed for less than 24 children may also serve as a lead teacher in the facility.

(g) Assistant teachers shall be at least 16 years of age.

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

New Sec. 3. ~~(a) (1) A child care home with one provider shall have a license capacity of 12 if the children enrolled in such child care home are all at least two and one-half years but under 10 years of age.~~

~~(2) If paragraph (1) does not apply, the license capacity for a child care home with one provider shall be as follows:~~

Children under 12	Children at least 12	Children at least	License
months of age	months but under	5 years but under	capacity
5 years of age	10 years of age		
0	8	4	12
1	7	4	12
2	4	4	10
3	3	3	9
4	2	2	8

~~(b) (1) A child care home with two providers shall have a license capacity of 17 if the children enrolled in such child care home are all at least two and one-half years but under 10 years of age.~~

~~(2) If paragraph (1) does not apply, the license capacity for a child care home with two providers shall be as follows:~~

Children under 12 months of age	Children at least 12 months but under 5 years of age	Children at least 5 years but under 10 years of age	License capacity
0	12	5	17
1	11	5	17
2	10	4	16
3	9	4	16
4	8	3	15

~~(3) If the number of children present exceeds the maximum number allowed for one provider, a second provider shall be present.~~

~~(c) (1) Children five years of age and older may be substituted for younger children in the license capacity in subsections (a) and (b).~~

~~(2) Two or fewer children who are two and one-half years of age or older and are not counted toward the license capacity in subsections (a) and (b) may be present on the premises between 11:00 a.m. and 1:00 p.m. for the noon meal.~~

~~(3) Two or fewer children who are at least five years of age but under 10 years of age and are not counted toward the license capacity in subsections (a) and (b) may be present as follows:~~

~~(A) During the academic school year before and after school, in-service days, school holidays, scheduled or emergency closures and school breaks not to exceed two consecutive weeks; and~~

~~(B) during the two consecutive weeks before the opening of the academic school year in August or September and following the end of the academic school year in May or June.~~

~~(4) Two or fewer children 10 years of age or older, unrelated to the applicant or licensee, may be present for two hours or less per day during child care hours if the additional children are:~~

~~(A) Not on the premises for the purpose of receiving child care in the facility;~~

~~(B) visiting the applicant's or the licensee's own child or children; or~~

~~(C) supervised by a provider if they have access to the children in care.~~

~~(d) (1) For each licensure year beginning after July 1, 2023 {2024}, each person who provides care to children in a child care home shall complete professional development training in an amount determined by the secretary not to exceed {up to} 10 clock hours per licensure year.~~

~~(2) Such training shall consist of a minimum of eight hours of~~

training specified by the secretary.

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

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

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

~~(c) (1) The secretary shall not adopt or implement any limitation on the maximum number of children for which a child care home may be licensed that is more restrictive than this section.~~

~~(2) No city or county shall adopt any ordinance, resolution or regulation restricting the maximum number of children for which a child care home may be licensed that is more restrictive than this section.~~

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

{(b) The secretary for health and environment shall update rules and regulations regarding child ratios on or before July 1, 2024.}

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

Sec. 4. On and after July 1, 2026, section 3, as enacted by this act, is hereby amended to read as follows: ~~(a) (1) A child care home with one provider shall have a license capacity of 12 if the children enrolled in such child care home are all at least two and one-half years but under 10 years of age.~~

~~(2) If paragraph (1) does not apply, the license capacity for a child care home with one provider shall be as follows:~~

Children under 12 months of age	Children at least 12 months but under 5 years of age	Children at least 5 years but under 10 years of age	License capacity
0	8	4	12
1	7	4	12
2	4	4	10
3	3	3	9
4	2	2	8

~~(b) (1) A child care home with two providers shall have a license capacity of 17 if the children enrolled in such child care home are all at least two and one-half years but under 10 years of age.~~

~~(2) If paragraph (1) does not apply, the license capacity for a child care home with two providers shall be as follows:~~

Children under 12 months of age	Children at least 12 months but under 5 years of age	Children at least 5 years but under 10 years of age	License capacity
0	12	5	17
1	11	5	17
2	10	4	16
3	9	4	16
4	8	3	15

~~(3) If the number of children present exceeds the maximum number allowed for one provider, a second provider shall be present.~~

~~(c) (1) Children five years of age and older may be substituted for younger children in the license capacity in subsections (a) and (b).~~

~~(2) Two or fewer children who are two and one-half years of age or older and are not counted toward the license capacity in subsections (a) and (b) may be present on the premises between 11:00 a.m. and 1:00 p.m. for the noon meal.~~

~~(3) Two or fewer children who are at least five years of age but under 10 years of age and are not counted toward the license capacity in subsections (a) and (b) may be present as follows:~~

~~(A) During the academic school year before and after school, in-service days, school holidays, scheduled or emergency closures and school breaks not to exceed two consecutive weeks; and~~

~~(B) during the two consecutive weeks before the opening of the academic school year in August or September and following the end of the academic school year in May or June.~~

~~(4) Two or fewer children 10 years of age or older, unrelated to the applicant or licensee, may be present for two hours or less per day during child care hours if the additional children are:~~

~~(A) Not on the premises for the purpose of receiving child care in the facility;~~

~~(B) visiting the applicant's or the licensee's own child or children; or~~

~~(C) supervised by a provider if they have access to the children in care.~~

~~(d) (1) For each licensure year beginning after July 1, 2023 {2024}, each person who provides care to children in a child care home shall complete professional development training in an amount determined by the secretary not to exceed {up to} 10 clock hours per licensure year.~~

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

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

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

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

~~(c) (1) The secretary executive director shall not adopt or implement any limitation on the maximum number of children for which a child care home may be licensed that is more restrictive than this section.~~

~~(2) No city or county shall adopt any ordinance, resolution or regulation restricting the maximum number of children for which a child care home may be licensed that is more restrictive than this section.~~

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

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

~~New Sec. 5. (a) The ratio of staff members to children in a child care center shall be determined by the ages of the children and the type of care provided.~~

~~(1) The minimum staff-to-child ratio and the maximum number of children per unit shall be the following:~~

Age of children	Minimum staff-to-child ratio of children per unit	Maximum number
Infants	1 to 4	12
Infants and other children under six	1 to 6	12
(including 3 or fewer infants)	(including 6 or fewer infants)	
Toddlers	1 to 6	12
Children at least two but under three years of age	8	16
Children at least 2.5 years of age but under school age	12	24
Children at least 3 years of age but under school age	15	30

Kindergarten enrollees	18	36
School age	20	40

(2) No child shall be left unsupervised.

(b) (1) ~~The secretary shall not adopt or implement any limitation on staff-to-child ratios or children per unit in a child care center that is more restrictive than this section.~~

(2) ~~No city or county shall adopt any ordinance, resolution or regulation restricting the staff-to-child ratios and children per unit in a child care center that is more restrictive than this section.~~

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

Sec. 6. ~~On and after July 1, 2026, section 5, as enacted by this act, is hereby amended to read as follows: (a) The ratio of staff members to children in a child care center shall be determined by the ages of the children and the type of care provided.~~

(1) ~~The minimum staff-to-child ratio and the maximum number of children per unit shall be the following:~~

Age of children	Minimum staff-to-child ratio of children per unit	Maximum number
Infants	1 to 4	12
Infants and other children under six	1 to 6	12
Toddlers	(including 3 or fewer infants)	(including 6 or fewer infants)
Children at least two but under three years of age	8	16
Children at least 2.5 years of age but under school age	12	24
Children at least 3 years of age but under school age	15	30
Kindergarten enrollees	18	36
School age	20	40

(2) No child shall be left unsupervised.

(b) (1) ~~The secretary *executive director* shall not adopt or implement any limitation on staff-to-child ratios or children per unit in a child care center that is more restrictive than this section.~~

(2) ~~No city or county shall adopt any ordinance, resolution or regulation restricting the staff-to-child ratios and children per unit in a child care center that is more restrictive than this section.~~

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

New Sec. 7. (a) Each child care center shall have a program director who is employed full time.

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

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

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

Sec. 8. On and after July 1, 2026, section 7, as enacted by this act, is hereby amended to read as follows: (a) Each child care center shall have a program director who is employed full time.

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

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

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

New Sec. 9. (a) A child care center shall meet the legal requirements of the local jurisdiction where the child care center is located for fire protection, water supply and sewage disposal.

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

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

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

Sec. 10. On and after July 1, 2026, section 9, enacted by this act, is hereby amended to read as follows: (a) A child care center shall meet the legal requirements of the local jurisdiction where the child care center is located for fire protection, water supply and sewage disposal.

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

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

~~(e) This section shall be a part of and supplemental to article 5 of~~

~~chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

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

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

Sec. 12. On and after July 1, 2026, section 11, as enacted by this act, is hereby amended to read as follows: ~~(a) The secretary of health and environment~~ *executive director* shall not require as a condition of licensure for a child care home that the licensee live in the child care home.

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

New Sec. 13. (a) Notwithstanding the provisions of any other law to the contrary, a person granted licensure to maintain a day care facility may request from the secretary a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the secretary of health and environment and shall contain the provisions of the statute sought to be waived and the reasons therefor.

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

Sec. 14. On and after July 1, 2026, section 13, enacted by this act, is hereby amended to read as follows: ~~(a) Notwithstanding the provisions of any other law to the contrary, a person granted licensure to maintain a day care facility may request from the secretary~~ *executive director* a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the ~~secretary of health and environment~~ *executive director* and shall contain the provisions of the statute sought to be waived and the reasons therefor.

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

New Sec. 15. (a) (1) Notwithstanding the provisions of any other law to the contrary, the secretary of health and environment may develop and operate pilot programs designed to increase the availability or capacity of child care facilities in the state.

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

1 of any children that attend such day care facility or youth out-of-school
2 time program.

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

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

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

16 (1) Make suggestions and recommendations to the legislature for
17 statutory changes relating to day care facilities or youth out-of-school time
18 programs; and

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

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

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

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

34 Sec. 16. On and after July 1, 2026, section 15, enacted by this act, is
35 hereby amended to read as follows: (a) (1) Notwithstanding the provisions
36 of any other law to the contrary, the ~~secretary of health and environment~~
37 *executive director* may develop and operate pilot programs designed to
38 increase the availability or capacity of child care facilities in the state.

39 (2) The ~~secretary~~ *executive director* may grant licensure to a person to
40 maintain a day care facility or youth out-of-school time program in a pilot
41 program under this section that waives the requirements of this act or rules
42 and regulations related to licensure and operation of a day care facility or
43 youth out-of-school time program, including requirements for staff at such

1 day care facility or youth out-of-school time program. A day care facility
 2 or youth out-of-school time program granted a license under this section
 3 shall comply with any alternative terms, conditions and requirements set
 4 by ~~secretary~~ *executive director* as may be necessary to protect the health,
 5 safety and welfare of any children that attend such day care facility or
 6 youth out-of-school time program.

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

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

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

20 (1) Make suggestions and recommendations to the legislature for
 21 statutory changes relating to day care facilities or youth out-of-school time
 22 programs; and

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

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

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

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

39 New Sec. 17. The secretary of health and environment shall not
 40 impose restrictions on the use of 15-passenger vans purchased on or before
 41 July 1, 2024.

42 Sec. 18. On and after July 1, 2026, section 17, as enacted by this act,
 43 is hereby amended to read as follows: The ~~secretary of health and~~

environment executive director shall not impose restrictions on the use of 15-passenger vans purchased on or before July 1, 2024.

New Sec. 19. (a) There is hereby established within the ~~department of commerce~~ the Kansas office of early childhood.

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

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

~~(d) The executive director shall be under the direction and supervision of the children's cabinet.~~

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

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

~~(g)~~~~(f)~~ All expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of early childhood, or the executive director's designee. The executive director shall submit to the legislature the annual request for the Kansas office of early childhood for appropriations. ~~Such request shall not be included in the department of commerce's annual request.~~ The office's request shall be prepared and submitted in the manner provided by K.S.A. 75-3716 and 75-3717, and amendments thereto.

~~(h)~~~~(g)~~ The provisions of the Kansas governmental operations accountability law apply to the Kansas office of early childhood and the office shall be subject to audit, review and evaluation under such law. ~~Such request shall not be included in the department of commerce's annual request. The office request shall be prepared and submitted~~

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

~~(j)~~~~(i)~~ (1) On or after July 1, 2024, the governor shall appoint an interagency transition team to begin office operations.

(2) On or before July 1, 2025:

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

(B) the office shall begin transitioning programs identified in section 21, and amendments thereto, from state agencies to the office.

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

~~(k)~~(j) Nothing in sections 19 through 23, and amendments thereto, shall be construed to preempt, supersede or impinge on the authority of the Kansas department for children and families provided in K.S.A. 75-3084 through 75-3089, and amendments thereto.

New Sec. 20. The Kansas office of early childhood shall be responsible for carrying out the general policies of the governor, ~~the children's cabinet~~ and the executive director of early childhood by:

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

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

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

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

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

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

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

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

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

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

New Sec. 21. (a) The executive director of early childhood shall:

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

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

7 (3) facilitate and coordinate interagency cooperation towards 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 office, department
12 or board providing services to Kansas children and families;

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

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

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

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

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

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

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

32 (A) Child care assistance;

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

34 (C) day care facility licensing, youth ~~out of school~~ {out-of-school}
35 time programs, school-age programs and early youth care programs;

36 (D) children's cabinet accountability fund;

37 (E) child care quality;

38 (F) community-based child abuse prevention;

39 (G) child care capacity accelerator grants;

40 (H) children's cabinet administration;

41 (I) early childhood infrastructure;

42 (J) early childhood integrated data systems;

43 (K) head start collaboration office;

- 1 (L) healthy families America;
- 2 (M) Kansas early head start child care partnership;
- 3 (N) Kansas early head start home visitation;
- 4 (O) Kansas imagination library;
- 5 (P) maternal and child health home visitation;
- 6 (Q) maternal, infant and early childhood home visitation;
- 7 (R) parents as teachers;
- 8 (S) preschool development implementation grant for children from
- 9 birth to five years of age; and
- 10 (T) preschool development planning grant for children from birth to
- 11 five years of age;
- 12 (11) enter into agreements with the secretary of administration for the
- 13 provision of shared services, including, but not limited to, personnel and
- 14 other administrative services for the office;
- 15 (12) ~~implement and administer rules and regulations adopted by the~~
- 16 ~~children's cabinet~~**{adopt amend, revoke any rules and regulations**
- 17 **necessary to carry out the provisions of sections 19 through 23, and**
- 18 **amendments thereto, and the programs and duties of the office}**; and
- 19 (13) prepare and submit an annual written report to relevant
- 20 legislative committees and to the governor that contains:
- 21 (A) The status of programs under the jurisdiction of the office of
- 22 early childhood;
- 23 (B) an overview of the fiscal and administrative structures required to
- 24 oversee the programs and services under the jurisdiction of the office of
- 25 early childhood;
- 26 (C) data and metrics on the service rates for children and families,
- 27 early childhood system efficiency, early childhood workforce and public-
- 28 private partnerships; and
- 29 (D) recommendations and considerations to improve delivery of early
- 30 childhood care and related services and support the healthy development
- 31 of Kansas children and families.
- 32 (b) The children's cabinet shall not adopt rules and regulations and
- 33 the executive director shall not adopt policies requiring educational
- 34 outcomes or curriculum for person or entities licensed pursuant to ~~sections~~
- 35 ~~24 through 47, and amendments thereto~~ **{this act}**.
- 36 (c) Nothing in this section shall be construed to authorize the
- 37 executive director of the Kansas office of early childhood to administer the
- 38 preschool programs in K.S.A. 72-3215, 72-3410 and 72-5154, and
- 39 amendments thereto.
- 40 (d) Subject to the provisions of sections 19 through 23, and
- 41 amendments thereto, the executive director shall organize the Kansas
- 42 office of early childhood in the manner the executive director deems most
- 43 efficient. The executive director may establish policies governing the

1 transaction of business of the office and the administration of each division
 2 within the office. The director of each division of the department shall
 3 perform such duties and exercise such powers as the executive director
 4 may prescribe and such duties and powers as are prescribed by law. Such
 5 directors shall act for and exercise the powers of the executive director to
 6 the extent authority to do so is delegated by the executive director.

7 New Sec. 22. (a) Except as otherwise provided by law, and subject to
 8 the Kansas civil service act, the executive director shall appoint:

9 (1) Subordinate officers and employees as are necessary to enable the
 10 director to exercise or perform the functions, powers and duties pursuant
 11 to sections 19 through 23, and amendments thereto;

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

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

14 (4) the director of the division of head start collaboration.

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

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

24 New Sec. 23. (a) (1) There is established within and as a part of the
 25 Kansas office of early childhood the division of child care. The division
 26 shall oversee day care facility and child care resource and referral agency
 27 licensing and child care finance and quality.

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

31 (3) All of the powers, duties and functions of the existing day care
 32 and child care resource and referral agency licensing programs pursuant to
 33 ~~sections 6 through 27, and amendments thereto, {this act}~~ within the
 34 division of public health with department of health and environment are
 35 hereby transferred to the division of child care.

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

1 (5) The division of child care may enter into agreements with the
2 Kansas department for children and families for the administration of child
3 care subsidy payments. If executed, such agreements shall require that the
4 secretary for children and families determine an applicant's eligibility for
5 the child care subsidy according to K.S.A. 39-709, and amendments
6 thereto, and provide information pertaining to such eligible applicants to
7 the division for administration of such benefits.

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

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

15 (3) All of the powers, duties and functions of the existing home
16 visitation programs outlined in section ~~2~~ {21}, and amendments thereto,
17 are hereby transferred to the the division of home visitation.

18 (4) Whenever the existing home visitation programs outlined in
19 section ~~2~~ {21}, and amendments thereto, or words of like effect, are
20 referred to or designated by any statute, rule and regulation, contract or
21 any other document, including any statute, rule and regulation, contract or
22 any document created pursuant to the authorities transferred by this
23 section, such reference or designation shall apply to the division of home
24 visitation.

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

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

33 (3) All of the powers, duties and functions of the existing head start
34 programs outlined in section 21, and amendments thereto, are hereby
35 transferred to the division of home visitation.

36 (4) Whenever the existing head start programs outlined in section 21,
37 and amendments thereto, or words of like effect, are referred to or
38 designated by any statute, rule and regulation, contract or any other
39 document, including any statute, rule and regulation, contract or any
40 document created pursuant to the authorities transferred by this section,
41 such reference or designation shall apply to the division of head start
42 collaboration.

43 **{(d) (1) There is established within and as a part of the Kansas**

1 office of early childhood the children's cabinet.

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

5 (3) All of the powers, duties and functions of the existing
6 children's cabinet executive director are hereby transferred to the
7 children's cabinet as established pursuant to paragraph (1) under the
8 Kansas office of early childhood.}

9 New Sec. 24. {(a)} It shall be unlawful for any person, firm,
10 corporation or association to conduct or maintain a day care facility under
11 16 years of age without having a license or temporary permit therefor from
12 the executive director of the Kansas office of early childhood. Nothing in
13 ~~sections 24 through 47, and amendments thereto.~~ {this act} shall apply to:

14 ~~(a){(1)}~~ A residential facility or hospital that is operated and
15 maintained by a state agency as defined in K.S.A. 75-3701, and
16 amendments thereto;

17 ~~(b){(2)}~~ child care facilities as defined in K.S.A. 65-503, and
18 amendments thereto; or

19 ~~(c){(3)}~~ a summer instructional camp that:

20 ~~(1){(A)}~~ Is operated by a Kansas educational institution as defined in
21 K.S.A. 74-32,120, and amendments thereto, or a postsecondary
22 educational institution as defined in K.S.A. 74-3201b, and amendments
23 thereto;

24 ~~(2){(B)}~~ is operated for not more than five weeks;

25 ~~(3){(C)}~~ provides instruction to children, all of whom are 10 years of
26 age or older; and

27 ~~(4){(D)}~~ is accredited by an agency or organization acceptable to the
28 executive director of the Kansas office of early childhood.

29 {(b) This section shall take effect on July 1, 2026.}

30 New Sec. 25. {(a)} As used in ~~sections 24 through 47, and~~
31 ~~amendments thereto~~ {this act}:

32 ~~(a){(1)}~~ "Act" means sections 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19
33 through 47, and amendments thereto.

34 (2) "Assistant teacher" means an individual who meets the
35 requirements of section ~~2(c)~~ {1(c)}, and amendments thereto, and can
36 independently staff a unit in a child care center where all children are at
37 least 12 months old.

38 ~~(b){(3)}~~ "Child care center" means a facility that meets child care
39 center regulations and provides care and educational activities for children
40 ~~who are two weeks to 10 years of age for at least three hours but less than~~
41 ~~24 hours per day or care before and after school for school-age children.~~

42 ~~(c){(4)}~~ "Child care home" means the premises where care is
43 provided ~~for a maximum of 12 children under 10 years of age by one~~

~~provider or a maximum number of 17 children under 10 years of age by two or more providers, with a limited number of children under five years of age in accordance with section 4, and amendments thereto {children at a residence}.~~

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

~~(e)}~~**{(6)}** "Day care facility" means 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 under the provisions of ~~sections 24 through 48, and amendments thereto~~ **{this act}**.

~~(f)}~~**{(7)}** "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months of age who has not learned to walk.

~~(g)}~~**{(8)}** "Lead teacher" means an individual who meets the requirements of section 1(c), and amendments thereto, and can independently staff any unit in a child care center.

~~(h)}~~**{(9)}** "Licensure year:" means the period of time beginning on the effective date and ending on the expiration date of a license.

~~(i)}~~**{(10)}** "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

~~(j)}~~**{(11)}** "Program director" means the staff member of a child care center who meets the requirements of section 1(b), and amendments thereto, and who is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.

~~(k)}~~**{(12)}** "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.

~~(l)}~~**{(13)}** "Toddler" means a child who has learned to walk and is at least 12 but less than 30 months of age.

~~(m)}~~**{(14)}** "Unit" means the number of children that may be present in one group in a child care center ~~as specific in sections 3 and 5, and amendments thereto.~~

~~(n)}~~**{(15)}** This section shall take effect on July 1, 2026.

New Sec. 26. (a) The executive director of the Kansas office of early childhood shall have the power to grant a license to a person to maintain a day care facility for children under 16 years of age. A license granted to maintain a day care facility shall state the name of the licensee, describe

1 the particular premises in or at which the business shall be carried on,
2 whether it shall receive and care for children, and the number of children
3 that may be cared for at any one time. No greater number of children than
4 is authorized in the license shall be kept on such premises and the business
5 shall not be carried on in a building or place not designated in the license.
6 The license shall be kept posted in a conspicuous place on such premises
7 where the business is conducted. A license granted to maintain a day care
8 facility shall have on its face an expiration sticker stating the date of
9 expiration of the license.

10 (b) The executive director of the Kansas office of early childhood
11 shall not grant a license in any case until careful inspection of the day care
12 facility has been made according to the terms of ~~sections through, and~~
13 ~~amendments thereto, {this act}~~ and until such day care facility has
14 complied with all the requirements of ~~24 sections 47 through, and~~
15 ~~amendments thereto {this act}~~. The executive director of the Kansas office
16 of early childhood may issue a temporary permit to operate for a period
17 not to exceed 90 days upon receipt of an initial application for license. The
18 executive director of the Kansas office of early childhood may extend the
19 temporary permit to operate for an additional period not to exceed 90 days
20 if an applicant is not in full compliance in accordance with ~~sections~~
21 ~~through, and amendments thereto, {this act}~~ but has made efforts toward
22 full compliance.

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

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

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

1 administrative procedure act.

2 (e) When the executive director of the Kansas office of early
3 childhood finds, upon investigation or is advised by the secretary for
4 children and families that any of the provisions of K.S.A. 59-2123, and
5 amendments thereto, or ~~sections 24 through 47, and amendments thereto~~
6 **{this act}**, are being violated or the day care facility is maintained without
7 due regard to the health, safety or welfare of any child, the executive
8 director of the Kansas office of early childhood may issue an order
9 revoking such license after giving notice and conducting a hearing in
10 accordance with the provisions of the Kansas administrative procedure act.
11 Such order shall clearly state the reason for the revocation.

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

22 (g) Any applicant or licensee aggrieved by a final order of the
23 executive director of the Kansas office of early childhood denying or
24 revoking a license under ~~sections 26 through 47, and amendments thereto~~
25 **{this act}** may appeal the order in accordance with the Kansas judicial
26 review act.

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

28 New Sec. 27. (a) The annual fee for a license to conduct a day care
29 facility or child care resource and referral agency shall be fixed by the
30 executive director of the Kansas office of early childhood by rules and
31 regulations in an amount not exceeding the following:

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

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

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

42 (c) Any licensee who fails to renew such license within 30 days after
43 the expiration of the license shall pay to the executive director the renewal

1 fee plus a late fee in an amount of \$75 or equal to the fee for the renewal
2 of a license, whichever is greater.

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

7 (e) There is hereby created the day care facilities and child care
8 resource and referral agencies licensing fee fund. The executive director of
9 the Kansas office of early childhood shall remit all moneys received by the
10 executive director from fees under the provisions of this section to the
11 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
12 amendments thereto. Upon receipt of each such remittance, the state
13 treasurer, notwithstanding any other law to the contrary, shall deposit the
14 entire amount in the state treasury to the credit of the day care facilities
15 and child care resource and referral agencies licensing fee fund. All
16 expenditures from the day care facilities and child care resource and
17 referral agencies licensing fee fund shall be made only for the purposes of
18 ~~sections 24 through 47, and amendments thereto, {this act}~~ in accordance
19 with appropriation acts upon warrants of the director of accounts and
20 reports issued pursuant to vouchers approved by the executive director of
21 the Kansas office of early childhood or by the executive director's
22 designee. Notwithstanding any other law to the contrary, no moneys shall
23 be transferred or otherwise revert from this fund to the state general fund
24 by appropriation act or other act of the legislature. Moneys available under
25 this section by the creation of the day care facilities or child care resource
26 and referral agencies licensing fee fund shall not be substituted for or used
27 to reduce or eliminate moneys available to the Kansas office of early
28 childhood to administer the provisions of ~~sections 24 through 47, and~~
29 ~~amendments thereto {this act}~~. Nothing in ~~sections 24 through 47, and~~
30 ~~amendments thereto, {this act}~~ shall be construed to authorize a reduction
31 or elimination of moneys made available by the state to local units of
32 government for the purposes of ~~sections 24 through 47, and amendments~~
33 ~~thereto {this act}~~.

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

35 New Sec. 28. (a) The executive director of the Kansas office of early
36 childhood shall serve notice of the issuance, limitation, modification,
37 suspension or revocation of a license to conduct a day care facility to the
38 secretary for children and families, juvenile justice authority, state
39 department of education, office of the state fire marshal, county, city-
40 county or multi-county department of health and any licensed child
41 placement agency or licensed child care resource and referral agency
42 serving the area where the center or facility is located. A day care facility
43 or child care resource and referral agency that has had a license limited,

1 modified, suspended, revoked or denied by the executive director of the
 2 Kansas office of early childhood shall notify in writing the parents or
 3 guardians of the enrollees of the limitation, modification, suspension,
 4 revocation or denial. Neither the secretary for children and families nor
 5 any other person shall place or cause to be placed any child under 16 years
 6 of age in any day care facility or child care resource and referral agency
 7 not licensed by the executive director of the Kansas office of early
 8 childhood.

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

10 New Sec. 29. (a) Each day care facility licensee shall keep a record
 11 upon forms prescribed and provided by the executive director of the
 12 Kansas office of early childhood. Such record shall include the name and
 13 age of each child received and cared for in the facility together with the
 14 names and addresses of the parents or guardians of such children and such
 15 other information as the executive director of the Kansas office of early
 16 childhood may require. Each day care facility licensee shall apply to and
 17 shall receive without charge from the executive director of the Kansas
 18 office of early childhood forms for such records as may be required. Such
 19 forms shall contain a copy of ~~sections 24 through 47, and amendments~~
 20 ~~thereto~~ {this act}.

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

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

24 New Sec. 30. (a) Each day care facility subject to the provisions of
 25 ~~sections 24 through 47, and amendments thereto~~, {this act} shall:

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

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

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

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

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

38 (3) ~~(i) Except as provided in clause (ii),~~ Every day care facility or
 39 child care resource and referral agency shall comply with all applicable
 40 fire codes and rules and regulations of the state fire marshal.

41 ~~(ii) Child care facilities shall comply with fire codes and rules and~~
 42 ~~regulations of the state fire marshal that govern schools, except for such~~
 43 ~~facilities that are located at a person's resident.~~

1 (c) The executive director of the Kansas office of early childhood
2 shall develop and adopt rules and regulations for the operation and
3 maintenance of day care facilities. The rules and regulations for operating
4 and maintaining day care facilities shall be designed to promote the health,
5 safety and welfare of any child served in such facilities by ensuring safe
6 and adequate physical surroundings, healthful food, adequate
7 handwashing, safe storage of toxic substances and hazardous chemicals,
8 sanitary diapering and toileting, home sanitation, supervision and care of
9 the residents by capable, qualified persons of sufficient number, after-hour
10 care, an adequate program of activities and services, sudden infant death
11 syndrome and safe sleep practices training, prohibition on corporal
12 punishment, crib safety, protection from electrical hazards, protection from
13 swimming pools and other water sources, fire drills, emergency plans,
14 safety of outdoor playground surfaces, door locks, safety gates and
15 transportation and such appropriate parental participation as may be
16 feasible under the circumstances.

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

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

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

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

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

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

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

1 maintain the immunization records required by this subsection.

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

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

7 (2) a written statement signed by a parent or guardian that the parent
8 or guardian is an adherent of a religious denomination whose teachings are
9 opposed to immunizations.

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

11 New Sec. 31. (a) It shall be unlawful for any day care facility to
12 receive or care for any adult except as authorized by rules and regulations
13 adopted by the secretary of health and environment and the ~~children's~~
14 ~~cabinet~~ **{executive director of the Kansas office of early childhood}**.

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

16 New Sec. 32. (a) It is hereby made the duty of the executive director
17 of the Kansas office of early childhood to inspect or cause to be inspected
18 on or after July 1, 2026, and once every 12 months thereafter, every day
19 care facility, unless otherwise provided in subsection (b). For the purpose
20 of inspection, the executive director or the executive director's authorized
21 agent, as an employee of the executive director or who has a contract with
22 the secretary to provide inspections services pursuant to ~~sections 24~~
23 ~~through 47, and amendments thereto.~~ **{this act}** holding a certificate from
24 the executive director as authorized in this subsection, shall have the right
25 of entry and access thereto, in every department and to every place in the
26 premises, call for and examine the records that are required to be kept
27 according to the provisions of ~~sections 24 through 47, and amendments~~
28 ~~thereto.~~ **{this act}** and make and preserve a record of every inspection. The
29 licensee shall give all reasonable information to the authorized agent of the
30 executive director of the Kansas office of early childhood and afford every
31 reasonable facility for viewing the premises and seeing the children
32 therein. No such child without the consent of the child shall be required to
33 be interviewed by any agent unless the agent is an authorized person.

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

42 (c) (1) The executive director shall create a surveyor certification and
43 provide ~~as~~ a minimum of yearly continuing education ~~for qualifications~~ **{to**

1 **qualify}** for such certification.

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

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

9 (d) Persons conducting inspections and surveys pursuant to ~~sections~~
10 ~~24 through 47, and amendments thereto,~~ **{this act}** shall hold a
11 certification issued by the ~~secretary~~ **{executive director}**.

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

13 New Sec. 33. (a) Whenever an authorized agent of the executive
14 director of the Kansas office of early childhood or the secretary for
15 children and families finds a day care facility that is not being conducted
16 according to law, it shall be the duty of such agent to notify the licensee in
17 writing of such changes or alterations as such agent determines necessary
18 in order to comply with the requirements of the law, and such agent shall
19 file a copy of such notice with the executive director of the Kansas office
20 of early childhood. It shall thereupon be the duty of the licensee to make
21 such changes or alterations as are contained in the written notice within
22 five days from the receipt of such notice. Notice shall be given in
23 accordance with the provisions of the Kansas administrative procedure act.

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

25 New Sec. 34. (a) Any person, firm, corporation or association who
26 violates the provisions of ~~sections 24 through 47, and amendments thereto,~~
27 **{this act}** shall be guilty of a misdemeanor, and upon conviction shall be
28 fined not less than \$5 but not more than \$50. Each and every day that the
29 person fails or refuses to comply with such provisions shall be deemed a
30 separate offense under ~~sections 24 through 47, and amendments thereto,~~
31 **{this act}**. If, for 30 days after any final conviction for such violation or
32 revocation of license, the person still fails or refuses to comply with the
33 orders in the notice under section 28, and amendments thereto, upon notice
34 and a hearing in accordance with the provisions of the Kansas
35 administrative procedure act, the building or premises where such home is
36 conducted may be closed until such person has complied with ~~all~~
37 ~~provisions of sections 24 through 47, and amendments thereto~~ **{this act}**.

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

39 New Sec. 35. (a) The county attorney of each county in this state is
40 hereby authorized and required, upon complaint of any authorized agent of
41 the executive director of the Kansas office of early childhood, to file a
42 complaint and prosecute to the final determination all actions or
43 proceedings against any person under ~~the provisions of sections 24~~

~~through 47, and amendments thereto~~ **{this act}**.

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

New Sec. 36. (a) No person shall knowingly maintain a day care facility if there resides, works or regularly volunteers any person who in this state or in other states or the federal government:

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

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

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

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

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

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

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

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

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

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

12 (5) has had a child removed from home based on a court order
13 pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a
14 court order from any other state based upon a similar statute that finds the
15 child to be deprived or a child in need of care based on a finding of
16 physical, mental or emotional abuse or neglect or sexual abuse and the
17 child has not been returned to the home or the child has reached the age of
18 majority before being returned to the home and the person has failed to
19 satisfactorily complete a corrective action plan approved by the
20 department of health and environment;

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

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

28 (8) has an infectious or contagious disease.

29 (b) Notwithstanding the provisions in subsection (a), no person shall
30 maintain a day care facility if such person has been found to be a person in
31 need of a guardian or a conservator, or both, as provided in K.S.A. 59-
32 3050 through 59-3095, and amendments thereto.

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

36 (d) In accordance with the provisions of this subsection, the executive
37 director of the Kansas office of early childhood shall have access to any
38 court orders or adjudications of any court of record, any records of such
39 orders or adjudications, criminal history record information, including, but
40 not limited to, diversion agreements in the possession of the Kansas
41 bureau of investigation and any report of investigations as authorized by
42 K.S.A. 38-2226, and amendments thereto, or the Kansas department for
43 children and families or court of this state concerning persons working,

1 regularly volunteering or residing in a day care facility. The executive
2 director shall have access to these records for the purpose of determining
3 whether or not the home meets the requirements of K.S.A. 59-2132, and
4 amendments thereto, and sections 25, 30 and ~~36~~ **{this section}**, and
5 amendments thereto.

6 (e) In accordance with the provisions of this subsection, the executive
7 director is authorized to conduct national criminal history record checks to
8 determine criminal history on persons residing, working or regularly
9 volunteering in a day care facility. In order to conduct a national criminal
10 history check, the executive director shall require fingerprinting for
11 identification and determination of criminal history. The executive director
12 shall submit the fingerprints to the Kansas bureau of investigation and to
13 the federal bureau of investigation and receive a reply to enable the
14 executive director to verify the identity of such person and whether such
15 person has been convicted of any crime that would prohibit such person
16 from residing, working or regularly volunteering in a day care facility. The
17 executive director is authorized to use information obtained from the
18 national criminal history record check to determine such person's fitness to
19 reside, work or regularly volunteer in a day care facility.

20 (f) Local and state law enforcement officers and agencies shall assist
21 the executive director in the taking and processing of fingerprints of
22 persons residing, working or regularly volunteering in a day care facility
23 and release all records of adult convictions and nonconvictions and adult
24 convictions or adjudications of another state or country to the department.

25 (g) (1) ~~The children's cabinet~~ **{executive director of the Kansas**
26 **office of early childhood}** shall adopt rules and regulations to fix a fee for
27 fingerprinting persons residing, working or regularly volunteering in a day
28 care facility, as may be required by the Kansas office of early childhood to
29 reimburse the Kansas office of early childhood for the cost of the
30 fingerprinting.

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

37 (h) The day care criminal background and fingerprinting fund is
38 hereby created in the state treasury to be administered by the executive
39 director of the Kansas office of early childhood. All moneys credited to the
40 day care criminal background and fingerprinting fund shall be used to pay
41 local and state law enforcement officers and agencies for the processing of
42 fingerprints and criminal history background checks for the department.
43 All expenditures from the day care criminal background and fingerprinting

1 fund shall be made in accordance with appropriation acts upon warrants of
2 the director of accounts and reports issued pursuant to vouchers approved
3 by the executive director or the executive director's designee.

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

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

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

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

19 (2) been given notice of the agency decision and an opportunity to
20 appeal such decision to the executive director and to the courts pursuant to
21 the Kansas judicial review act.

22 (l) No person shall maintain a day care facility unless such person is a
23 high school graduate or the equivalent thereof, except that, if extraordinary
24 circumstances exist, the executive director of the Kansas office of early
25 childhood may exercise discretion to make exceptions to this requirement.
26 The provisions of this subsection shall not apply to any person who was
27 maintaining a day care facility on the day immediately prior to July 1,
28 2010.

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

30 New Sec. 37. (a) The executive director may limit, modify or suspend
31 any license or temporary permit issued under the provisions of sections ~~6~~
32 ~~{24}~~ through ~~18~~ ~~{36}~~, and amendments thereto, upon any of the following
33 grounds and in the manner provided in ~~sections 26 through 47, and~~
34 ~~amendments thereto {this act}~~:

35 (1) Violation by the licensee or holder of a temporary permit of any
36 provision of ~~sections 24 through 47, and amendments thereto {this act}~~, or
37 of the rules and regulations promulgated under ~~sections 24 through 47, and~~
38 ~~amendments thereto {this act}~~;

39 (2) aiding, abetting or permitting the violating of any provision of
40 ~~sections 24 through 47, and amendments thereto, {this act}~~ or of the rules
41 and regulations promulgated under ~~sections 24 through 47, and~~
42 ~~amendments thereto {this act}~~;

43 (3) conduct in the operation or maintenance, or both the operation and

1 maintenance, of a day care facility that is inimical to the health, safety or
2 welfare of any child receiving services from such day care facility or to the
3 public;

4 (4) the conviction of a licensee or holder of a temporary permit, at
5 any time during licensure or during the time the temporary permit is in
6 effect, of crimes as defined in section ~~18~~ {36}, and amendments thereto;
7 and

8 (5) a third or subsequent violation by the licensee or holder of a
9 temporary permit of section ~~25(b)~~ {43(b)}, and amendments thereto.

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

11 New Sec. 38. (a) The executive director may limit, modify or suspend
12 any license or temporary permit issued under the provisions of sections ~~6~~
13 {24} through ~~18~~ {36}, and amendments thereto, prior to any hearing when,
14 in the opinion of the executive director, the action is necessary to protect
15 any child in the day care facility from physical or mental abuse,
16 abandonment or any other substantial threat to health, safety or welfare.
17 Administrative proceedings under this section shall be conducted in
18 accordance with the emergency adjudicative proceedings of the Kansas
19 administrative procedure act and in accordance with other relevant
20 provisions of the Kansas administrative procedure act.

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

22 New Sec. 39. (a) Records in the possession of the executive director
23 of early childhood or such director's agents regarding day care facilities
24 shall not be released publicly in a manner that would identify individuals,
25 except individual names of licensees, applicants, facilities and day care
26 facilities may be released. Nothing in this section prohibits release of any
27 information as required by law.

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

31 (1) An agency or organization authorized to receive notice under
32 section ~~10~~ {28}, and amendments thereto;

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

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

36 (4) any disaster or emergency entity.

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

42 (d) Any records under subsection (a), (b) or (c) shall be available to
43 any member of the standing committee on appropriations of the house of

1 representatives or the standing committee on ways and means of the senate
2 carrying out such member's or committee's official functions in accordance
3 with K.S.A. 75-4319, and amendments thereto, in a closed or executive
4 meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of
5 such committee, records received by the committee shall not be further
6 disclosed. Unauthorized disclosure may subject such member to discipline
7 or censure from the house of representatives or senate. Such records shall
8 not identify individuals but shall include data and contact information
9 concerning specific facilities.

10 (e) In any hearings conducted under the licensing or regulation
11 provisions of ~~sections 26 through 47, and amendments thereto, {this act}~~
12 the presiding officer may close the hearing to the public to prevent public
13 disclosure of matters relating to persons restricted by other laws.

14 (f) Such records shall be confidential and shall not be subject to the
15 open records act, K.S.A. 45-215 et seq., and amendments thereto. The
16 provisions of this subsection shall expire on July 1, 2029, unless the
17 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,
18 and amendments thereto{, **prior to July 1, 2029**}.

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

20 New Sec. 40. (a) The executive director of the Kansas office of early
21 childhood, in addition to any other penalty prescribed under ~~sections 24~~
22 ~~through 47, and amendments thereto, {this act}~~ may assess a civil fine,
23 after proper notice and an opportunity to be heard in accordance with the
24 Kansas administrative procedure act, against a licensee for each violation
25 of such provisions or rules and regulations adopted pursuant thereto which
26 affect significantly and adversely the health, safety or sanitation of
27 children in a day care facility. Each civil fine assessed under this section
28 shall not exceed \$500. In the case of a continuing violation, every day such
29 violation continues shall be deemed a separate violation.

30 (b) All fines assessed and collected under this section shall be
31 remitted to the state treasurer in accordance with the provisions of K.S.A.
32 75-4215, and amendments thereto. Upon receipt of each such remittance,
33 the state treasurer shall deposit the entire amount in the state treasury to
34 the credit of the state general fund.

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

36 New Sec. 41. (a) As used in this section:

37 (1) "Youth out-of-school time program" means a program that serves
38 exclusively school-age children as defined in paragraph (2), and such
39 program is operated on a premises licensed by the executive director.

40 (2) "Child" means an individual who is enrolled or attending
41 kindergarten or is either less than 18 years of age or 18 years of age and
42 has an individualized program plan, is not a volunteer or employee and is
43 attending a youth out of school time program;

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

(4) "Premises" means 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~~ **{out-of-school}** time program.

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

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

(7) "School-age program" means a child care facility that exclusively serves school-age children and youth.

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

(1) 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 a youth-out-of school time program or school-age program;

(2) complies, during all hours of operation of a youth ~~out-of-school~~ **{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

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

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

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

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

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

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

(e) The executive director is authorized to adopt rules and regulations applicable to the services provided by youth out-of-school time programs,

1 regarding health, safety, supervisory qualifications or training and
 2 premises safety, including modifications of occupancy capacity limits or
 3 group gathering restrictions, consistent with the local or state building or
 4 fire codes.

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

9 (g) The executive director shall develop and implement pilot
 10 programs and is authorized to adopt modifications to licenses issued
 11 pursuant to this section to provide flexibility to youth out-of-school time
 12 programs to address the needs of families served.

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

14 New Sec. 42. (a) Any license, certificate of registration or temporary
 15 permit ~~which {that}~~ was issued prior to the effective date of ~~sections 24~~
 16 ~~through 47, and amendments thereto, {this act}~~ and ~~which is~~ in effect on
 17 the effective date of ~~sections 24 through 47, and amendments thereto, {this~~
 18 ~~act}~~ shall continue in effect until the expiration thereof, unless suspended
 19 or revoked prior to such time.

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

21 New Sec. 43. (a) As used in this section:

22 (1) "Day care home" means ~~a day care home~~ **{child care home as**
 23 **defined in section 25, and amendments thereto,}** or a group day care
 24 ~~home as defined in section 25, and amendments thereto.~~

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

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

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

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

1 location.

2 (e) The executive director of the Kansas office of early childhood
3 may levy a civil fine, and amendments thereto, against any day care home
4 for a first or second violation of this section. A third or subsequent
5 violation shall be subject to the provisions of ~~sections 24 through 47, and~~
6 ~~amendments thereto~~ **{this act}**.

7 (f) In addition to any civil fine which may be levied pursuant to
8 subsection (e), any day care home that violates any provision of this
9 section may also be subject to criminal punishment pursuant to K.S.A. ~~21-~~
10 ~~4012~~ **{21-6112}**, and amendments thereto.

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

12 New Sec. 44. (a) Except as otherwise provided, information and
13 records pertaining to the immunization status of persons against childhood
14 diseases as required by section ~~12~~ **{30}**, and amendments thereto, may be
15 disclosed and exchanged without a parent or guardian's written release
16 authorizing such disclosure to the following individuals and groups who
17 need to know such information in order to assure compliance with state
18 statutes or to achieve age appropriate immunization status for children:

19 (1) Employees of public agencies or departments;

20 (2) health records staff of day care facilities, including, but not
21 limited to, facilities licensed by the executive director of the Kansas office
22 of early childhood;

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

27 (4) healthcare professionals.

28 (b) Information and records ~~which~~ **{that}** pertain to the immunization
29 status of persons against childhood diseases as required by section 30, and
30 amendments thereto, whose parent or guardian has submitted a written
31 statement of religious objection to immunization as provided in section 30,
32 and amendments thereto, may not be disclosed or exchanged without a
33 parent or guardian's written release authorizing such disclosure.

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

35 New Sec. 45. (a) The executive director of the Kansas office of early
36 childhood shall establish or cause to be established an online information
37 dissemination system that is accessible to the public, including names of
38 licensees, applicants and history of citations and substantiated findings.
39 The executive director shall adopt rules and regulations that are consistent
40 with the requirements for the receipt of child care ARRA funds and that
41 provide for the establishment of an online information dissemination
42 system in accordance with the provisions of this subsection.

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

1 New Sec. 46. To the extent that funds expended for child care
 2 services are subject to federal requirements and appropriation acts of the
 3 legislature, such funds shall not be expended by any agency to reimburse
 4 **{providers}** for unfilled child care slots, not including reimbursement for a
 5 child who is temporarily absent due to illness or other reason and intend to
 6 resume receiving childcare services.

7 New Sec. 47. (a) Licensed youth out-of-school time programs and
 8 school-age programs that operate on or within premises of a public or
 9 private school licensed by the state of Kansas shall be exempt from the
 10 requirements of K.S.A. 65-508~~(b)(2)~~**{(b)(3)}**, and amendments thereto,
 11 and section 30~~(b)(2)~~**{(b)(3)}**, and amendments thereto.

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

16 Sec. 48. K.S.A. 38-1901 is hereby amended to read as follows: 38-
 17 1901. On and after ~~the effective date of this act~~ **{July 1, 2024}**:

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

21 (2) ~~The Kansas children's cabinet shall be within the department of~~
 22 ~~commerce and oversee the executive director of the Kansas office of early~~
 23 ~~childhood.~~**{The Kansas children's cabinet shall be a division in the**
 24 **Kansas office of early childhood in accordance with sections 1 through**
 25 **5, and amendments thereto}.**

26 (b) (1) The Kansas children's cabinet shall consist of ~~15~~ **16** **{17}**
 27 members as follows:

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

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

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

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

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

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

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

41 **(7)(H)** ~~five~~ **three** members of the public who are interested in and
 42 knowledgeable about the needs of children and families shall be appointed
 43 by the governor, which, subject to the provisions of subsection (e), may

1 include persons who are children's advocates, members of organizations
 2 with experience in programs that benefit children or other individuals who
 3 have experience with children's programs and services;

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

6 ~~(9)(J)~~ ~~one person~~ **{legislative member}** *appointed by the speaker pro*
 7 *tem of the house of representatives;*

8 **{(K) one legislative member appointed by the house of**
 9 **representatives majority leader;}**

10 ~~(K)(L)~~ ~~one person~~ **{legislative member}** appointed by the minority
 11 leader of the house of representatives;

12 ~~(10)(L)(M)~~ ~~one person~~ **{legislative member}** appointed by the
 13 president of the senate; ~~and~~

14 ~~(11)(M)(N)~~ ~~one person~~ **{legislative member}** *appointed by the vice*
 15 *president of the senate; and*

16 ~~(N)(O)~~ ~~one person~~ **{legislative member}** appointed by the minority
 17 leader of the senate.

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

21 (c) (1) Except as provided in paragraph (2) of this subsection, the
 22 members of the Kansas children's cabinet appointed by the governor,
 23 speaker, **{speaker pro tem, majority leader,}** president**{, vice president}**
 24 and minority leaders shall serve for terms of four years and until their
 25 successors are appointed and qualified. The ~~governor~~ **{voting members}**
 26 shall appoint a chairperson of the ~~committee~~ **{cabinet}** from among the
 27 **{voting}** members ~~appointed by the governor~~. The chairperson shall serve
 28 in such office throughout such member's current term of office and until a
 29 successor is appointed and qualified. The members of the Kansas
 30 children's cabinet may elect any additional officers from among its
 31 members necessary to carry out the duties and functions of the Kansas
 32 children's cabinet.

33 (2) ~~Of the members first appointed by the governor, two shall be~~
 34 ~~appointed for terms of two years, two shall be appointed for terms of three~~
 35 ~~years and the member selected by the governor to be the chairperson shall~~
 36 ~~be appointed for a term of four years. The member first appointed by the~~
 37 ~~speaker of the house of representatives shall be appointed for a term of one~~
 38 ~~year, the member first appointed by the minority leader of the house of~~
 39 ~~representatives shall be appointed for a term of two years, the member first~~
 40 ~~appointed by the president of the senate shall be appointed for a term of~~
 41 ~~three years and the member first appointed by the minority leader of the~~
 42 ~~senate shall be appointed for a term of four years. The governor shall~~
 43 ~~designate the term for which each of the members first appointed by the~~

~~governor shall serve~~**{Each voting member shall serve at the pleasure of such voting member's appointing authority}.**

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

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

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

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

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

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

~~(B)~~*(ii)* If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

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

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

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

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

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

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

16 (1) Assist the governor ~~and the secretary of commerce~~ **{executive**
17 **director of the Kansas office of early childhood}** in developing and
18 implementing a coordinated, comprehensive service delivery system to
19 serve the children and families of Kansas;

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

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

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

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

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

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

33 (8) ~~review applications~~ **{each individual application submitted to**
34 **the cabinet}** *for any grant funding opportunities and allocate such grants*
35 *administered by the Kansas office of early childhood; and*

36 (9) *adopt rules and regulations as necessary to implement sections*
37 ~~*through and amendments thereto*~~ **{sections 1, 3, 5, 7, 9, 11, 13, 15, 17**
38 **and 19 through 47, and amendments thereto}**.

39 (h) Members of the Kansas children's cabinet shall not be paid
40 compensation, but shall receive subsistence allowances, mileage and other
41 expenses as provided by K.S.A. 75-3223, and amendments thereto. The
42 subsistence allowances, mileage and other expenses as provided in K.S.A.
43 75-3223, and amendments thereto, shall be paid from available

1 appropriations of the ~~Kansas department for children and families~~
2 ~~department of commerce~~ except that expenses of members who are
3 employed by a state agency shall be reimbursed by that state agency.

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

12 Sec. 49. K.S.A. 38-2103 is hereby amended to read as follows: 38-
13 2103. (a) The Kansas children's cabinet established by K.S.A. 38-1901,
14 and amendments thereto, shall advise the governor ~~and, the legislature, the~~
15 ~~secretary of commerce and the executive director of the Kansas office of~~
16 ~~early childhood~~ regarding the uses of the moneys credited to the children's
17 initiatives fund.

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

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

30 (e)(d) There shall be conducted performance audits and other audit
31 work by the legislative post auditor upon request by the Kansas children's
32 cabinet and as directed by the legislative post audit committee in
33 accordance with the provisions of the legislative post audit act. The
34 purpose of such performance audits and other audit work shall be to
35 provide interested parties with the program evaluation and research needed
36 to make informed decisions for the uses of moneys credited to the
37 children's initiatives fund. The auditor to conduct such performance audit
38 or other audit work shall be specified in accordance with K.S.A. 46-1122,
39 and amendments thereto, and if the legislative post audit committee
40 specifies under such statute that a firm, as defined by K.S.A. 46-1112, and
41 amendments thereto, is to perform all or part of the audit work of such
42 audit, such firm shall be selected and shall perform such audit work as
43 provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125

1 through 46-1127, and amendments thereto. The audit work required
2 pursuant to this subsection shall be conducted in accordance with
3 generally accepted governmental auditing standards. The post auditor shall
4 compute the reasonably anticipated cost of the audit work performed by a
5 firm for such performance audit or other audit work pursuant to this
6 subsection, subject to review and approval by the contract audit committee
7 established by K.S.A. 46-1120, and amendments thereto, and the Kansas
8 children's cabinet shall pay such cost from the children's initiatives
9 accountability fund. If all or part of the audit work for such performance
10 audit or other audit work is performed by the division of post audit and the
11 division of post audit incurs costs in addition to those attributable to the
12 operations of the division of post audit in the performance of other duties
13 and responsibilities, the post auditor shall charge the Kansas children's
14 cabinet for such additional costs and the Kansas children's cabinet shall
15 pay such charges from the children's initiatives accountability fund. The
16 payment of any such costs and any such charges shall be a transaction
17 between the division of post audit and the Kansas children's cabinet and
18 such transaction shall be settled in accordance with the provisions of
19 K.S.A. 75-5516, and amendments thereto. All moneys received by the
20 division of post audit for such costs and charges shall be credited to the
21 audit services fund.

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

28 ~~(e)~~(f) All moneys credited to the children's initiatives accountability
29 fund shall be used for the purposes of providing funding for assessment
30 and evaluation of programs, projects, improvements, services and other
31 purposes for which moneys are allocated or appropriated from the
32 children's initiatives fund. All expenditures from the children's initiatives
33 accountability fund shall be made in accordance with appropriation acts
34 upon warrants of the director of accounts and reports issued pursuant to
35 vouchers approved in the manner prescribed by law.

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

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

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

43 Sec. 50. K.S.A. 2023 Supp. 48-3406 is hereby amended to read as

1 follows: 48-3406. (a) For the purposes of this section:

2 (1) "Applicant" means an individual who is a military spouse,
3 military servicemember or an individual who has established or intends to
4 establish residency in this state.

5 (2) "Complete application" means the licensing body has received all
6 forms, fees, documentation, a signed affidavit stating that the application
7 information, including necessary prior employment history, is true and
8 accurate and any other information required or requested by the licensing
9 body for the purpose of evaluating the application, consistent with this
10 section and the rules and regulations adopted by the licensing body
11 pursuant to this section. If the licensing body has received all such forms,
12 fees, documentation and any other information required or requested by
13 the licensing body, an application shall be deemed to be a complete
14 application even if the licensing body has not yet received a criminal
15 background report from the Kansas bureau of investigation.

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

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

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

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

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

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

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

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

41 (b) Notwithstanding any other provision of law, any licensing body
42 shall, upon submission of a complete application, issue a paper-based and
43 verified electronic license, registration or certification to an applicant as

1 provided by this section, so that the applicant may lawfully practice the
2 person's occupation. Any licensing body may satisfy any requirement
3 under this section to provide a paper-based license, registration,
4 certification or permit in addition to an electronic license, registration,
5 certification or permit by issuing such electronic credential to the applicant
6 in a format that permits the applicant to print a paper copy of such
7 electronic credential. Such paper copy shall be considered a valid license,
8 registration, certification or permit for all purposes.

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

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

21 (2) if the applicant does not qualify under the applicable licensure,
22 registration or certification by endorsement, reinstatement or reciprocity
23 statutes of the licensing body of this state, or if the Kansas professional
24 practice act does not have licensure, registration or certification by
25 endorsement, reinstatement or reciprocity statutes, then the applicant shall
26 receive a license, registration or certification as provided herein if, at the
27 time of application, the applicant:

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

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

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

1 occupation for which the applicant seeks licensure, registration or
2 certification;

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

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

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

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

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

22 Upon receiving a complete application and the provisions of subsection
23 (c)(2) apply and have been met by the applicant, the licensing body shall
24 issue the license, registration or certification within 15 days from the date
25 a complete application was submitted by a military servicemember or
26 military spouse, or within 45 days from the date a complete application
27 was submitted by an applicant who is not a military servicemember or
28 military spouse, to the applicant on a probationary basis, but may revoke
29 the license, registration or certification at any time if the information
30 provided in the application is found to be false. The probationary period
31 shall not exceed six months. Upon completion of the probationary period,
32 the license, certification or registration shall become a non-probationary
33 license, certification or registration.

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

42 (e) Upon submission of a complete application, an applicant may
43 receive an occupational license, registration or certification based on the

1 applicant's work experience in another state, if the applicant:

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

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

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

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

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

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

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

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

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

22 (g) An applicant licensed, registered or certified under this section
23 shall be entitled to the same rights and subject to the same obligations as
24 are provided by the licensing body for Kansas residents, except that
25 revocation or suspension of an applicant's license, registration or
26 certificate in the applicant's state of residence or any jurisdiction in which
27 the applicant held a license, registration or certificate shall automatically
28 cause the same revocation or suspension of such applicant's license,
29 registration or certificate in Kansas. No hearing shall be granted to an
30 applicant where such applicant's license, registration or certificate is
31 subject to such automatic revocation or suspension, except for the purpose
32 of establishing the fact of revocation or suspension of the applicant's
33 license, registration or certificate by the applicant's state of residence or
34 jurisdiction in which the applicant held a license, registration or certificate.

35 (h) In the event the licensing body determines that the license,
36 registration or certificate currently held by an applicant under subsection
37 (c)(2) or the work experience or private credential held by an applicant
38 under subsections (e) or (f), who is a military spouse or military
39 servicemember does not authorize a similar scope of practice as the
40 license, registration or certification issued by the licensing body of this
41 state, the licensing body shall issue a temporary permit for a limited period
42 of time to allow the applicant to lawfully practice the applicant's
43 occupation while completing any specific requirements that are required in

1 this state for licensure, registration or certification that were not required
2 in the state, district or territory of the United States in which the applicant
3 was licensed, registered, certified or otherwise credentialed, unless the
4 licensing body finds, based on specific grounds, that issuing a temporary
5 permit would jeopardize the health and safety of the public.

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

20 (j) Any testing, continuing education or training requirements
21 administered under subsection (d), (h) or (i) shall be limited to Kansas law
22 that regulates the occupation and that are materially different from or
23 additional to the law of another state, or shall be limited to any materially
24 different or additional body of knowledge or skill required for the
25 occupational license, registration or certification in Kansas.

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

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

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

43 (n) Notwithstanding any other provision of law, during a state of

1 emergency declared by the legislature, a licensing body may grant a
2 temporary emergency license to practice any profession licensed, certified,
3 registered or regulated by the licensing body to an applicant whose
4 qualifications the licensing body determines to be sufficient to protect
5 health and safety of the public and may prohibit any unlicensed person
6 from practicing any profession licensed, certified, registered or regulated
7 by the licensing body.

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

16 (p) On or before January 1, 2025, and subject to appropriations
17 therefore, the secretary of administration shall develop and implement a
18 uniform or singular license verification portal for the purpose of verifying
19 or reporting license statuses such as credentials issued, renewed, revoked
20 or suspended by licensing bodies or that have expired or otherwise
21 changed in status. The secretary of administration may utilize the services
22 or facilities of a third party for the central electronic record system. The
23 central electronic record system shall comply with the requirements
24 adopted by the information technology executive council pursuant to
25 K.S.A. 75-7203, and amendments thereto. Beginning January 1, 2025,
26 each licensing body shall be able to integrate with the uniform or singular
27 license verification portal in the manner and format required by the
28 secretary of administration indicating any issuance, renewal, revocation,
29 suspension, expiration or other change in status of an electronic credential
30 that has occurred. No charge for the establishment or maintenance of the
31 uniform or singular license verification portal shall be imposed on any
32 licensing body or any person with a license, registration, certification or
33 permit issued by a licensing body. The centralized electronic credential
34 data management systems shall include an instantaneous verification
35 system that is operated by the licensing body's respective secretary, or the
36 secretary's designee, or the secretary's third-party agent on behalf of the
37 licensing body for the purpose of instantly verifying the authenticity and
38 validity of electronic credentials issued by the licensing body. Centralized
39 electronic credential data management systems shall maintain an auditable
40 record of credentials issued by each licensing body.

41 (q) Nothing in this section shall be construed as prohibiting or
42 preventing a licensing body from developing, operating, maintaining or
43 using a separate electronic credential system of the licensing body or of a

1 third party in addition to making the reports to the central electronic record
2 system required by subsection (p) or participating in a multistate compact
3 or a reciprocal licensure, registration or certification process as long as the
4 separate electronic credential system of the licensing body integrates with
5 the uniform or singular license verification portal.

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

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

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

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

- 23 (1) The abstracters' board of examiners;
- 24 (2) the board of accountancy;
- 25 (3) the board of adult care home administrators;
- 26 (4) the secretary for aging and disability services, with respect to
27 K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- 28 (5) the Kansas board of barbering;
- 29 (6) the behavioral sciences regulatory board;
- 30 (7) the Kansas state board of cosmetology;
- 31 (8) the Kansas dental board;
- 32 (9) the state board of education;
- 33 (10) the Kansas board of examiners in fitting and dispensing of
34 hearing instruments;
- 35 (11) the board of examiners in optometry;
- 36 (12) the state board of healing arts, as provided by subsection (t);
- 37 (13) the secretary of health and environment, ~~with respect to K.S.A.~~
38 ~~82a-1201 et seq., and amendments thereto;~~
- 39 (14) *the executive director of early childhood;*
- 40 (15) the commissioner of insurance, with respect to K.S.A. 40-241
41 and 40-4901 et seq., and amendments thereto;
- 42 ~~(15)~~(16) the state board of mortuary arts;
- 43 ~~(16)~~(17) the board of nursing;

(17)(18) the state board of pharmacy;
 (18)(19) the Kansas real estate commission;
 (19)(20) the real estate appraisal board;
 (20)(21) the state board of technical professions, as provided by
 subsection (t); and
 (21)(22) the state board of veterinary examiners.

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

(w) (1) ~~Commencing on July 1, 2021, and each year thereafter, Each~~
 licensing body listed in subsection (u)(1) through (21) shall provide a
 report for the period of July 1 through June 30 to the director of legislative
 research by August 31 of each year, providing information requested by
 the director of legislative research to fulfill the requirements of this
 subsection. The director of legislative research shall develop the report
 format, prepare an analysis of the reports and submit and present the
 analysis to the office of the governor, the *house of representatives*
 committee on commerce, labor and economic development ~~of the house of~~
~~representatives or any successor committee thereof, the senate~~ committee
 on commerce ~~of the senate or any successor committee thereof, the house~~
~~of representatives~~ committee on appropriations ~~of the house of~~
~~representatives or any successor committee thereof~~ and the senate
 committee on ways and means ~~of the senate or any successor committee~~
~~thereof~~ by January 15 of the succeeding year. The director's report may
 provide any analysis the director deems useful and shall provide the
 following items, detailed by applicant type, including military
 servicemember, military spouse and non-military individual:

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

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

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

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

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

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

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

1 Sec. 51. K.S.A. 65-503 is hereby amended to read as follows: 65-503.
2 As used in this act:

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

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

13 (b) "Assistant teacher" means an individual who meets the
14 requirements of section 1(c), and amendments thereto, and can
15 independently staff a unit in a child care center where all children are at
16 least 12 months old.

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

21 (d) "Child care center" means a facility that meets child care center
22 regulations and provides care and educational activities for children ~~who~~
23 ~~are two weeks to 10 years of age for at least three hours but less than 24~~
24 ~~hours per day or care before and after school for school-age children.~~

25 (e) "Child care facility" means:

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

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

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

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

42 (d)(f) "Child care home" means the premises where care is provided
43 ~~for a maximum of 12 children under 10 years of age by one provider or a~~

~~maximum number of 17 children under 10 years of age by two or more providers, with a limited number of children under five years of age in accordance with section 2, and amendments thereto {children at a residence}.~~

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

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

(i) "Day care facility" means a child care facility that includes a ~~day~~ child care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto. "Day care facility" does not include a drop-in program.

~~(e)~~(j) "Drop-in program" means the same as defined in K.S.A. 65-527, and amendments thereto.

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

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

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

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

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

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

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

(p) "Program director" means the staff member of a child care center who meets the requirements of section 1(b), and amendments thereto, and

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

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

7 (r) "Toddler" means a child who has learned to walk and is at least
 8 12 but less than 30 months of age.

9 (s) "Unit" means the number of children that may be present in one
 10 group in a child care center ~~as specified in sections 1 and 3, and~~
 11 ~~amendments thereto.~~

12 Sec. 52. On and after July 1, 2026, K.S.A. 65-503, as amended by
 13 section 51 of this act, is hereby amended to read as follows: 65-503. As
 14 used in this act:

15 ~~(a) "Act" means article 5 of chapter 65 of the Kansas Statutes~~
 16 ~~Annotated, and amendments thereto.~~ { "Act" means article 5 of chapter
 17 **65 of the Kansas Statutes Annotated, and amendments thereto.**}

18 ~~(b)}~~{(b)} "Assistant teacher" means an individual who meets the
 19 requirements of section 1(c), and amendments thereto, and can
 20 independently staff a unit in a child care center where all children are at
 21 least 12 months old.

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

26 ~~(d) "Child care center" means a facility that meets child care center~~
 27 ~~regulations and provides care and educational activities for children who~~
 28 ~~are two weeks to 10 years of age for at least three hours but less than 24~~
 29 ~~hours per day or care before and after school for school-age children.~~

30 ~~(e)}~~{(d)} "Child care facility" means:

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

38 (2) a children's home, orphanage, maternity home, ~~day care facility~~ or
 39 other facility that the secretary determines to require regulation under the
 40 provisions of this act;

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

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

~~(f) "Child care home" means the premises where care is provided for a maximum of 12 children under 10 years of age by one provider or a maximum number of 17 children under 10 years of age by two or more providers, with a limited number of children under five years of age in accordance with section 2, and amendments thereto.~~

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

~~(h)~~~~(d)~~**{(e)}** "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.

~~(i) "Day care facility" means a child care facility that includes a child care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto. "Day care facility" does not include a drop-in program.~~

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

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

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

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

~~(n)~~~~(h)~~**{(i)}** "Maternity center" means a facility that provides delivery services for normal, uncomplicated pregnancies. "Maternity center" does not include a medical care facility as defined in K.S.A. 65-425, and amendments thereto.

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

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

1 care center.

2 ~~(q)(1)~~**{(l)}** "School-age" means a child who will be at least six years
3 of age on or before the first day of September of any school year but is
4 under 16 years of age.

5 ~~(r)(1)~~**{(m)}** "Toddler" means a child who has learned to walk and is at
6 least 12 but less than 30 months of age.

7 ~~(s)(1)~~**{(n)}** "Unit" means the number of children that may be present
8 in one group in a child care center as specified in sections 2 and 3, and
9 amendments thereto.

10 Sec. 53. On and after July 1, 2026, K.S.A. 65-504 is hereby amended
11 to read as follows: 65-504. (a) The secretary of health and environment
12 shall have the power to grant a license to a person to maintain a maternity
13 center or child care facility for children under 16 years of age. A license
14 granted to maintain a maternity center or child care facility shall state the
15 name of the licensee, describe the particular premises in or at which the
16 business shall be carried on, whether it shall receive and care for women
17 or children, and the number of women or children that may be treated,
18 maintained, boarded or cared for at any one time. No greater number of
19 women or children than is authorized in the license shall be kept on those
20 premises and the business shall not be carried on in a building or place not
21 designated in the license. The license shall be kept posted in a conspicuous
22 place on the premises where the business is conducted. ~~A license granted~~
23 ~~to maintain a day care facility shall have on its face an expiration sticker~~
24 ~~stating the date of expiration of the license.~~

25 The secretary of health and environment shall grant no license in any
26 case until careful inspection of the maternity center or child care facility
27 shall have been made according to the terms of this act and until such
28 maternity center or child care facility has complied with all the
29 requirements of this act. Except as provided by this subsection, no license
30 shall be granted without the approval of the secretary for children and
31 families. The secretary of health and environment may issue, without the
32 approval of the secretary for children and families, a temporary permit to
33 operate for a period not to exceed 90 days upon receipt of an initial
34 application for license. The secretary of health and environment may
35 extend, without the approval of the secretary for children and families, the
36 temporary permit to operate for an additional period not to exceed 90 days
37 if an applicant is not in full compliance with the requirements of this act
38 but has made efforts towards full compliance.

39 (b) (1) In all cases where the secretary for children and families
40 deems it necessary, an investigation of the maternity center or child care
41 facility shall be made under the supervision of the secretary for children
42 and families or other designated qualified agents. For that purpose and for
43 any subsequent investigations they shall have the right of entry and access

1 to the premises of the center or facility and to any information deemed
2 necessary to the completion of the investigation. In all cases where an
3 investigation is made, a report of the investigation of such center or facility
4 shall be filed with the secretary of health and environment.

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

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

16 (d) When the secretary of health and environment finds upon
17 investigation or is advised by the secretary for children and families that
18 any of the provisions of this act or the provisions of K.S.A. 59-2123, and
19 amendments thereto, are being violated, or that the maternity center or
20 child care facility is maintained without due regard to the health, safety or
21 welfare of any woman or child, the secretary of health and environment
22 may issue an order revoking such license after giving notice and
23 conducting a hearing in accordance with the provisions of the Kansas
24 administrative procedure act. The order shall clearly state the reason for
25 the revocation.

26 (e) If the secretary revokes or refuses to renew a license, the licensee
27 who had a license revoked or not renewed shall not be eligible to apply for
28 a license for a period of one year subsequent to the date such revocation or
29 refusal to renew becomes final. If the secretary revokes or refuses to renew
30 a license of a licensee who is a repeat, three or more times, violator of
31 statutory requirements or rules and regulations or is found to have
32 contributed to the death or serious bodily harm of a child under such
33 licensee's care, such licensee shall be permanently prohibited from
34 applying for a new license to provide child care or from seeking
35 employment under another licensee.

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

40 Sec. 54. K.S.A. 65-505 is hereby amended to read as follows: 65-505.

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

1 ~~(1)(A)~~ For a maternity center, \$150;
2 ~~(2)(B)~~ for a child placement agency, \$150; *and*
3 ~~(3)(C)~~ for a child care resource and referral agency, \$150; ~~and.~~
4 ~~(4)(2) for any other~~ *Except for child care facilities listed in paragraph*
5 ~~(1), there shall be no annual fee for a license to conduct a child care~~
6 ~~facility, \$75 plus \$1 times the maximum number of children authorized~~
7 ~~under the license to be on the premises at any one time.~~
8 (3) The license fee shall be paid to the secretary of health and
9 environment when the license is applied for and annually thereafter. The
10 fee shall not be refundable. No fee shall be charged for a license to
11 conduct a home for children ~~which~~ *that* is a family foster home as defined
12 in K.A.R. 28-4-311, ~~and amendments thereto. Fees in effect under this~~
13 ~~subsection (a) immediately prior to the effective date of this act shall~~
14 ~~continue in effect on and after the effective date of this act until a different~~
15 ~~fee is established by the secretary of health and environment by rules and~~
16 ~~regulations under this subsection.~~
17 (b) Any licensee who fails to renew such license within 30 days after
18 the expiration of the license shall pay to the secretary the renewal fee plus
19 a late fee in an amount *of \$75 or* equal to the fee for the renewal of a
20 license, *whichever is greater.*
21 (c) Any licensee applying for an amended license shall pay to the
22 secretary of health and environment a fee established by rules and
23 regulations of the secretary in an amount not exceeding \$35.
24 (d) The secretary of health and environment shall remit all moneys
25 received by the secretary from fees under the provisions of this section to
26 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
27 and amendments thereto. Upon receipt of each such remittance, the state
28 treasurer, notwithstanding any other law to the contrary, shall deposit the
29 entire amount in the state treasury to the credit of the maternity centers and
30 child care licensing fee fund. All expenditures from the maternity centers
31 and child care licensing fee fund shall be made only for the purposes of
32 article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments*
33 ~~thereto~~, in accordance with appropriation acts upon warrants of the
34 director of accounts and reports issued pursuant to vouchers approved by
35 the secretary of health and environment or by a person or persons
36 designated by the secretary. Notwithstanding any other law to the contrary,
37 no moneys shall be transferred or otherwise revert from this fund to the
38 state general fund by appropriation act or other act of the legislature.
39 Moneys available under this section by the creation of the maternity
40 centers and child care licensing fee fund shall not be substituted for or
41 used to reduce or eliminate moneys available to the department of health
42 and environment to administer the provisions of article 5 of chapter 65 of
43 the Kansas Statutes Annotated, *and amendments thereto.* Nothing in this

1 act shall be construed to authorize a reduction or elimination of moneys
 2 made available by the state to local units of government for the purposes
 3 of article 5 of chapter 65 of the Kansas Statutes Annotated, *and*
 4 *amendments thereto.*

5 Sec. 55. K.S.A. 65-508 is hereby amended to read as follows: 65-508.

6 (a) Any maternity center or child care facility subject to the provisions of
 7 this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2)
 8 have plumbing, water and sewerage systems ~~which~~ *that* conform to all
 9 applicable state and local laws; and (3) be operated with strict regard to the
 10 health, safety and welfare of any woman or child.

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

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

19 (3) Every maternity center or child care facility shall comply with all
 20 applicable fire codes and rules and regulations of the state fire marshal.
 21 ~~*Child care facilities shall comply with fire codes and rules and regulations*~~
 22 ~~*of the state fire marshal that govern schools, except for facilities located at*~~
 23 ~~*a residence.*~~

24 (c) (1) The secretary of health and environment with the cooperation
 25 of the secretary for children and families shall develop and adopt rules and
 26 regulations for the operation and maintenance of maternity centers and
 27 child care facilities. The rules and regulations for operating and
 28 maintaining maternity centers and child care facilities shall be designed to
 29 promote the health, safety and welfare of any woman or child served in
 30 such facilities by ensuring safe and adequate physical surroundings,
 31 healthful food, adequate handwashing, safe storage of toxic substances and
 32 hazardous chemicals, sanitary diapering and toileting, home sanitation,
 33 supervision and care of the residents by capable, qualified persons of
 34 sufficient number, after-hour care, an adequate program of activities and
 35 services, sudden infant death syndrome and safe sleep practices training,
 36 prohibition on corporal punishment, crib safety, protection from electrical
 37 hazards, protection from swimming pools and other water sources, fire
 38 drills, emergency plans, safety of outdoor playground surfaces, door locks,
 39 safety gates and transportation and such appropriate parental participation
 40 as may be feasible under the circumstances. Boarding schools are excluded
 41 from requirements regarding the number of qualified persons who must
 42 supervise and provide care to residents.

43 (2) Rules and regulations developed under this subsection shall

1 include provisions for the competent supervision and care of children in
2 day care facilities. For purposes of such rules and regulations, competent
3 supervision as this term relates to children less than five years of age
4 includes, but is not limited to, direction of activities, adequate oversight
5 including sight or sound monitoring, or both, physical proximity to
6 children, diapering and toileting practices; and for all children, competent
7 supervision includes, but is not limited to, planning and supervision of
8 daily activities, safe sleep practices, including, but not limited to, visual or
9 sound monitoring, periodic checking, emergency response procedures and
10 drills, illness and injury response procedures, food service preparation and
11 sanitation, playground supervision, pool and water safety practices.

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

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

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

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

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

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

28 (g) Each child cared for in a child care facility, including children of
29 the person maintaining the facility, shall be required to have current such
30 immunizations as the secretary of health and environment considers
31 necessary. The person maintaining a child care facility shall maintain a
32 record of each child's immunizations and shall provide to the secretary of
33 health and environment such information relating thereto, in accordance
34 with rules and regulations of the secretary, but the person maintaining a
35 child care facility shall not have such person's license revoked solely for
36 the failure to have or to maintain the immunization records required by
37 this subsection.

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

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

43 (2) a written statement signed by a parent or guardian that the parent

1 or guardian is an adherent of a religious denomination whose teachings are
2 opposed to immunizations.

3 Sec. 56. On and after July 1, 2026, K.S.A. 65-508, as amended by
4 section 55 of this act, is hereby amended to read as follows: 65-508. (a)
5 Any maternity center or child care facility subject to the provisions of this
6 act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2) have
7 plumbing, water and sewerage systems that conform to all applicable state
8 and local laws; and (3) be operated with strict regard to the health, safety
9 and welfare of any woman or child.

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

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

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

20 (c) ~~(1)~~ The secretary of health and environment with the cooperation
21 of the secretary for children and families shall develop and adopt rules and
22 regulations for the operation and maintenance of maternity centers and
23 child care facilities. The rules and regulations for operating and
24 maintaining maternity centers and child care facilities shall be designed to
25 promote the health, safety and welfare of any woman or child served in
26 such facilities by ensuring safe and adequate physical surroundings,
27 healthful food, adequate handwashing, safe storage of toxic substances and
28 hazardous chemicals, sanitary diapering and toileting, home sanitation,
29 supervision and care of the residents by capable, qualified persons of
30 sufficient number, after-hour care, an adequate program of activities and
31 services, sudden infant death syndrome and safe sleep practices training,
32 prohibition on corporal punishment, crib safety, protection from electrical
33 hazards, protection from swimming pools and other water sources, fire
34 drills, emergency plans, safety of outdoor playground surfaces, door locks,
35 safety gates and transportation and such appropriate parental participation
36 as may be feasible under the circumstances. Boarding schools are excluded
37 from requirements regarding the number of qualified persons who must
38 supervise and provide care to residents.

39 ~~(2) Rules and regulations developed under this subsection shall~~
40 ~~include provisions for the competent supervision and care of children in~~
41 ~~day care facilities. For purposes of such rules and regulations, competent~~
42 ~~supervision as this term relates to children less than five years of age~~
43 ~~includes, but is not limited to, direction of activities, adequate oversight~~

~~including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.~~

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

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

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

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

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

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

(g) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

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

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

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Sec. 57. K.S.A. 65-512 is hereby amended to read as follows: 65-512.

(a) It is hereby made the duty of the secretary of health and environment to

1 inspect or cause to be inspected at least once every 15 months prior to July
 2 1, 2012, and once every 12 months thereafter, every maternity center or
 3 child care facility, unless otherwise provided in subsections (b) and (c).
 4 For the purpose of inspection the secretary or the secretary's authorized
 5 agent, *as an employee of the secretary or {who} has a contract with the*
 6 *secretary to provide inspection services pursuant to K.S.A. 65-501 et seq.,*
 7 *holding a certificate from the secretary* ~~from the secretary~~ *as authorized in*
 8 *this subsection*, shall have the right of entry and access thereto in every
 9 department and to every place in the premises, shall call for and examine
 10 the records which are required to be kept by the provisions of this act and
 11 shall make and preserve a record of every inspection. The licensee shall
 12 give all reasonable information to the authorized agent of the secretary of
 13 health and environment and shall afford every reasonable facility for
 14 viewing the premises and seeing the patients or children therein. No such
 15 patient or child without the consent of the patient or child shall be required
 16 to be interviewed by any agent unless the agent is an authorized person or
 17 a licensed physician.

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

21 (2) The secretary of health and environment shall conduct an
 22 inspection of any child care facility upon receiving a complaint. Any new
 23 child care facility shall be inspected prior to issuance of a license. The
 24 secretary may conduct an inspection of any child care facility that has a
 25 record of repeated complaints or serious violations at any time. The
 26 secretary shall inspect any child care facility that provides services to
 27 military families receiving military assistance for child care every 12
 28 months.

29 ~~(c) (1) — Except as provided in subsection (b)(2), the following~~
 30 ~~categories of child care facilities which were in compliance on the~~
 31 ~~effective date of this act are not required to be inspected until July 1, 2011:~~
 32 ~~Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as~~
 33 ~~defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-~~
 34 ~~420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as~~
 35 ~~defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R.~~
 36 ~~28-4-700.~~

37 ~~(2) — The provisions of this subsection shall expire on July 1, 2011.~~
 38 ~~The secretary shall create a surveyor certification and provide a minimum~~
 39 ~~of yearly continuing education for qualifications for such certification.~~

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

43 (3)= If such surveyor does not satisfactorily complete the

1 *improvement plan, the secretary may terminate such surveyor's current*
2 *certification.*

3 ~~(d)-(1)-~~ *Persons conducting inspections and surveys pursuant to*
4 *K.S.A. 65-501 et seq. shall hold a certification issued by the secretary.*

5 Sec. 58. On and after July 1, 2026, K.S.A. 2023 Supp. 65-516 is
6 hereby amended to read as follows: 65-516. (a) No person shall knowingly
7 maintain a child care facility if there resides, works or regularly volunteers
8 any person who in this state or in other states or the federal government:

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

11 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
12 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
13 of the Kansas Statutes Annotated, and amendments thereto, or any felony
14 violation of any provision of the uniform controlled substances act prior to
15 July 1, 2009;

16 (C) has been convicted of any act that is described in articles 34, 35
17 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal,
18 or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or
19 K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424,
20 and amendments thereto, or been convicted of an attempt under K.S.A. 21-
21 3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to
22 commit any such act or been convicted of conspiracy under K.S.A. 21-
23 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to
24 commit such act, or similar statutes of any other state or the federal
25 government;

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

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

32 (2) except as provided in subsection (b), has been adjudicated a
33 juvenile offender because of having committed an act that if done by an
34 adult would constitute the commission of a felony and that is a crime
35 against persons, is any act described in articles 34, 35 or 36 of chapter 21
36 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or
37 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-
38 6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments
39 thereto, or similar statutes of any other state or the federal government, or
40 is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal,
41 or K.S.A. 21-6401, and amendments thereto, or similar statutes of any
42 other state or the federal government;

43 (3) has been convicted or adjudicated of a crime that requires

1 registration as a sex offender under the Kansas offender registration act,
2 K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any
3 other state or as a sex offender on the national sex offender registry;

4 (4) has committed an act of physical, mental or emotional abuse or
5 neglect or sexual abuse and who is listed in the child abuse and neglect
6 registry maintained by the Kansas department for children and families
7 pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child
8 abuse and neglect registries maintained by any other state or the federal
9 government and;

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

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

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

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

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

33 (8) has an infectious or contagious disease.

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

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

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

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

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

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

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

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

8 (e) In accordance with the provisions of this subsection, the secretary
9 of health and environment shall have access to any court orders or
10 adjudications of any court of record, any records of such orders or
11 adjudications, criminal history record information including, but not
12 limited to, diversion agreements, in the possession of the Kansas bureau of
13 investigation and any report of investigations as authorized by K.S.A. 38-
14 2226, and amendments thereto, in the possession of the Kansas department
15 for children and families or court of this state concerning persons working,
16 regularly volunteering or residing in a child care facility. The secretary
17 shall have access to these records for the purpose of determining whether
18 or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-
19 508 and 65-516, and amendments thereto.

20 (f) In accordance with the provisions of this subsection, the secretary
21 is authorized to conduct national criminal history record checks to
22 determine criminal history on persons residing, working or regularly
23 volunteering in a child care facility. In order to conduct a national criminal
24 history check the secretary shall require fingerprinting for identification
25 and determination of criminal history. The secretary shall submit the
26 fingerprints to the Kansas bureau of investigation and to the federal bureau
27 of investigation and receive a reply to enable the secretary to verify the
28 identity of such person and whether such person has been convicted of any
29 crime that would prohibit such person from residing, working or regularly
30 volunteering in a child care facility. The secretary is authorized to use
31 information obtained from the national criminal history record check to
32 determine such person's fitness to reside, work or regularly volunteer in a
33 child care facility.

34 (g) Local and state law enforcement officers and agencies shall assist
35 the secretary in taking and processing fingerprints of persons residing,
36 working or regularly volunteering in a child care facility and shall release
37 all records of adult convictions and nonconvictions and adult convictions
38 or adjudications of another state or country to the department.

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

43 (2) The secretary shall remit all moneys received from the fees

1 established under this section to the state treasurer in accordance with the
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
3 each such remittance, the state treasurer shall deposit the entire amount in
4 the state treasury to the credit of the child care criminal background and
5 fingerprinting fund.

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

16 (j) The secretary shall notify the child care applicant or licensee,
17 within seven days by certified mail with return receipt requested, when the
18 result of the national criminal history record check or other appropriate
19 review reveals unfitness specified in subsections (a)(1) through (8) with
20 regard to the person who is the subject of the review.

21 (k) No child care facility or the employees thereof, shall be liable for
22 civil damages to any person refused employment or discharged from
23 employment by reason of such facility's or home's compliance with the
24 provisions of this section if such home acts in good faith to comply with
25 this section.

26 (l) For the purpose of subsection (a)(3), a person listed in the child
27 abuse and neglect central registry shall not be prohibited from residing,
28 working or volunteering in a child care facility unless such person has:

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

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

34 (m) In regard to Kansas issued criminal history records:

35 (1) The secretary of health and environment shall provide in writing
36 information available to the secretary to each child placement agency
37 requesting information under this section, including the information
38 provided by the Kansas bureau of investigation pursuant to this section, for
39 the purpose of assessing the fitness of persons living, working or regularly
40 volunteering in a family foster home under the child placement agency's
41 sponsorship.

42 (2) The child placement agency is considered to be a governmental
43 entity and the designee of the secretary of health and environment for the

1 purposes of obtaining, using and disseminating information obtained under
2 this section.

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

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

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

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

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

17 (C) the department of health and environment;

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

19 (E) the department of corrections; and

20 (F) the courts.

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

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

31 Sec. 59. K.S.A. 65-527 is hereby amended to read as follows: 65-527.

32 (a) As used in this section:

33 (1) ~~"Drop-in program" means a child care facility that is not located~~
34 ~~in an individual's residence, that serves exclusively school-age children~~
35 ~~and youth and where the operator permits children and youth to arrive at~~
36 ~~and depart from the program at the child or youth's own volition at~~
37 ~~unscheduled times. "Youth out-of-school time program" means a program~~
38 ~~that serves exclusively school-aged {school-age} children as defined in~~
39 ~~paragraph (2) and such program is operated on a premises licensed by the~~
40 ~~executive director.~~

41 (2) *"Child" means an individual who is enrolled or attending*
42 *kindergarten, or is less than 18 years of age; or is 18 years of age and has*
43 *an individualized program plan, is not a volunteer or employee and is*

1 *attending a youth out-of-school time program.*

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

5 ~~(2)~~{(4)} "Public recreation center" means any building used by a
 6 political or taxing subdivision of this state, or by an agency of such
 7 subdivision, for recreation programs that serve children who are less than
 8 18 years of age.

9 ~~(3)~~{(5)} "School" means any building used for instruction of students
 10 enrolled in kindergarten or any of the grades one through 12 by a school
 11 district or an accredited nonpublic school.

12 ~~(4)~~{(6)} "School-age program" means a child care facility that serves
 13 exclusively school-age children and youth but does not include a drop-in
 14 program.

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

18 (1) Is a public recreation center or school and is used by school-age
 19 children and youth the same age as children and youth cared for in the
 20 ~~drop-in~~ *youth out-of-school time* program or school-age program;

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

25 (3) complies, except as provided in subsection (c), during all hours of
 26 operation of the ~~drop-in~~ *youth out-of-school time* program or school-age
 27 program, with all local building code provisions that apply to recreation
 28 centers, if the building is a public recreation center, or schools, if the
 29 building is a school.

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

33 (d) No license for a ~~drop-in~~ *youth out-of-school time* program or
 34 school-age program that operates in accordance with subsection (b)(1)
 35 shall be denied, suspended or revoked based on an environmental
 36 deficiency if:

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

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

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

43 (e) *The provisions of This sections* {section} *shall expire on June 30,*

1 2026.

2 Sec. 60. On and after, July 1, 2026, K.S.A. 65-531 is hereby amended
3 to read as follows: 65-531. ~~On and after July 1, 1996:~~ (a) Except as
4 provided further, information and records which pertain to the
5 immunization status of persons against childhood diseases as required by
6 K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged
7 without a parent or guardian's written release authorizing such disclosure,
8 to the following, who need to know such information to assure compliance
9 with state statutes or to achieve age appropriate immunization status for
10 children:

11 (1) Employees of public agencies or departments;

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

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

18 (4) ~~health care~~{healthcare} professionals.

19 (b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any
20 other Kansas statute ~~which~~ {that} provides for privileged information
21 between a patient and a ~~health care~~ {healthcare} provider, there shall be
22 no privilege preventing the furnishing of information and records as
23 authorized by this section by any ~~health care~~ {healthcare} provider.

24 (c) Information and records which pertain to the immunization status
25 of persons against childhood diseases as required by K.S.A. 65-508, and
26 amendments thereto, whose parent or guardian has submitted a written
27 statement of religious objection to immunization as provided in K.S.A. 65-
28 508, and amendments thereto, may not be disclosed or exchanged without
29 a parent or guardian's written release authorizing such disclosure.

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

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

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

37 (3) contract with private, nonprofit corporations or associations or
38 with any public or private agency or institution, whether located within or
39 outside the state, for the provision of services which are appropriate to a
40 parent education program; and

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

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

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

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

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

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

(3) evaluate and approve parent education programs;

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

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

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

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

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

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

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

(4) the potential effectiveness of the parent education programs for

1 which applications for the grant of state moneys are made.

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

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

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

19 (b) The amount of a grant to a school district shall be determined by
 20 ~~the state board~~ **{executive director of the}** *Kansas office of early*
 21 *childhood* in accordance with established priorities, but in no event shall
 22 such amount exceed the amount of actual expenses incurred by the school
 23 district in the development and operation of a program. If the amount of
 24 appropriations for parent education programs is insufficient to pay in full
 25 the amount each school district is determined to be eligible to receive, the
 26 ~~state board~~ **{executive director of the}** *Kansas office of early childhood*
 27 shall prorate the amount appropriated among all school districts in
 28 proportion to the amount each such school district is determined to be
 29 eligible to receive.

30 Sec. 64. On and after July 1, 2026, K.S.A. 72-4166 is hereby
 31 amended to read as follows: 72-4166. ~~The state board~~ **{executive director**
 32 **of the}** *Kansas office of early childhood* in cooperation with ~~the Kansas~~
 33 ~~department for children and families, the state department of health and~~
 34 ~~environment, and other~~ appropriate associations and organizations, may
 35 provide any board, upon its request therefor, with technical advice and
 36 assistance regarding the development and operation of a parent education
 37 program or an application for a grant of state moneys, and may make
 38 studies and gather and disseminate information regarding materials,
 39 resources, procedures and personnel which are or may become available to
 40 assist school districts in the development and operation of parent education
 41 programs.

42 Sec. 65. K.S.A. 79-32,111c is hereby amended to read as follows: 79-
 43 32,111c. (a) There shall be allowed as a credit against the tax liability of a

1 resident individual imposed under the Kansas income tax act an amount
 2 equal to 12.5% for tax year 2018; an amount equal to 18.75% for tax year
 3 2019; ~~and an amount equal to 25% for tax-year years 2020 through 2023;~~
 4 *and an amount equal to 50% for tax year 2024*, and all tax years thereafter,
 5 of the amount of the credit allowed against such taxpayer's federal income
 6 tax liability pursuant to 26 U.S.C. § 21 for the taxable year in which such
 7 credit was claimed against the taxpayer's federal income tax liability.

8 (b) The credit allowed by subsection (a) shall not exceed the amount
 9 of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced
 10 by the sum of any other credits allowable pursuant to law.

11 (c) No credit provided under this section shall be allowed to any
 12 individual who fails to provide a valid social security number issued by the
 13 social security administration, to such individual, the individual's spouse
 14 and every dependent of the individual.

15 Sec. 66. K.S.A. ~~{38-1901, 38-2103, }~~65-503, 65-505, 65-508, 65-512,
 16 65-527 and 79-32,111c and ~~K.S.A. 2022 Supp. and~~ K.S.A. 2023 Supp. 48-
 17 3406 are hereby repealed.

18 Sec. 67. On and after July 1, 2026, **{section 1, as enacted by this act,**
 19 **section 3, as enacted by this act, section 5, as enacted by this act,**
 20 **section 7, as enacted by this act, section 9, as enacted by this act,**
 21 **section 11, as enacted by this act, section 13, as enacted by this act,**
 22 **section 15, as enacted by this act, section 17, as enacted by this act,}**
 23 K.S.A. ~~38-1901, 38-2103,~~ 65-503, **{and 65-503,}** as amended by section
 24 51 of this **{act}**, 65-504, ~~65-505,~~ 65-508, as amended by section 55 of this
 25 **{act}**, 65-531, 72-4162, 72-4163, 72-4164 and 72-4166 and K.S.A. 2023
 26 Supp. 65-516 are hereby repealed.

27 Sec. 68. This act shall take effect and be in force from and after its
 28 publication in the statute book.